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Acer, Yücel. "A Proposal for a Joint Maritime Development Regime in the Aegean Sea." 37 *Journal of Maritime Law and Commerce* 49-77 (2006).

Adler, Stephen J. Comment. "Fighting Terrorism in the New Age: A Call for Extraterritorial Jurisdiction over Terrorists." 18 *University of San Francisco Maritime Law Journal* 171-199 (2005-06).

Alter, Valerie. Note. "Hawaiian Monk Seals: From Controversy to Cooperation, a Case Study of Cooperative Federalism." 20 *Journal of Environmental Law and Litigation* 157-188 (2005).

Anderson, H. Edwin, III. "Shipbrokers' Claims for Commission Revisited: A Comparison between English and U.S. Law." 30 *Tulane Maritime Law Journal* 163-193 (2006).

Avgerinopoulou, Dionysia-Theodora. Note. "The Lawmaking Process at the International Seabed Authority as a Limitation on Effective Environmental Management." 30 *Columbia Journal of Environmental Law* 565-608 (2005).

Bagot, Michael H., Jr. "The Ebb and Flow of *East River*: Consideration of the Supreme Court's Decision on Products Liability in Shipbuilding Contracts." 30 *Tulane Maritime Law Journal* 137-162 (2006).

Balkin, Rosalie. "The International Maritime Organization and Maritime Security." 30 *Tulane Maritime Law Journal* 1-34 (2006).

Barefoot-Watambwa, Natalie. Comment. "Who Is Encroaching Whom? The Balance between Our Naval Security Needs and the Environment: The 2004 RRPI Provisions as a Response to Encroachment Concerns." 59 *University of Miami Law Review* 577-615 (2005).

Bates, Candace L. Comment. "U.S. Ratification of the U.N. Convention on the Law of the Sea: Passive Acceptance Is Not Enough to Protect U.S. Property Interests." 31 *North Carolina Journal of International and Commercial Regulation* 745-792 (2006).

Bevis, Katryna D. Note. "Stopping the Silver Bullet: How Recreational Fishermen Can Use the Public Trust Doctrine to Prevent the Creation of Marine Reserves." 13 *Southeastern Environmental Law Journal* 171-202 (2005).

Bhargava, Michael. Comment. "Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific." 32 *Ecology Law Quarterly* 939-988 (2005).

Bordelon, Christopher Z. "Saving Salvage: Avoiding Misguided Changes to Salvage and Finds Law." 7 *San Diego International Law Journal* 173-213 (2005).

Bowring, Arthur. "The Most Important Link in the Chain—the Seafarers." *Maritime Studies* 12-13 (No. 147, Mar./Apr. 2006).

Boyle, Alan. "EU Unilateralism and the Law of the Sea." 21 *The International Journal of Marine and Coastal Law* 15-31 (2006).

Branch, George M., and Barry M. Clark. "Fish Stocks and Their Management: The Changing Face of Fisheries in South Africa." 30 *Marine Policy* 3-17 (2006).

Brown, Joseph A. Note. "Commercially Harvesting Endangered Salmon? Rethinking the Interaction of Salmon Hatcheries and the Endangered Species Act after *Alsea Valley Alliance v. Evans*." 40 *Georgia Law Review* 253-291 (2005).

Bruce, Eleanor M., and Ian G. Eliot. "A Spatial Model for Marine Park Zoning." 34 *Coastal Management* 17-38 (2006).

Bulow, Lucienne Carasso. "Charter Party Consequences of Maritime Security Initiatives: Potential Disputes and Responsive Clauses." 37 *Journal of Maritime Law and Commerce* 79-111 (2006).

Campbell, Marnie L., and Chad L. Hewitt. "A Hierarchical Framework to Aid Biodiversity Assessment for Coastal Zone Management and Marine Protected Area Selection." 49 *Ocean & Coastal Management* 133-146 (2006).

Cannon, Jonathan. "Checking In on the Chesapeake: Some Questions of Design." 40 *University of Richmond Law Review* 1131-1153 (2006).

Cerniglia, Mihael J. Comment. "Is It Time to Cure the Doctrine of 'Maintenance and Cure'?" 4 *Loyola Maritime Law Journal* 67-91 (2005).

Cho, Dong-Oh. "Challenges to Sustainable Development of Marine Sand in Korea." 49 *Ocean & Coastal Management* 1-21 (2006).

Churchill, Robin. "Dispute Settlement under the UN Convention on the Law of the Sea: Survey for 2004." 21 *The International Journal of Marine and Coastal Law* 1-14 (2006).

Clark, Barry M. "Climate Change: A Looming Challenge for Fisheries Management in Southern Africa." 30 *Marine Policy* 84-95 (2006).

Contemporary Practice of the United States Relating to International Law. "New U.S. Maritime Security Strategy Includes Legal and Institutional Initiatives." 100 *American Journal of International Law* 222-224 (2006).

Contemporary Practice of the United States Relating to International Law. "United States Supports New Protocols Directed Against Use of Ships in Terrorism and Proliferation of Weapons of Mass Destruction." 100 *American Journal of International Law* 224-225 (2006).

Copley, Gregory. "The Future of Australian Naval Shipbuilding." *Maritime Studies* 1-11 (No. 147, Mar./Apr. 2006).

Crawford, Brian, Meidiarti Kasmidi, Florence Korompis, and Richard B. Pollnac. "Factors Influencing Progress in Establishing Community-Based Marine Protected Areas in Indonesia." 34 *Coastal Management* 39-64 (2006).

Crosoer, David, Lance van Sittert, and Stefano Ponte. "The Integration of South African Fisheries into the Global Economy: Past, Present, and Future." 30 *Marine Policy* 18-29 (2006).

D'Costa, Russell C. "Reparations as a Basis for the Makah's Right to Whale." 12 *Animal Law* 71-97 (2005).

Depondt, Florence, and Edmund Green. "Diving User Fees and the Financial Sustainability of Marine Protected Areas: Opportunities and Impediments." 49 *Ocean & Coastal Management* 188-202 (2006).

Dirhamsyah, D. "Indonesian Legislative Framework for Coastal Resources Management: A Critical Review and Recommendation." 49 *Ocean & Coastal Management* 68-92 (2006).

Dostal, Derek J. Comment. "Global Fisheries Subsidies: Will the WTO Reel In Effective Regulations?" 26 *University of Pennsylvania Journal of International Economic Law* 815-839 (2005).

Dromgoole, Sarah. "The International Agreement for the Protection of the *Titanic*: Problems and Prospects." 37 *Ocean Development & International Law* 1-31 (2006).

Dubner, Barry H. "On the Basis for Creation of a New Method of Defining International Jurisdiction in the Arctic Ocean." 13 *Missouri Environmental Law and Policy Review* 1-23 (2005).

Eberhardt, Robert W. Student Article. "Federalism and the Siting of Offshore Wind Energy Facilities." 14 *New York University Environmental Law Journal* 374-420 (2006).

Egede, Edwin. "Submission of Brazil and Article 76 of the Law of the Sea Convention (LOSC) 1982." 21 *The International Journal of Marine and Coastal Law* 33-55 (2006).

Eisen, Joel B. "Rapano, Carabell, and the Isolated Man." 40 *University of Richmond Law Review* 1099-1112 (2006).

Engerrand, Kenneth G. "Primer of Remedies on the Outer Continental Shelf." 4 *Loyola Maritime Law Journal* 19-66 (2005).

Engerrand, Kenneth G. "Primer on Maintenance and Cure." 18 *University of San Francisco Maritime Law Journal* 41-129 (2005-06).

Erceg, Diane. "Deterring IUU Fishing through State Control over Nationals." 30 *Marine Policy* 173-179 (2006).

Farside, Joseph A., Jr. Comment. "Atlantic States Marine Fisheries Commission: Getting a Grip on Slippery Fisheries Management." 11 *Roger Williams University Law Review* 231-271 (2005).

Feldman, Eric A. "The Tuna Court: Law and Norms in the World's Premier Fish Market." 94 *California Law Review* 313-369 (2006).

Ferrara, Jennifer M. Comment. "Regulation Consolidation: How Recent United States Customs and Securities and Exchange Commission Pronouncements Will Cause a Sea of Change." 30 *Tulane Maritime Law Journal* 335-352 (2006).

Force, Robert. "The Legacy of *Miles v. Apex Marine Corp.*" 30 *Tulane Maritime Law Journal* 35-74 (2006).

Foster, Caroline E. "Compensation for Material and Moral Damage to Small Island States' Reputations and Economies Due to an Incident During the Shipment of Radioactive Material." 37 *Ocean Development & International Law* 55-92 (2006).

Fox, J. Bennett, Jr. Comment. "Vessel Ownership and Terrorism: Requiring Disclosure of Beneficial Ownership Is Not the Answer." 4 *Loyola Maritime Law Journal* 92-110 (2005).

Friedell, Steven F. "The Disappearing Act: Removal Jurisdiction of an Admiralty Claim." 30 *Tulane Maritime Law Journal* 75-99 (2006).

Gillespie, Alexander. "The Slow Swim from Extinction: Saving Turtles in the South Pacific." 21 *The International Journal of Marine and Coastal Law* 57-82 (2006).

Glavovic, Bruce C. "Coastal Sustainability—an Elusive Pursuit? Reflections on South Africa's Coastal Policy Experience." 34 *Coastal Management* 111-132 (2006).

Gullett, Warwick. "Up the Creek and Out at Sea: The Resurfacing of the Public Right to Fish." *Maritime Studies* 1-11 (No. 146, Jan./Feb. 2006).

Hauck, Maria, and Marcel Kroese. "Fisheries Compliance in South Africa: A Decade of Challenges and Reform 1994-2004." 30 *Marine Policy* 74-83 (2006).

Henquinet, Jeffrey W., and Tracy Dobson. "The Public Trust Doctrine and Sustainable Ecosystems: A Great Lakes Fisheries Case Study." 14 *New York University Environmental Law Journal* 322-373 (2006).

Hsu, Shi-Ling. "What Is a Tragedy of the Commons? Overfishing and the Campaign Spending Problem." 69 *Albany Law Review* 75-138 (2005).

Hugunine, Ashley S. Comment. "The Emergence of Lease Financing for Vessels Engaged in Coastwise Trade." 30 *Tulane Maritime Law Journal* 411-426 (2006).

Hunter, Danielle E. Comment. "The Elusive Vessel of Maritime Jurisprudence and Navigation through the Jones Act and Longshore and Harbor Workers' Compensation Act in Light of *Stewart v. Dutra Construction*." 30 *Tulane Maritime Law Journal* 381-409 (2006).

"Inquiry into Marine Protected Areas." (Submission by the Australian Association for Maritime Affairs.) *Maritime Studies* 16-21 (No. 147, Mar./Apr. 2006).

Isaacs, Moenieba. "Small-Scale Fisheries Reform: Expectations, Hopes, and Dreams of 'A Better Life for All.'" 30 *Marine Policy* 51-59 (2006).

Jarvis, Robert M. "The Admiralty Lawyer in Popular Culture." 37 *Journal of Maritime Law and Commerce* 23-48 (2006).

Jobour, Julia. "High Latitude Diplomacy: Australia's Antarctic Extended Continental Shelf." 30 *Marine Policy* 197-198 (2006).

Jones, Peter J. S. "Collective Action Problems Posed by No-Take Zones." 30 *Marine Policy* 143-156 (2006).

Juda, Lawrence. "The Report of the U.S. Commission on Ocean Policy: State Perspectives." 34 *Coastal Management* 1-16 (2006).

Kang, Joon-Suk. "Analysis on the Development Trends of Capture Fisheries in North-East Asia and the Policy and Management Implications for Regional Co-operation." 49 *Ocean & Coastal Management* 42-67 (2006).

Khalid, Nazery. "The Impact of Cargo Trends on Terminal Developments in Asia." *Maritime Studies* 20-25 (No. 146, Jan./Feb. 2006).

Kita, Matthew J. Comment. "Federalism on the High Seas: The Admiralty Jurisprudence of Justice Sandra Day O'Connor." 18 *University of San Francisco Maritime Law Journal* 131-170 (2005-06).

Labrosse, Pierre, Jocelyne Ferraris, and Yves Letourneur. "Assessing the Sustainability of Subsistence Fisheries in the Pacific: The Use of Data on Fish Consumption." 49 *Ocean & Coastal Management* 203-221 (2006).

Lorenzo, Elizabeth A. Note. "Salmon, Steelhead, and Dams in the Pacific Northwest and the Endangered Species Act." 25 *Journal of Land, Resources & Environmental Law* 341-366 (2005).

Lowell, Randolph R. "Coastal Smart Growth." 22 *Pace Environmental Law Review* 231-260 (2005).

Mathai, Mathew. "Unforeseen Consequences: How a Box Changed Our Lives." *Maritime Studies* 14-15 (No. 147, Mar./Apr. 2006).

McCabe, Ryan M. Note. "A Statutory Frolic of Its Own? A Divided Fourth Circuit Calms the Seas of the Suits in Admiralty Act Discretionary Function Exception Circuit Split." 30 *Tulane Maritime Law Journal* 457-465 (2006).

McCabe, Ryan M. Note. "*Stricti Juris* in Motion: The Third Circuit Declines to Extend Maritime Liens to Replacement Vessels in *PNC Bank Delaware v. F/V Miss Laura*." 30 *Tulane Maritime Law Journal* 427-433 (2006).

McMannen, Christy. Note. "Can Seamen-Employees Reap the Monetary Benefit of Their Own Negligence? The Fifth Circuit's Answer in *Withhart v. Otto Candies, L.L.C.*" 30 *Tulane Maritime Law Journal* 447-456 (2006).

Meltzer, Lorayne, and Jason Oliver Chang. "Export Market Influence on the Development of the Pacific Shrimp Fishery of Sonora, Mexico." 49 *Ocean & Coastal Management* 222-235 (2006).

Mercante, James E. "Hurricanes and Act of God: When the Best Defense Is a Good Offense." 18 *University of San Francisco Maritime Law Journal* 1-39 (2005-06).

Mize, James. "Lessons in State Implementation of Marine Reserves: California's Marine Life Protection Act Initiative." 36 *Environmental Law Reporter News & Analysis* 10376-10391 (2006).

Moss, D., and D. P. McPhee. "The Impacts of Recreational Four-Wheel Driving on the Abundance of the Ghost Crab (*Ocypode cordimanus*) on Subtropical Sandy Beaches in SE Queensland." 34 *Coastal Management* 133-140 (2006).

Mueller, Jon A., and Joseph Tannery. "Why Does the Chesapeake Bay Need Litigators?" 40 *University of Richmond Law Review* 1113-1130 (2006).

Myers, Brian K. "Trade Measures and the Environment: Can the WTO and UNCLOS Be Reconciled?" 23 *UCLA Journal of Environmental Law & Policy* 37-76 (2005).

Nguyen, Anh Viet. "What Are the Political and Strategic Interests of Major Regional Players in Addressing Piracy and the Risk of Maritime Terrorism?" *Maritime Studies* 12-19 (No. 146, Jan./Feb. 2006).

Nielsen, Jesper Raakjær, and Anne-Sofie Christensen. "Sharing Responsibilities in Danish Fisheries Management—Experiences and Future Directions." *30 Marine Policy* 181-188 (2006).

Nielsen, Jesper Raakjær, and Mafaniso Hara. "Transformation of South African Industrial Fisheries." *30 Marine Policy* 43-50 (2006).

Noyes, John E. "The United States, the Law of the Sea Convention, and Freedom of Navigation." *29 Suffolk Transnational Law Review* 1-24 (2005).

Obegi, Doug. Note. "Is There a Constitutional Right to Fish in a Marine Protected Area?" *12 Hastings West-Northwest Journal of Environmental Law and Policy* 103-123 (2005).

O'Connell, Denis A. "Tuna, Dolphins, and Purse Seine Fishing in the Eastern Tropical Pacific: The Controversy Continues." *23 UCLA Journal of Environmental Law & Policy* 77-100 (2005).

Payet, R. "Decision Processes for Large Marine Ecosystems Management and Policy." *49 Ocean & Coastal Management* 110-132 (2006).

Peerson, Haley M. Case Note. "Preserving the Nation's Fisheries: Attempts to Take Away What the United States Granted the Indians." (Midwater Trawlers Co-operative v. Department of Commerce.) *12 Missouri Environmental Law and Policy Review* 228-238 (2005).

Peng, Benrong, Huasheng Hong, Xiongzhi Xue, and Di Jin. "On the Measurement of Socioeconomic Benefits of Integrated Coastal Management (ICM): Application to Xiamen, China." *49 Ocean & Coastal Management* 93-109 (2006).

Perry, Timothy C. "Blurring the Ocean Zones: The Effect of the Proliferation Security Initiative on the Customary International Law of the Sea." *37 Ocean Development & International Law* 33-53 (2006).

Peters, Bianca G. T. M., and Suzanne J. M. H. Hulscher. "Large-Scale Offshore Sand Extraction: What Could Be the Results of Interaction between Model and Decision Process?" *49 Ocean & Coastal Management* 164-187 (2006).

Pomeroy, Robert S., John E. Parks, and Cristina M. Balboa. "Farming the Reef: Is Aquaculture a Solution for Reducing Fishing Pressure on Coral Reefs?" *30 Marine Policy* 111-130 (2006).

Porter, Christopher P. Recent Development. "A Place of Temporary Safety for the 'Dolphin Safe' Standard." *1 Environmental & Energy Law & Policy Journal* 267-272 (2005).

Roberts, Julian. "Compulsory Pilotage in International Straits: The Torres Strait PSSA Proposal." *37 Ocean Development & International Law* 93-112 (2006).

Robertson, David W., and Michael F. Sturley. "Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits." 30 *Tulane Maritime Law Journal* 195-310 (2006).

Rodgers, William H., Jr., et al. "The *Exxon Valdez* Reopener: Natural Resources Damage Settlements and Roads Not Taken." 22 *Alaska Law Review* 135-211 (2005).

Roghair, David L. Comment. "Anderson v. Evans: Will Makah Whaling under the Treaty of Neah Bay Survive the Ninth Circuit's Application of the MMPA?" 20 *Journal of Environmental Law and Litigation* 189-211 (2005).

Ruddle, Kenneth, and Shio Segi. "The Management of Inshore Marine Recreational Fishing in Japan." 34 *Coastal Management* 87-110 (2006).

Ryan, Erin. "New Orleans, the Chesapeake, and the Future of Environmental Assessment: Overcoming the Natural Resources Law of Unintended Consequences." 40 *University of Richmond Law Review* 981-1029 (2006).

Salcido, Rachael E. "Enduring Optimism: Examining the Rig-to-Reef Bargain." 32 *Ecology Law Quarterly* 863-937 (2005).

Sanchez, Larissa N. Note. "Following the 'Vessel Status' Quo: The Fifth Circuit Reluctantly Modifies Its Vessel Jurisprudence in *Holmes v. Atlantic Sounding Co.*" 30 *Tulane Maritime Law Journal* 435-445 (2006).

Schiffman, Howard S. "U.S. Membership in UNCLOS: What Effects for the Marine Environment?" 11 *ILSA Journal of International & Comparative Law* 477-483 (2005).

Schilmoeller, Gina. Comment. "Invoking the Fifth Amendment to Preserve and Restore the Nation's Wetlands in Coastal Louisiana." 19 *Tulane Environmental Law Journal* 317-338 (2006).

Schmidt, Damon. Recent Development. "Wiping Out the Ban on Surfboards at Point Panic." 27 *University of Hawai'i Law Review* 303-329 (2004).

Seidemann, Ryan M. "Louisiana Wetlands and Water Law: Recent Jurisprudence and Post-Katrina and Rita Imperatives." 51 *Loyola Maritime Law Journal* 861-910 (2005).

Seymour, Jillaine. The Earl Snyder Lecture in International Law. "The International Tribunal for the Law of the Sea: A Great Mistake?" 13 *Indiana Journal of Global Legal Studies* 1-35 (2006).

Simpson-Wood, Taylor. Case Comment. "Loose Lips Launch Ships: *Steward v. Dutra Construction Company, Inc.*" 37 *Journal of Maritime Law and Commerce* 113-146 (2006).

Skjøersth, Jon Birger. "Protecting the North-East Atlantic: Enhancing Synergies by Institutional Interplay." 30 *Marine Policy* 157-166 (2006).

Smith, Helen V. Note. "A Summary Analysis of the U.S. Commission on Ocean Policy's Recommendations for a Revised Federal Ocean Policy and the Bush Administration's Response." 14 *Southeastern Environmental Law Journal* 133-162 (2005).

Sjøreng, Siri Ulfsdatter. "Moral Discourse in Fisheries Co-management: A Case Study of the Senja Fishery, Northern Norway." 49 *Ocean & Coastal Management* 147-163 (2006).

Sowman, Merle. "Subsistence and Small-Scale Fisheries in South Africa: A Ten-Year Review." 30 *Marine Policy* 60-73 (2006).

Stead, Selina M., and Derek J. McGlashan. "A Coastal and Marine National Park for Scotland in Partnership with Integrated Coastal Zone Management." 49 *Ocean & Coastal Management* 22-41 (2006).

Storrier, K. L., and D. J. McGlashan. "Development and Management of a Coastal Litter Campaign: The Voluntary Coastal Partnership Approach." 30 *Marine Policy* 189-196 (2006).

Struck, Alberto. Comment. "The Current State of Affairs for Claims of Negligent Infliction of Emotional Distress under the Jones Act and the Federal Employer's Liability Act." 30 *Tulane Maritime Law Journal* 353-379 (2006).

Struck, Alberto E. Note. "*Thames Shipyard & Repair Company v. United States*: Coast Guard Given Broad Authority to Forcibly Remove Unwilling Captains from Their Vessels." 4 *Loyola Maritime Law Journal* 111-119 (2005).

Sturley, Michael F. "Overruling *Sky Reefer* in the International Arena: A Preliminary Assessment of Forum Selection and Arbitration Clauses in the New UNCITRAL Transport Law Convention." 37 *Journal of Maritime Law and Commerce* 1-21 (2006).

Suárez de Vivero, Juan Luis, and Juan Carlos Rodríguez Mateos. "Maritime Europe and EU Enlargement: A Geopolitical Perspective." 30 *Marine Policy* 167-172 (2006).

Townsend, Ralph E., James McColl, and Michael D. Young. "Design Principles for Individual Transferable Quotas." 30 *Marine Policy* 131-141 (2006).

Van Sittert, L., G. Branch, M. Hauck, and M. Sowman. "Benchmarking the First Decade of Post-apartheid Fisheries Reform in South Africa." 30 *Marine Policy* 96-110 (2006).

Van Sittert, L., and M. Hauck. "Introduction: Post-apartheid Marine Fisheries in South Africa: Through the Ten-Year Looking Glass. [Special issue, Fisheries Reform in South Africa 1994-2004.] 30 *Marine Policy* 1-2 (2006).

Verlaan, Philomène. Current Legal Development. “Bay of Bengal.” 21 *The International Journal of Marine and Coastal Law* 111-118 (2006).

Walker, George K. “Defining Terms in the 1982 Law of the Sea Convention IV: The Last Round of Definitions Proposed by the International Law Association (American Branch) Law of the Sea Committee.” 36 *California Western International Law Journal* 133-183 (2005).

Walters, K. Lamar, III. Comment. “Industry on Alert: Legal and Economic Ramifications of the Homeland Security Act on Maritime Commerce.” 30 *Tulane Maritime Law Journal* 311-334 (2006).

Watkins, James A. “Aw Shute, a Flawed Foundation.” 4 *Loyola Maritime Law Journal* 1-18 (2005).

Williams, Evan, Derek J. McGlashan, and John R. Firm. “Assessing Socioeconomic Costs and Benefits of ICZM in the European Union.” 34 *Coastal Management* 65-86 (2006).

Witbooi, Emma. “Law and Fisheries Reform: Legislative and Policy Developments in South African Fisheries over the Decade 1994-2004.” 30 *Marine Policy* 30-42 (2006).

Wyatt, Marva Jo. “COGSA Comes Ashore ... and More: The Supreme Court Makes Inroads Promoting Uniformity and Maritime Commerce in *Norfolk Southern Railway v. Kirby*.” 30 *Tulane Maritime Law Journal* 101-136 (2006).

Zou Keyuan. “Joint Development in the South China Sea: A New Approach.” 21 *The International Journal of Marine and Coastal Law* 83-109 (2006).