



# LAWS586

## Law of the Sea

S1 Day 2016

*Dept of Law*

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#### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

Convenor

Natalie Klein

[natalie.klein@mq.edu.au](mailto:natalie.klein@mq.edu.au)

W3A

Tuesdays, 12noon - 1pm during teaching weeks, but preferably by appointment

### Credit points

3

### Prerequisites

39cp

### Corequisites

LAWS259 or LAW409 or LAW459 or LAW509

### Co-badged status

### Unit description

The oceans cover five sevenths of the planet's surface and are undoubtedly one of the world's most important resources given the economic, political, strategic and social interests at play.

This unit examines the different maritime zones, addresses the regulation of activities undertaken on the oceans, and considers how the demands of different states have impacted on this complex legal regime.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and analyse the role of the key actors and institutions involved in the law of the sea and the legal principles governing that maritime activity, doing so on the basis of engagement with the unit content and independent research.
2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant literature the interests of states in their decision-making in relation to maritime governance, assessing the relative strengths and weaknesses of

conflicting views over ocean space and use.

3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.

4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.

5. MAINTAINING ETHICAL STANDARDS: Present original and independent work for assessment that conforms with the letter and spirit of the Academic Honesty Policy and the Student Code of Conduct.

## General Assessment Information

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All written assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Class Participation</u></a>	10%	Ongoing
<a href="#"><u>Independent Research Questions</u></a>	60%	Tuesday, May 10
<a href="#"><u>Short Answer Questions</u></a>	30%	June 19-21

### Class Participation

Due: **Ongoing**

Weighting: **10%**

(a) Substantive Requirements in relation to Class Participation

Students will be assessed on the basis of their knowledge, understanding and ability critically to evaluate the issues raised in each topic, as demonstrated through participation in class discussions and responses to assigned questions in the tutorials. Students will be expected to lead discussion on set tutorial questions. Students should generally be prepared to

talk about the assigned readings, provide their own assessment of those readings and lecture content, and contribute to the discussion of questions and problems set in relation to assigned readings and lectures. Students are also encouraged to participate in discussions that extend beyond these set questions and readings through their own evaluation of the issues raised. Further details on the assignment of tutorial questions to students and the class participation rubric will be posted on iLearn.

#### (b) Attendance Requirements in relation to Class Participation

Students are to attend all tutorials during the semester. If you cannot attend a tutorial you must send a message on iLearn to your tutor to inform them of your absence. Extended absences from tutorials must meet the criteria for Disruption to Studies and be approved by the Unit Convenor. Applications for Disruption to Studies are made online at [ask.mq.edu.au](http://ask.mq.edu.au)

On successful completion you will be able to:

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and analyse the role of the key actors and institutions involved in the law of the sea and the legal principles governing that maritime activity, doing so on the basis of engagement with the unit content and independent research.
- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.
- 4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.

## Independent Research Questions

Due: **Tuesday, May 10**

Weighting: **60%**

Students will be required to research answers to 3 questions, out of a choice of 5 questions, about contemporary law of the sea issues. Each answer is to be a maximum of 1,000 words and will be given a mark out of 20, for a total mark out of 60. The questions will be posted on iLearn in Week 3.

The answers should be referenced consistently with the current edition of the AGLC, but no bibliography is required. The word limit does not include your footnotes, which should only contain your references and not substantive commentary.

Substantive criteria and the marking rubric will be posted on iLearn. The assignment is to be posted via Turnitin on the iLearn site.

On successful completion you will be able to:

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and analyse the role of the key actors and institutions involved in the law of the sea and the legal principles governing that maritime activity, doing so on the basis of engagement with the unit content and independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant literature the interests of states in their decision-making in relation to maritime governance, assessing the relative strengths and weaknesses of conflicting views over ocean space and use.
- 4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 5. MAINTAINING ETHICAL STANDARDS: Present original and independent work for assessment that conforms with the letter and spirit of the Academic Honesty Policy and the Student Code of Conduct.

## Short Answer Questions

Due: **June 19-21**

Weighting: **30%**

You will be asked to respond in writing to 15 questions, requiring responses of a maximum of 100 words each. Each question will be marked out of 2 for a total mark out of 30. The questions will test your knowledge across the entire content of the semester and your ability to analyse and solve problems quickly.

You will have a total of 48 hours to complete this task, but it should only take you approximately 6 hours to answer the questions. The questions will be released on Sunday, June 19, at 12 noon and must be submitted via Turnitin by Tuesday, June 21 at 12 noon.

Substantive criteria and the marking rubric will be posted on iLearn.

On successful completion you will be able to:

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and analyse the role of the key actors and institutions involved in the law of the sea and the legal principles governing that maritime activity, doing so on the basis of engagement with the unit content and independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant literature the interests of states in their decision-making in relation to maritime governance, assessing the relative strengths and weaknesses of conflicting views over ocean space and use.
- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written

form based on knowledge acquired through research in and engagement with the unit content.

- 4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 5. MAINTAINING ETHICAL STANDARDS: Present original and independent work for assessment that conforms with the letter and spirit of the Academic Honesty Policy and the Student Code of Conduct.

## **Delivery and Resources**

### **Technology Used**

While iLecture recordings will be made, students are expected to attend the lecture as well as tutorials.

An iLearn page will be available for this unit and include information vital for the successful completion of this unit. Internet access is therefore required to undertake this unit. Topical items will be posted on iLearn for discussion and engagement with the unit content.

### **Delivery**

This unit will be taught with a two-hour lecture and one hour tutorial. Depending on student numbers, the lecture may be conducted in seminar format. The location and time of classes are provided in the University's Timetable.

### **Required Text and Readings**

The prescribed text is Don Rothwell and Tim Stephens, *The International Law of the Sea* (Hart Publishing, 2nd edition). The second edition of this text is due out in January, 2016 and an order has been placed through the Coop Bookshop.

Additional readings will be placed on eReserve and the reading list as well as links to additional sources will be posted on iLearn. Information on research in international law will be posted on iLearn.

## **Unit Schedule**

The topics covered in this unit include:

- History of the law of the sea
- Baselines, Internal Waters and Islands
- Territorial Seas, Straits, Archipelagos and Passage
- Continental shelf and deep seabed
- Boundary delimitation
- Marine scientific research
- High Seas

- Protection of the marine environment
- Fisheries
- Naval warfare
- Maritime security
- Law enforcement
- Dispute Settlement

A schedule of classes will be provided on iLearn.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

### Learning outcome

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and analyse the role of the key actors and institutions involved in the law of the sea and the legal principles governing that maritime activity, doing so on the basis of engagement with the unit content and independent research.



## Assessment tasks

- Class Participation
- Independent Research Questions
- Short Answer Questions

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

### Learning outcome

- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant literature the interests of states in their decision-making in relation to maritime governance, assessing the relative strengths and weaknesses of conflicting views over ocean space and use.

## Assessment tasks

- Class Participation
- Short Answer Questions

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant literature the interests of states in their decision-making in relation to maritime governance, assessing the relative strengths and weaknesses of conflicting views over ocean space and use.
- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit

content.

## Assessment tasks

- Class Participation
- Independent Research Questions
- Short Answer Questions

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## Learning outcome

- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.

## Assessment tasks

- Class Participation
- Short Answer Questions

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## Learning outcomes

- 4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 5. MAINTAINING ETHICAL STANDARDS: Present original and independent work for assessment that conforms with the letter and spirit of the Academic Honesty Policy and the Student Code of Conduct.

## Assessment tasks

- Class Participation
- Independent Research Questions
- Short Answer Questions