

Innovations in Teaching FCIL, Seattle, July 14, 2013: Hans Island Collaborative Project

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Idea: Using the simmering dispute over ownership of a rock in the Arctic that Canada and Denmark are contesting as a case for the class to research. Inspiration News item in Toronto *Globe and Mail*.

Expectation: The exercise involves looking for primary as well as secondary sources: treaties, news, history, charts and maps, and treatises, etc. We do it toward the end of the semester and I expect the students to put everything they have learned (or been exposed to) into it.

Tasks: Compose Memo to government of Iceland recommending whose side Iceland should take. Present to class a discussion of the steps or process of your research, listing sources consulted and why, and any preliminary finds or conclusions you might like to draw from your research.

Why? Students tend to be mostly interested in war crimes and human rights—expose them to something else; provide opportunity for collaborative work; personal interest in the topic; writing exercise experiential learning; expose students to wide variety of sources and usefulness of secondary sources when starting out cold, review of Article 38 of the *Statute of the International Court of Justice*.

Goals--Student Learning: review materials covered to date. Expand beyond “treasure hunt” questions; supplements pathfinder on a topic of their choice. Open/vs. closed memo. Became familiar with some aspects of treaties such as *The UN Convention on the Law of the Sea*; terms:; territorial sea, continental shelf, exclusive economic zone; rocks, islands, baselines, good offices.

Lessons learned: students generally like doing it (asked for more similar projects on course evaluation; put time limit on them; assign groups (don't let students form their own). Assign different groups to take different sides of the issues.—prevents one sided arguments/comments.



Hans Island: Canadian? Danish? Both? Neither?

So far this semester we have explored topics concerning researching international law. This assignment is intended to help you pull together everything that we have covered so far in class. Referring to handouts, your class notes, readings and the *Statute of the International Court of Justice* listing sources of international law, develop a prospectus or a proposed summary of the steps and sources you would utilize to conduct research on the Hans Island dispute between Canada and Denmark.

Background:

“Hans Island is a tiny, barren spot between Greenland and Canada’s far north-east, lying about 1,100 km from the North Pole. Like others in the frigid region, the island, a desolate patch measuring just 1.6 sq. km. has “no strategic or practical value, in the estimation of David Rudd, president of the Canadian Institute of Strategic Studies.

Yet the island has become a flashpoint that highlights Canada’s sovereignty problems in the Arctic. Canada and Denmark claim Hans Island, an unlikely disputed claim left unresolved since a 1973 treaty. Both countries seek to buttress their position by landing there. First was Bill Graham, Canada’s defence minister. (Graham visited the island by flying there by helicopter in order to demonstrate Canada’s sovereignty).”“Denmark complained and dispatched an icebreaker to reinforce its own claim.”... Dan Westell, Financial Times, August 13/14, 2005 p.3

Problem: Your law firm has been hired by the Government of Iceland to look into events surrounding recent events in the Arctic concerning Hans Island, located near Greenland. Iceland is contemplating exerting its own sovereignty over some Arctic islands and is considering filing a memorial in support of Canada or Denmark should the current dispute research the International Court of Justice. You have been asked to conduct some preliminary research into the question below and present a brief summary with your colleagues about your research process, sources consulted and any recommendations the firm might make to the Government of Iceland .

Problem/Question: Who has sovereignty over Hans Island, Canada, Denmark or both? What are Canada’s and Denmark’s best arguments (based on international law) in support of their claims. Assume that rather than giving up total sovereignty they are both amenable to sharing it.

Bring you notes and discoveries to class. Be prepared to discuss the steps or process of your research, listing sources consulted and why, and any preliminary finds or conclusions you might like to draw from your research. This will be turned in to Prof. French at the end of class.

For the present, ignore any issues, claims or anything else that might support Iceland’s or any other nation’s interests in Hans Island. In other words, leave Iceland, Great Britain, The United States and every other country out of the research process.

In working on this problem you might want to review the handouts concerning the sources and types of international law and consider the following:

“ A standard approach to legal research, which can be modified to accommodate most problems, can be broken down into four basic steps. These are:

STEP 1. Identify and analyze the significant facts.

STEP 2. Formulate the legal issues to be researched.

STEP 3. Research the issues presented.

STEP 4. Update”

Steven M. Barkin, “The Legal Research Process,” in *Fundamentals of Legal Research* 7th ed. (1998).

Economic Zones, Territorial Waters, Maritime Boundary Disputes, Pacific Settlement of International Disputes, Arctic Regions, Arctic Regions—Boundaries—Canada; Denmark, UN Convention on the Law of the Sea, Continental Shelf,

Charney, Jonathan and Lewis Exander (eds.) *International Maritime Boundaries*. Martinus Nijhoff (ASIL) (1993).

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Kaikobad, Kayian. *Interpretation and Revision of International Boundary Decisions*. Cambridge U. P. (2007).

Prescott, Victor and Clive Schofield. *Maritime Political Boundaries of the World*, 2nd ed. Martinus Nijhoff (2005).

Sharma, Surya P. *Territorial Acquisition, Disputes and International Law*. Martinus Nijhoff (1997).

Svarlien, Oscar. *The Eastern Greenland Case in Historical Perspective*. U. of Fla. Press (1964).

U.N., Division of Ocean Affairs and the Law of the Sea, Office of Legal Affairs. *Handbook on the Delimitation of Maritime Boundaries*. (2000).

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U.N. office of Legal Affairs, *Handbook on the Peaceful Settlement of Disputes Between States*. (1992).
<http://www.un.org/law/books/HandbookOnPSD.pdf>

UN Convention of the Law of the Sea ; 1833 UNTS 3
http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm

Convention on the territorial sea and the contiguous zone 516 UNTS 205
http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_1_1958_territorial_sea.pdf

DISPUTE CONCERNING DELIMITATION OF THE MARITIME BOUNDARY BETWEEN BANGLADESH AND MYANMAR IN THE BAY OF BENGAL International Tribunal for the Law of the Sea 2012
http://www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/C16_Judgment_14_03_2012_rev.pdf

International Boundaries Research Unit, Univ. of Durham <http://www.dur.ac.uk/ibru/>

Center for Oceans and Coastal Law, U. of Maine, <http://mainelaw.maine.edu/programs-centers/cocl/>

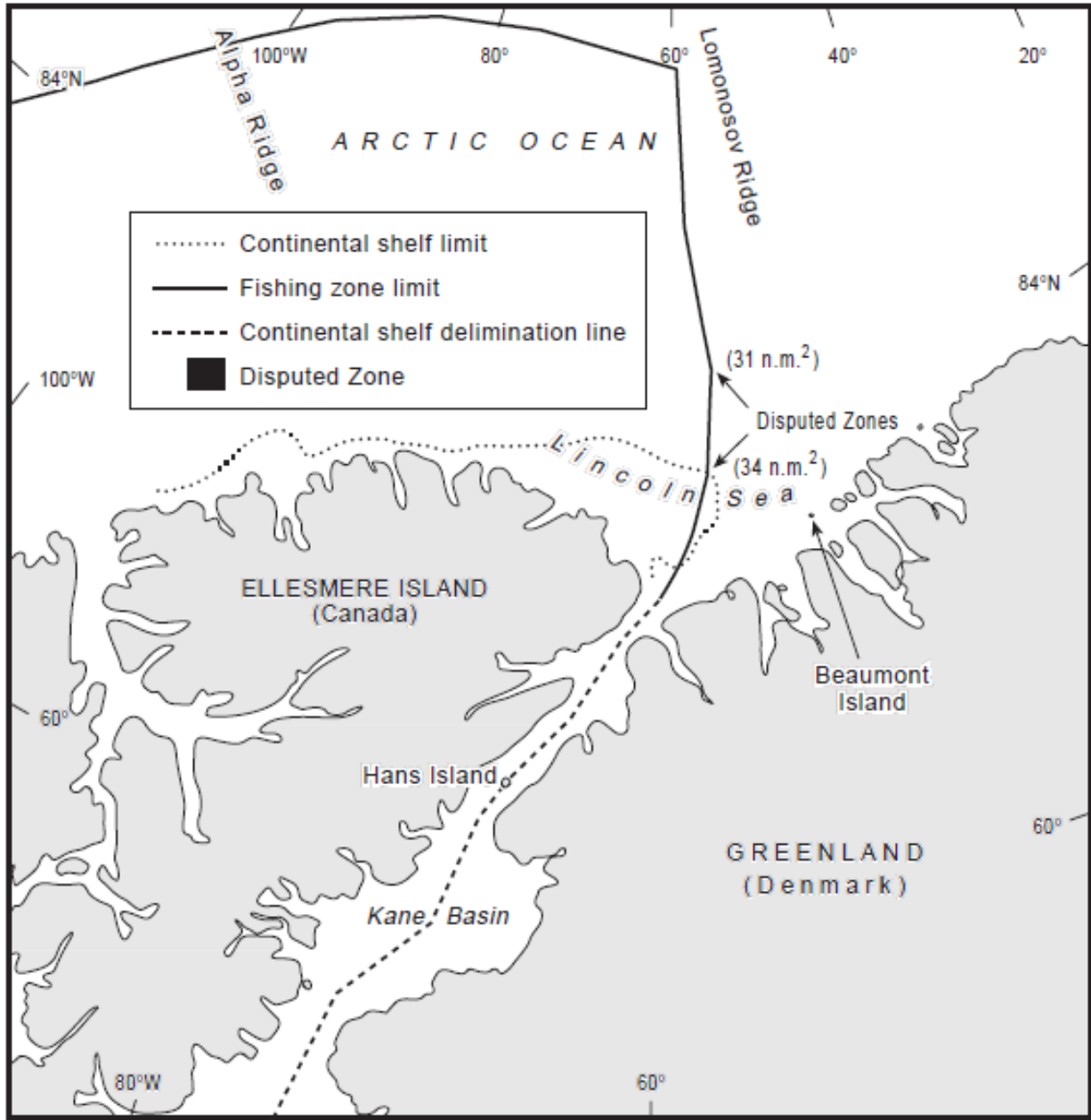
Ocean and Coastal Law Journal

International Journal of Marine and Coastal Law

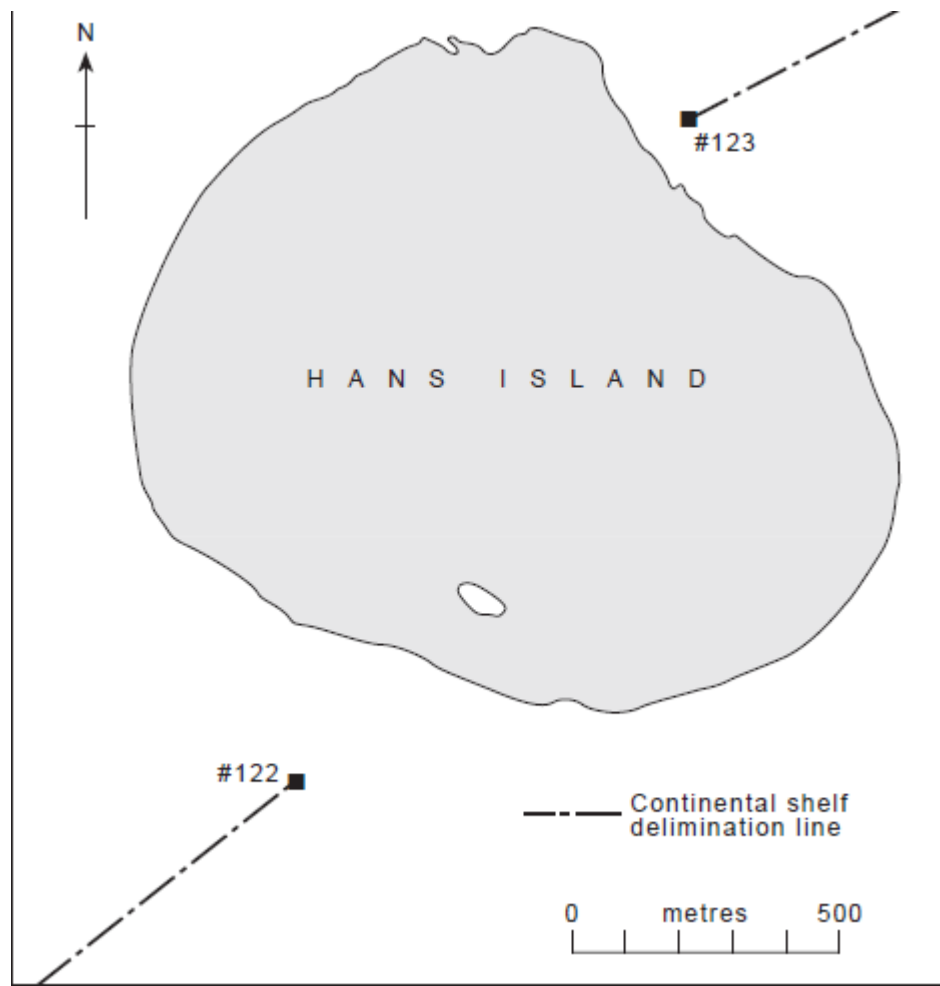
Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras), Judgment, I.C.J. Reports 2007, p. 659

Territorial and Maritime Dispute (Nicaragua v. Colombia), Preliminary Objections, Judgment, I.C.J. Reports 2007, p. 832

Case concerning the land, island and maritime frontier dispute (El Salvador/Honduras; Nicaragua Intervening) : 11 September 1992 ICJ



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