



LAWS8092

Law of the Sea

Session 2, Online-scheduled-weekday 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff Constantinos Yiallourides constantinos.yiallourides@mq.edu.au
Credit points 10
Prerequisites Admission to LLM or MIntTrdeComLaw or (Admission to JD and LAWS600 or LAWS8001)
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:

- ULO1:** 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.
- ULO2:** Evaluate and critique 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.
- ULO3:** Discuss, explain and critique in oral and written form different viewpoints on law of the sea from an international perspective.
- ULO4:** Identify and analyse how the law of the sea interacts with related areas of international law such as maritime security and concepts of state sovereignty
- ULO5:** Apply advanced knowledge of the 1982 United Nations Convention on the Law of

the Sea and apply this knowledge in the context of the specific workings of international law, especially other relevant treaties, customary international law and methods of dispute resolution;

Assessment Tasks

Name	Weighting	Hurdle	Due
Research paper	40%	No	20/09/2022
Final time limited assessment	40%	No	15/11/2022
Participation	20%	No	Ongoing

Research paper

Assessment Type ¹: Essay

Indicative Time on Task ²: 30 hours

Due: **20/09/2022**

Weighting: **40%**

Students will be set a paper of approx 3000 words requiring independent research

On successful completion you will be able to:

- 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.
- Evaluate and critique 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.
- Discuss, explain and critique in oral and written form different viewpoints on law of the sea from an international perspective.
- Identify and analyse how the law of the sea interacts with related areas of international law such as maritime security and concepts of state sovereignty
- Apply advanced knowledge of the 1982 United Nations Convention on the Law of the Sea and apply this knowledge in the context of the specific workings of international law, especially other relevant treaties, customary international law and methods of dispute resolution;

Final time limited assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 6 hours

Due: **15/11/2022**

Weighting: **40%**

A final time limited assessment will cover the whole of the course materials

On successful completion you will be able to:

- 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.
- Evaluate and critique 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.
- Discuss, explain and critique in oral and written form different viewpoints on law of the sea from an international perspective.
- Identify and analyse how the law of the sea interacts with related areas of international law such as maritime security and concepts of state sovereignty
- Apply advanced knowledge of the 1982 United Nations Convention on the Law of the Sea and apply this knowledge in the context of the specific workings of international law, especially other relevant treaties, customary international law and methods of dispute resolution;

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **Ongoing**

Weighting: **20%**

Students will engage in discussion and problem solving activities.

On successful completion you will be able to:

- 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.

- Evaluate and critique 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.
- Discuss, explain and critique in oral and written form different viewpoints on law of the sea from an international perspective.
- Identify and analyse how the law of the sea interacts with related areas of international law such as maritime security and concepts of state sovereignty
- Apply advanced knowledge of the 1982 United Nations Convention on the Law of the Sea and apply this knowledge in the context of the specific workings of international law, especially other relevant treaties, customary international law and methods of dispute resolution;

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Description

The oceans are Earth's final frontier. Oceans are vital for maintaining life on Earth, their natural resources are increasingly important to the global economy, and about 90 per cent of all international trade is carried out by sea. Healthy oceans are essential for a healthy planet and a sustainable future for present and future generations. On the other hand, marine pollution, ocean heating, ocean acidification, and sea-level rise, pose significant challenges to the ability of international law to promote sustainable development objectives. Designing and implementing an effective governance framework for the world's oceans is one of the greatest challenges for states and the international community as a whole.

This unit explores the sources of the law of the sea, including treaties, customary law, and judicial practice and how these elements are put to the test in different practical contexts, including, but not limited to, maritime boundary delimitation, safety of navigation, environmental conservation and sustainable use of living resources, environmental regulation of offshore energy and deep-sea mining activities, maritime enforcement jurisdiction, and international dispute settlement.

The unit provides a well-rounded account of the solutions and challenges of the contemporary law of the sea from an international and comparative perspective under the broad spectrum of

sustainability, environmental protection, and economic development.

Taught Topics Include

- Law of the Sea: History, Sources, Key Concepts & Principles
- Internal Waters, Territorial Sea, Contiguous Zone
- Continental Shelf & Exclusive Economic Zone
- Delimitation of Maritime Boundaries
- High Seas & Deep Seabed
- Shipping & Navigation Rights
- Fisheries & Marine Resources Management
- Marine Scientific Research
- Marine Environmental Protection
- Maritime Regulation & Enforcement
- Dispute Settlement
- Climate Change, Sea Level Rise & Future Directions

Core Textbooks:

- Yoshifumi Tanaka, *The International Law of the Sea* (3rd edn, Cambridge University Press 2019)
- Donald R. Rothwell and Tim Stephens, *The International Law of the Sea* (2nd edn, Hart Publishing 2016)

Suggested Further Reading:

- Donald R. Rothwell, Alex G. Oude Elferink, Karen N. Scott, and Tim Stephens (eds) *The Oxford Handbook of the Law of the Sea* (Oxford University Press 2015).
- James Harrison, *Saving the Oceans Through Law: The International Legal Framework for the Protection of the Marine Environment* (Oxford University Press 2017).
- Constantinos Yiallourides, *Maritime Disputes and International Law: Disputed Waters and Seabed Resources in Asia and Europe* (Routledge 2019).
- Robin Churchill, Vaughan Lowe and Amy Sander, *Law of the Sea* (4th edn, Manchester University Press 2022).

Useful Legal Periodicals (available via the MQ Library e-catalogue):

- Ocean Yearbook
- Ocean and Coastal Law Journal
- International and Comparative Law Quarterly

- Ocean Development & International Law
- Marine Policy
- International Journal of Marine & Coastal Law

Useful Law of the Sea Databases

- [ASIL Electronic Research Guide on the Law of the Sea](#) (Where and how to find useful law of the sea materials)
- [Publications, Reports of Judgments, Advisory Opinions and Orders \(ITLOS\)](#)
- United Nations Law of the Sea, '[Maritime Space: Maritime Zones and Maritime Delimitation](#)' (Catalogue of state practice by regions)

Policies and Procedures

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

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted**, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55 pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessments (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time-sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.**

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.