LAWS5086

Law of the Sea

Session 2, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
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Credit points
10

Prerequisites
130cp including LAWS2000 or LAWS259 or LAWS459

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 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:

ULO1: Explain 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.

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: Resolve factual problems to elucidate, apply and assess relevant legal principles in the law of the sea.

ULO4: Apply professional communication skills in the context of the law of the sea and its related institutions.

Assessment Tasks

Name	Weighting	Hurdle	Due
Legal Research Paper	50%	No	20/09/2022
Short Problem Questions	30%	No	15/11/2022
Participation and Engagement	20%	No	Ongoing

Legal Research Paper

Assessment Type [1]: Essay
Indicative Time on Task [2]: 40 hours
Due: **20/09/2022**
Weighting: **50%**

Students will be required to research answers to contemporary problems related to the law of the sea

On successful completion you will be able to:

- Explain 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.
- 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.
- Resolve factual problems to elucidate, apply and assess relevant legal principles in the law of the sea.
- Apply professional communication skills in the context of the law of the sea and its related institutions.

Short Problem Questions

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 6 hours
Due: **15/11/2022**
Weighting: **30%**

Final assessment of the unit requiring the resolution of legal problems in a time-limited assessment

On successful completion you will be able to:

- Explain 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.

- 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.

- Resolve factual problems to elucidate, apply and assess relevant legal principles in the law of the sea.

- Apply professional communication skills in the context of the law of the sea and its related institutions.

Participation and Engagement

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 24 hours
Due: **Ongoing**
Weighting: **20%**

Students will participate in online or face to face discussions, role plays, debates and problem solving activities

On successful completion you will be able to:

- Explain 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.

- 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.

- Resolve factual problems to elucidate, apply and assess relevant legal principles in the law of the sea.

- Apply professional communication skills in the context of the law of the sea and its related institutions.

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[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, are posing 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

Key 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)

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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) 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.