

## REPORT ON THE MASTER THESIS

GPS – Geopolitical Studies, Faculty of Social Sciences, Charles University

<b>Title of the thesis:</b>	Small Island Developing States and Statehood
<b>Author of the thesis:</b>	Dustin Breitling
<b>Referee (incl. titles):</b>	Dr. Landovsky

**Remark:** It is a standard at the FSV UK that the Referee's Report is at least 500 words long. In case you will assess the thesis as "non-defendable", please explain the concrete reasons for that in detail.

### **SUMMARY OF POINTS AWARDED** (for details, see below):

CATEGORY	POINTS
<i>Theoretical background (max. 20)</i>	18
<i>Contribution (max. 20)</i>	18
<i>Methods (max. 20)</i>	18
<i>Literature (max. 20)</i>	19
<i>Manuscript form (max. 20)</i>	16
<b>TOTAL POINTS (max. 100)</b>	<b>89</b>
<b>The proposed grade (A-B-C-D-E-F)</b>	<b>A</b>

You can even use a decimal point (e.g. giving the grade of 2.5 for 60 points).

**Comments of the referee on the thesis highlights and shortcomings (following the 5 numbered aspects of your assessment indicated below).**

#### **1) Theoretical background:**

The thesis under consideration is revolving around the relationship between state and statehood on one side and climate change and environmental stress on general on the other side. Main question is how the deterritorialized state retains statehood. Scenarios and examples are provided to document the contemporary views of statehood and its components, that might be missing due to environmental changes such as global warming. Transfer of sovereignty and technical solutions such as building artificial structures are considered and their legal consequences described. As I am aware, Mr. Breitling lacks a background in international law and yet he covered the topic very professionally.

#### **2) Contribution:**

The novelty of the thesis under consideration is in a topic itself. The methods are not new, but the body of literature covering this topic is not vast, and thus I deem this paper to be relevant and valuable. One can always speculate what is missing, and from my standpoint I miss certain theoretical aspects stemming from the public international law, like theory of dormant laws or question of prescription, or answer to what would happen if the territorial aspect reemerges in a previous form. All these can be addressed through defense of the thesis. Overall the work is surpassing standards for master thesis in contribution.

#### **3) Methods:**

Mr. Breitling has based his research on qualitative review of relevant data and available literature. The tables provide do not deepen the analysis by including quantitative measures, but they make the text more orderly and serve the purpose. Primary sources (Montevideo Convention, UNCLOS) are covered and some of the cases of both International Court of Justice and Permanent International Court of Justice are mentioned. More focus on the emergent and dynamic nature of the customary



law covering the territory would be welcomed, but the thorough analyses of the codified text (especially in UNCLOS) is sufficient for the question at hand.

#### 4) Literature:

Whilst debating declarative and constitutive theory of statehood author does not forget to mention most recognized authors like Shaw and Crawford. It is vital not to study customary law appertaining to statehood only by the "yardstick" definitions in the Montevideo convention and omit the view of much more elaborated United Nations Convention on the Law of the Sea (UNCLOS) and author mentions UNCLOS in detail. Among the prominent authors in the thesis I would like to mention James Crawford and Maxine Burkett. The relevant literature consisting of jurisprudence and primary sources like Montevideo convention and UNCLOS was covered and cited in a professional manner.

#### 5) Manuscript form:

The thesis is divided into three parts. First part devoted to Small Island Developing States vulnerable to the destructive effects of climate change serves as good introduction to the issue at hand. Second part covers Montevideo convention and its conception of Statehood and the last part focuses on fulfillment of statehood components under environmental stress and on the question of statehood under environmental stress in general. Work meets all formal criteria for Master thesis required by the Faculty of Social Science. Finishing with alternative forms of statehood and the conclusions consider the steps for continuous statehood without territory. Language style is clear and concise, including well chosen terminology from the realm of public international law. Naturally there are misspells to be criticized, like the "coincidental shelf" on the page 23, but due to the overall quality of the text, I will refrain to do so.

I recommend to grade it as excellent.

**DATE OF EVALUATION: 30 January 2018**

  
**Referee Signature**