



LAW 892

Law of the Sea

S1 Day 2016

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	7
<u>Policies and Procedures</u>	7
<u>Graduate Capabilities</u>	9

Disclaimer

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General Information

Unit convenor and teaching staff

Convenor

Natalie Klein

natalie.klein@mq.edu.au

W3A

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

Credit points

4

Prerequisites

Admission to MIntLawGovPP or MIntEnvLaw or PGCertIntEnvLaw or PGDiplIntEnvLaw or MIntTrdeComLaw or PGCertIntTrdeComLaw or PGDiplIntTrdeComLaw or MIntRelMIntTrdeComLaw or LLM or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

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. The economic, political, strategic and social interests at play are enormous. This unit will examine the different maritime zones, address the regulation of activities undertaken in connection with the oceans, and consider 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 critically 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 deep engagement with the unit content and broad independent research.

2. CRITICAL ANALYSIS: Evaluate and critique on the basis of indepth independent research and reading of relevant scholarly 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, taking into account diverse policy perspective that may be brought to bear on those principles. Present informed views in oral and written form based on knowledge acquired through scholarly 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 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.

Please ensure that you name your documents appropriately and post the correct version of your assignment on Turnitin, as alternative versions will not be accepted after the submission deadline.

Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	10%	Ongoing
<u>Independent Research Questions</u>	60%	Tuesday, May 10
<u>Short Answer Questions</u>	30%	June 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

On successful completion you will be able to:

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and critically 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 deep engagement with the unit content and broad independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of indepth independent research and reading of relevant scholarly 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, taking into account diverse policy perspective that may be brought to bear on those principles. Present informed views in oral and written form based on knowledge acquired through scholarly 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 critically 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 deep engagement with the unit content and broad independent research.
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- 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 21**

Weighting: **30%**

You will be asked to respond in writing to 5 questions, requiring responses of a maximum of 600 words each. Each question will be marked out of 6 for a total mark out of 30. The questions will test your knowledge and level of understanding across the entire content of the semester and your ability to analyse, critically explore and solve problems.

The questions will be made available after you have completed your Independent Research Questions, and must be submitted via Turnitin on the iLearn site 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 critically 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 deep engagement with the unit content and broad independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of indepth independent research and reading of relevant scholarly 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, taking into account diverse policy perspective that may be brought to bear on those principles. Present informed views in oral and written form based on knowledge acquired through scholarly research in and engagement with the unit content.
- 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

New Assessment Policy in effect from Session 2 2016 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/

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

Disruption to Studies Policy 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/

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.

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) 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

IT Help

For help with University computer systems and technology, visit 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

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

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

- Independent Research Questions
- Short Answer Questions

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and critically 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 deep engagement with the unit content and broad independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of indepth independent research and reading of relevant scholarly 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, taking into account diverse policy perspective that may be brought to bear on those principles. Present informed views in oral and written form based on knowledge acquired through scholarly research in and engagement with the unit content.

Assessment tasks

- Class Participation
- Independent Research Questions
- Short Answer Questions

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe and critically 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 deep engagement with the unit content and broad independent research.
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Assessment tasks

- Class Participation

- Independent Research Questions
- Short Answer Questions

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

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, taking into account diverse policy perspective that may be brought to bear on those principles. Present informed views in oral and written form based on knowledge acquired through scholarly research in and engagement with the unit content.

Assessment tasks

- Independent Research Questions
- Short Answer Questions

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Assessment task

- Class Participation

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

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
- Short Answer Questions