

C U R R I C U L U M V I T A E

James Kraska

Stockton Center for the Study of International Law
United States Naval War College
686 Cushing Rd. Newport, RI 02841
(401) 841-1536
james.kraska@usnwc.edu

Education

S.J.D. University of Virginia School of Law
LL.M. University of Virginia School of Law
J.D. Indiana University Maurer School of Law
M.A.I.S. School of Politics and Economic, Claremont Graduate School
B.A. Mississippi State University, *summa cum laude*

Professional Experience

Present Chairman and Howard S. Levie Professor (Full professor with tenure)
Stockton Center for the Study of International Law, U.S. Naval War College

Fall 2017 Visiting Professor of Law and John Harvey Gregory Lecturer on World Organization, Harvard Law School
2013-14 Mary Derrickson McCurdy Visiting Scholar, Nicholas School of the Environment, Duke University
2008-13 Professor of Law, Stockton Center for the Study of International Law, U.S. Naval War College
Fall 2012 Visiting Professor of Law, University of Maine School of Law
2007-08 Director, International Negotiations Division, Global Security Affairs, Joint Staff, Pentagon
2005-07 Oceans Law and Policy Adviser, Joint Staff, Pentagon
2002-05 Deputy Legal Adviser, Deputy Chief of Naval Operations for Plans, Policy and Operations, Pentagon
2001-02 International Law Adviser, Office of the Navy Judge Advocate General, Pentagon
1999-01 Legal Adviser, Expeditionary Strike Group Seven/Task Force 76, Japan
1996-99 Legal Adviser, Dep't of Defense Joint Interagency Task Force West
1993-96 Criminal Trial Litigator, U.S. Naval Legal Service Office, Japan
1992-93 Post-Doctoral Fellow, Marine Policy Center, Woods Hole Oceanographic Institution

* 1993-2013, Judge Advocate General's Corps, U.S. Navy (ret. in rank of commander)

Books

The Free Sea: The American Fight for Freedom of Navigation (coauthor with Raul Pedrozo) (forthcoming U.S. Naval Institute Press 2018)

Ocean Law & Policy: Twenty Years of Development of UNCLOS (contrib. editor with Harry Scheiber and Carlos Espósito) (Law of the Sea Institute, University of California Berkeley School of Law, Martinus Nijhoff 2016)

Science, Technology and New Challenges to Ocean Law (contrib. editor with Harry Scheiber and Moon Sang Kwon) (Law of the Sea Institute, University of California Berkeley School of Law, Martinus Nijhoff 2015)

International Maritime Security Law (coauthor with Raul Pedrozo) (Martinus Nijhoff 2013)

Maritime Power and the Law of the Sea (Oxford University Press 2011)

United Nations Convention on the Law of the Sea: Supplement to the Commentary (editor with Myron Nordquist and Satya Nandan) (Center for Oceans Law and Policy, University of Virginia School of Law, Martinus Nijhoff 2011)

United Nations Convention on the Law of the Sea: A Commentary Vol. 7 (editor with Myron Nordquist and Satya Nandan) (Center for Oceans Law and Policy, University of Virginia School of Law, Martinus Nijhoff 2011)

Arctic Security in an Age of Climate Change (contrib. editor, Cambridge University Press 2011)

Contemporary Maritime Piracy: Law, Strategy & Diplomacy at Sea (Praeger 2010)

Law Journal Articles

Confidence Building Measures to Facilitate Navigation in the South China Sea, 32 *Int'l J. Marine & Coastal L.* 1-30 (2017)

Putting Your Head in the Tiger's Mouth: Submarine Espionage in Territorial Waters, 54 *Colum. J. Transnat'l L.* 164-247 (2015)

Toward a Global Regime of Vessel Anti-Fouling, 26 *Duke Env'tl. Law & Pol'y F.* 53 (2016)

The Law of Naval Warfare and China's Maritime Militia, 91 *Int'l L. Stud.* 450-497 (2015) (coauthor) (translated into Japanese in *Rev. of Island Stud.*)

Can Sharks be Saved? A Global Plan of Action for Shark Conservation, 5 *Seattle J. Env't'l L.* 415-439 (2015) (coauthor)

The Lost Dimension: Food Security and the South China Sea Disputes, *Harv. Nat'l Sec. J.* (2015)

The Northern Canada Vessel Traffic Services Zone Regulations and the Law of the Sea, 30 *Int'l J. Marine & Coastal L.* 225-254 (2015)

The Legal Vortex in the Strait of Hormuz, 54 *Va. J. Int'l Law* 323-366 (2014)

Governance of Ice-Covered Areas: Arctic Ocean Rules, 46 *Ocean Development & Int'l Law* 260-271 (2014)

I.O. 2.0: Indian Ocean Security and the Law of the Sea, 43 *Geo. J. Int'l L.* 433-493 (2012)

A Report on the Case of the ARA Libertad (*Argentina v. Ghana*), *International Tribunal for the Law of the Sea*, Case No. 20, *Provisional Measures*, 107 *Am. J. Int'l L.* 404 (2012)

The Law of the Sea and Liquefied Natural Gas: Head Harbor Passage, 37 *Can.-U.S. L. J.* 131-170 (2012)

Social Justice Theory of Self-Defense at the World Court, 9 *Loy. U. Chi. Int'l L. Rev.* 25-44 (2011)

Broken Taillight at Sea: The Law of Peacetime Visit, Board, Search and Seizure, 16 *Ocean & Coastal L. J.* 1-46 (2011)

Shipping Interdiction and the Law of the Sea (Review), 105 *Am. J. Int'l L.* 638-643 (2011)

Rule Selection in the Case of Israel's Naval Blockade of Gaza, 13 *Y.B. Int'l Humanitarian L.* 367-395 (2011)

Russian-American Security Cooperation in the Arctic, 16 *ILSA J. Int'l & Comp. L.* 517-535 (2010)

Law of the Sea and American Security, 40 *Ocean Dev. & Int'l L.* 268-290 (2009) (coauthor)

Pirates of the Gulf of Aden: The Coalition is the Strategy, 45 *Stan. J. Int'l L.* 202-241 (2009) (coauthor)

International Law in the Northwest Passage, 42 *Vand. J. Transnat'l L.* 1109-1132 (2009)

Law of the Sea Convention and the Northwest Passage, 22 *Int'l J. Marine & Coastal L.* 257-281 (2007)

Torts and Terror: Rethinking Deterrence Models and Catastrophic Terrorist Attack, 22 Am. U. Int'l L. Rev. 361-391 (2007)

Law of the Sea Convention and National Security, 39 Geo. Wash. Int'l L. Rev. 543-572 (2007)

Global and Going Nowhere: Sustainable Development, Global Governance, & Liberal Democracy, 34 Den. J. Int'l L. & Pol'y 247-319 (2006)

Fear God and Dread Nought: Naval Arms Control before the Great War, 34 Ga. J. Int'l & Comp. L. 43-100 (2005)

Averting Nuclear Terrorism: A Global Regime of Cooperative Threat Reduction, 20 Am. U. Int'l L. Rev. 703-783 (2005)

Humanitarian Law and the Digital Battlefield, 8 J. Conflict & Security L. 133-160 (2003) (coauthor)

Sustainable Development is Security: Transboundary River Agreements as a Confidence Building Measure in South Asia, 28 Yale J. Int'l L. 465-503 (2003)

Autonomous and Expendable Marine Instruments in U.S. and International Law, 26 Ocean Dev. & Int'l L. 311-355 (1995)

The U.S. Navy and "No Cure, No Pay" Maritime Law of Salvage, 41 Naval L. Rev. 135-154 (1993)

Other Journal Articles

Effective Implementation of the 2005 Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 70 U.S. Naval War College Review 11-22 (2017)

Tyrants, Terrorists and Traffickers and the Ungoverned Oceans, 36 SAIS Review 87-96 (2016)

Marine Seismic Surveys and Ocean Noise: Time for Coordinated and Prudent Planning, 13 Frontiers in Ecology & Environment 378-386 (coauthor) (2015)

Bio-Logging of Marine Migratory Species in the Law of the Sea, 51 Marine Pol'y 394-400 (coauthor) (2014)

Asian States in U.S. Arctic Policy: Perceptions and Prospects, 18 Asia Pol'y 14-21 (2014)

Keeping U.S. Oceans Policy on an Even Keel, 6 Am. Interest 70-76 (2011) (coauthor)

Unmanned Naval Systems and International Law, 5 J. Ocean Tech. 44-68 (2010)

How the United States Lost the War of 2015, 54 Orbis: J. World Aff. 35-45 (2010)

As Polar Ice Melts: Northern Exposures, 5 Am. Interest 61-68 (2010)

The Freakonomics of Maritime Piracy, 36 Brown J. World Aff. 109-119 (2010)

Pirates of the Gulf of Aden and the Red Sea, 28 Comp. Strat. 197-216 (2009)

Global Maritime Partnership and Somali Piracy, 25 Def. & Sec. Anal. 222-234 (2009) (coauthor)

Grasping 'The Influence of Law on Sea Power,' 62 Naval War Coll. Rev. 113-135 (2009)

The Djibouti Code and Somali Coast Guard, 52 Ocean & Coastal Mgt. 516-521 (2009) (coauthor)

Countering Maritime Piracy, 62 Naval War Coll. Rev. 141-154 (2009)

Somali Piracy: A Web of Responses, 108 Current Hist. 227-321 (2009) (coauthor)

Sovereignty at Sea, 51 *Survival: Global Politics and Strategy* (IISS) 13-18 (2009)

Maritime Diplomacy and Piracy in East Africa, 62 *Colum. J. Int'l Aff.* 55-68 (2009) (coauthor)

Cooperative Strategy and Maritime Piracy, 154 *Royal United Services Inst. J.* 74-81 (2009) (coauthor)

Fighting Piracy: The Pen and the Sword, 25 *World Pol'y J.* 41-52 (2008) (coauthor)

The Law of Occupation and Democracy, 1 *Small Wars J.* 18-24 (2005)

The Uninhabited Future of Military Operations, 6 *Nat'l Sec. Stud. Q. Geo. U.* 81-92 (1998)

Book Chapters

The Law of the Sea, in *National Security Law* 755-784 (3rd ed. Moore, et. al, eds., Carolina Academic Press 2015) (coauthor)

Excessive Coastal State Jurisdiction: Shipboard Armed Security Personnel, in *Jurisdiction over Ships in the Law of the Sea* 167-193 (Ringbom, ed., Nijhoff 2015)

From the Age of Discovery to the Atomic Age: The Conflux of Marine Science, Seapower and Oceans Governance, in *Science, Technology and New Challenges to Ocean Law* 27-62 (Scheiber & Kraska, eds., Nijhoff 2015)

Military Operations and the Law of the Sea, in *Oxford Handbook on the Law of the Sea* (Rothwell, et. al, eds. Oxford 2015)

Private Maritime Security Companies and the Law of the Sea, in *Modern High Seas Piracy: Legal Challenges and Responses* 219-249 (Guilfoyle, ed. Elgar 2014)

Ship and Port Facility Security Law, 2 *International Maritime Law Institute Manual on International Maritime Law* 442-462 (Attard, et. al, eds. Oxford 2014)

Regulation of Private Maritime Security Companies, in *International Law in Freedom of Navigation and Negotiation* 119-134 (Nordquist, et. al, eds., Nijhoff 2014)

International Law and the Future of Indian Ocean Security, in *The Indian Ocean and International Security* 213-246 (Garofano & Dew, eds. Georgetown 2012)

Comparative Counter-piracy Strategy, in *Piracy in Comparative Perspectives: Problems, Strategies, and Law* 201-224 (Norchi & Proutiere-Maulion, eds. Hart 2012)

The New Arctic Geography and U.S. Strategy, in *Arctic Security in an Age of Climate Change* (Kraska, ed., Cambridge 2011)

Indistinct Legal Regimes, in *Securing Freedom in the Global Commons* 49-66 (Jasper, ed., Stanford 2010)

The Law of the Sea Convention and the Northwest Passage, in *Changes in the Arctic Environment and the Law of the Sea* 211-252 (Moore & Nordquist, eds. Nijhoff 2009)

Particularly Sensitive Sea Areas in Law of the Sea, in *Freedom of the Seas, Passage Rights and the Law of the Sea Convention* 511-572 (Nordquist et. al, ed. Nijhoff 2009)

Developing Piracy Policy for the National Strategy for Maritime Security, in *Legal Challenges in Maritime Security* 331-440 (Nordquist et al., eds. Nijhoff 2008)

Encyclopedia Articles

Piracy, *Wiley-Blackwell Encyc. of Globalization* (Ritzer, ed. 2012)

Siege in International Humanitarian Law, 9 Max Planck Encyc. of Public Int'l Law 195-200 (Wolfrum, ed. Oxford 2009)
Safe Conduct/Safe Passage, 8 Max Planck Encyc. of Public Int'l Law 1089-1093 (Wolfrum, ed. Oxford 2009)
Prize Law in Naval Warfare, 8 Max Planck Encyc. of Public Int'l Law 477-484 (Wolfrum, ed. Oxford 2009)

Other Publications

Dewey Freedom of Navigation Operation Challenges China's Sovereignty to Mischief Reef, *Lawfare*, May 25, 2017
Vietnam Benefits from the South China Sea Arbitration Award, Maritime Awareness Project, National Bureau of Asian Research (NBR), Aug. 30, 2016
Military Activities on the Continental Shelf, *Lawfare*, Aug. 22, 2016
Will China Decide to Reduce Tensions in the South China Sea?, *Straits Times (S'pore)*, May 31, 2016 (coauthor)
Forecasting the Merits of the South China Sea Arbitration Award, Maritime Awareness Project, National Bureau of Asian Research (NBR), Apr. 27, 2016
Don't Miss the Boat on Australian and U.S. Policy in the South China Sea, *U.S. Naval Institute News*, Mar. 28, 2016 (coauthor)
The US-China Arrangement for Air-to-Air Encounters Weakens International Law, *Lawfare*, Mar. 9, 2016
Reboot Gitmo for U.S.-Cuba Research Diplomacy, 351 *Science* 1258-1260 (Mar. 18, 2016) (coauthor)
Submarines and the Law of Espionage, *Lawfare*, Jan. 6, 2016
Can't Anybody Play This Game? US FON Operations and the Law of the Sea, *Lawfare*, Nov. 17, 2015 (coauthor)
Legal Analysis of the Award of Jurisdiction in the Philippine-China Arbitration, *The Diplomat*, Nov. 2, 2015
What Would Reagan Do about China's Violation of the Law of the Sea? *The Diplomat*, Oct. 19, 2015
The Nine Ironies of the South China Sea, *The Diplomat*, Sept. 17, 2015
Legal Rationale for Going Inside 12, Asia Maritime Transparency Initiative, (Center for Strategic and International Studies) Sept. 11, 2015
US 'not neutral' in South China Sea? A rebuttal, *Straits Times (Singapore)*, Aug. 14, 2015
China's Maritime Militia Upends Rules on Naval Warfare, *The Diplomat*, Aug. 9, 2015
Defend Freedom of Navigation: Challenge Illegal Claims in the South China Sea, *Defense News*, June 8, 2015
Should the U.S. Be Worried About China's Island-Building Binge?, *CNN*, June 2, 2015
How China Exploits a Loophole in International Law in Pursuit of Hegemony, *Foreign Policy Research Inst. Note* (2015)
Iran's Disingenuous Approach to Maritime Law, *Defense One*, May 4, 2015
Should the West be Worried about Russian Naval Deployments?, *CNN.com*, Nov. 19, 2014
The Japan-U.S. Maritime Partnership, 13 *Diplomacy (外交)* 48-51 (Japan Ministry of Foreign Affairs 2012)
Ending America's 'Seablindness', *Baltimore Sun* (2010) (coauthor)

China Set for Naval Hegemony, *The Diplomat*, May 6, 2010

The Legal War Behind the USNS Impeccable Incident, *World Politics Review* (Mar. 16, 2009)

Diplomatic Efforts against Gulf of Guinea Pirates, *Harv. Int'l Rev.* (2009) (coauthor)

A Way Out for Arctic Diplomacy, *Can. Nav. Rev.* 17-22 (2009)

The Dark Side of Maritime Domain Awareness, *U.S. Naval Inst. Proc.* 56-61 (2009)

Anti-Piracy Patrols Presage Rising Naval Powers, *Yale Global* (2008) (coauthor)

Failure to Join the Law of the Sea Convention Harms U.S. Interests, *Armed Forces J.* 24-26 (2009)

Treaty to Toughen Up on Maritime Terrorism, *Jane's Intelligence. Dig.* (2009)

Foreign Military Activities in China's EEZ, *Asian Def. J.* 24-28 (May 2009) (coauthor)

The Dark Side of Tracking All Ships: Pirates Do It Too, *Armed Forces J.* 26-41 (2009) (coauthor)

Piracy, Policy, and Law, *U.S. Naval Inst. Proc.* 52-57 (2008) (coauthor)

Iran Flexes Maritime Muscle, *Defense News*, Oct. 4, 1993

The U.S. Navy and the Marine Pollution Convention (MARPOL 73/78), *5 ABA Nat'l Sec. L. Rep.* 1 (1993)

Commissioned Studies

The Law of the Sea and Security of Offshore Installations for Korea Maritime Institute, 2014

Arctic Planning in an Era of Environmental Change for Center for a New American Security (coauthor), 2014

Deep Seabed Mining in U.S. Law for European Commission of the European Union, 2014

Global Swing States and the Maritime Order for Center for a New American Security (coauthor), 2012

The Law of Shipping in Arctic-American Waters for European Commission of the European Union, 2009

Official Testimony

The House of Commons of the United Kingdom

Seapower and Projection Forces Subcommittee, House Armed Services Committee (HASC)

Organization for Security and Cooperation in Europe (OSCE)

Alaska State Legislature

Courses Taught

International Law of the Sea (Harvard Law School) (Fall 2017)

International Law of the Sea (Nicholas School of the Environment, Duke University)

Ecology of the South China Sea (Nicholas School of the Environment, Duke University)

Deep Seabed Mining (Nicholas School of the Environment, Duke University)

Maritime Security Law (U.S. Naval War College)

Maritime Security Law (University of Maine)

Public International Law (University of Maryland)

International Law (Bush School, Texas A&M University)

Law and the International System (Norwich University)

Theory and the International System (Norwich University)

U.S. Foreign Policy since World War II (University of Maryland)

Executive Courses Taught

Rhodes Academy of Oceans Law and Policy, Rhodes, Greece, 2015-

Yeosu Academy of the Law of the Sea, Yeosu, Korea, 2014-

International Maritime Academy, Gujarat National Law University, Ahmedabad, India, 2013-

National Security Law Institute, University of Virginia School of Law, Charlottesville, VA, 2013-

International Humanitarian Law, International Institute for Humanitarian Law, San Remo, Italy, 2003-

Maritime Security Law, Hague Academy of International Law, The Hague, The Netherlands, 2008

Editorial Boards

Brill Research Perspectives in the Law of the Sea, 2015-

International Journal of Marine and Coastal Law, 2015-

Asia-Pacific Journal of Ocean Law and Policy, 2015-

Naval War College Review, 2014-

Benedict's Maritime Bulletin, 2013-

International Law Studies, 2012-

Grants and Awards

Institute for National Security Studies Research Grant, U.S. Air Force Academy, 2015, 2016

Distinguished Teaching Award, Norwich University, M.A. program in Diplomacy, 2013, 2012

Alfred Thayer Mahan Award for Literary Achievement, United States Navy League, 2011

U.S. Navy Funded Graduate Law Program, University of Virginia School of Law, 2004-05

Academic Council of the United Nations System Research Grant Award, Namibia and South Africa, 2002

First Prize, International Navies Essay Contest, U.S. Naval Institute, 1994

Office of the Chief of Naval Research Post-Doctoral Fellowship Award, 1992-93

Full scholarship and stipend, School of Politics & Economics, Claremont Graduate School, Claremont Colleges, 1987-89

Other Professional Activities

Permanent Member, Council on Foreign Relations

Visiting Professor, Gujarat National Law University, Ahmedabad, India, 2016-2019

Distinguished Fellow, Law of the Sea Institute, University of California at Berkeley School of Law, 2014-

Member, Arctic Security Initiative, Hoover Institution, Stanford University, 2013-

Senior Fellow, Center for National Security Law, University of Virginia School of Law, 2013-

Senior Fellow, Center for Oceans Law and Policy, University of Virginia School of Law, 2012-

National Board of Advisers, The Alexander Hamilton Society, 2011-

Senior Fellow, Foreign Policy Research Institute, Philadelphia, PA, 2010-

Diploma, College of Naval Command and Staff, U.S. Naval War College

Presentations

- American Bar Association
- American Bar Association, Standing Committee on Law and National Security
- American University Washington College of Law
- Applied Physics Laboratory, Johns Hopkins University
- Asian Forum for Global Governance, Delhi, India
- Association of Southeast Asian Nations (ASEAN)
- Atlantic Council of the United States
- Brown University
- Canadian Council of International Law
- Canadian Embassy, Beijing, China
- Canon Institute of Global Studies, Tokyo
- Center for a New American Security
- Center for Oceans Law and Policy, University of Virginia School of Law
- Center for Strategic and International Studies
- Chatham House (Royal Institute of International Affairs)
- Columbia Law School
- Council for International Visitors, Newport, RI
- Council on Foreign Relations
- Defense Command Denmark
- Department of State, Bureau of Intelligence and Research
- Doha International Maritime Defense Exhibition and Conference, Qatar
- Duke University Nicholas School of the Environment
- Duke University Sanford School of Public Policy
- Duke University School of Law
- Environmental Law Institute
- Finland National Defense University
- Fordham University Law School
- Free University Brussels
- George Washington University School of Law
- German Armed Forces Senior Military Academy
- German Naval Operations School

- Hague Academy of International Law
- Harvard Law School
- Harvard University, John F. Kennedy School of Government
- Indian National Security Council and National Security Adviser
- Indian Society of International Law, Delhi
- Institute for China-American Studies
- International Law Association, American Branch
- Istanbul Bilgi University
- Japan Forum for Strategic Studies
- Japan Institute of International Affairs
- Japan Maritime Command and Staff College
- Korea Institute for Ocean Science and Technology
- Korea Maritime Institute
- Korean Navy Chief of Naval Operations
- Korean-American University Professors Association
- Loyola University Chicago School of Law (Keynote address)
- Marine Corps University
- Maritime Institute of Malaysia
- Massachusetts Institute of Technology
- Massachusetts Maritime Academy
- Max Planck Institute for Comparative Public Law and International Law
- Mexican National Defense College
- Ministry of Foreign Affairs, Manila
- National Committee on US-China Relations
- National Institute of South China Sea Studies
- National Intelligence Council
- National Science Foundation
- National University of Ireland School of Law
- National University of Singapore School of Law
- Nippon Foundation
- Northeast Asia History Foundation
- Norwich University
- Observer Research Foundation, India
- Ocean Policy Research Foundation, Japan
- Office of the Director of National Intelligence
- Okazaki Institute, Tokyo
- Philippines Department of Foreign Affairs, Manila
- Rajaratnam School of International Studies, Singapore
- Royal Canadian Navy
- Royal Thai Navy Headquarters
- Royal United Services Institute for Defence and Security Studies
- San Beda College of Law, Manila, Philippines
- Sasakawa Peace Foundation
- Scandinavian Institute of Maritime Law
- Stanford Law School
- Supreme Court of India
- Tanzania Ministry of Defense
- U.S. Pacific Command Chiefs of Defense Conference (CHOD)
- U.S. Pacific Command Military Operations and Law Conference
- University of Alaska, Fairbanks
- University of Alberta
- University of Asia and the Pacific College of Law, Manila, Philippines
- University of Bergen, Norway
- University of California at Berkeley School of Law
- University of Hull, United Kingdom
- University of Maine School of Law
- University of Melbourne
- University of Namibia
- University of North Carolina at Chapel Hill
- University of Oslo Faculty of Law

- University of Oxford
- University of Pennsylvania Law School
- Vanderbilt Law School
- Watson Institute for International Studies, Brown University
- Woodrow Wilson Center
- Woods Hole Oceanographic Institution
- World Affairs Council
- Yale Law School

Selected Major Media Interviews

New York Times, Washington Post, Wall Street Journal, Financial Times, CNN, BBC, NPR, UPI, AP, FOX, Council on Foreign Relations, Reuters, Christian Science Monitor, Boston Globe, Atlantic Monthly, Al Jazeera, Mainichi Shimbun, Yomiuri Shimbun, Japan Times, International Business Times, Huffington Post, Bloomberg, Foreign Policy, Globe and Mail (Canada)