LAWS5086

Law of the Sea

Session 2, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Unit Convenor; Senior Lecturer in International Law
Dr Constantinos Yiallourides
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Contact via Email
Best arranged by email

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.

General Assessment Information

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
Participation and Engagement	20%	No	Ongoing
Legal Research Paper	50%	No	12/09/2024 11:55PM
Short Problem Questions	30%	No	31/10/2024 2-5 PM

Participation and Engagement

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 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.

Legal Research Paper

Assessment Type [1]: Essay
Indicative Time on Task [2]: 24 hours
Due: **12/09/2024 11:55PM**
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: **31/10/2024 2-5 PM**
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.

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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

Summary

This unit provides a comprehensive overview of the international law of the sea, encompassing the rules and principles binding States in their international relations on maritime matters. Throughout the unit, students will develop a theoretical understanding as well as practical knowledge of the law and governance of the various maritime zones, and the relevant legal and regulatory frameworks governing the protection of the marine environment. The unit explores the primary sources of the law of the sea, including treaties, customary law, and judicial practice. These sources are then tested in various contexts, such as protecting the marine environment from all sources of pollution, managing fisheries, regulating deep-sea activities, the interaction of the law of the sea with marine scientific research, special issues associated with climate change in the oceans, and international dispute settlement. In doing so, students will analyse real-life examples, current problems and challenges, and ongoing disputes using the general principles, rules, and procedures of international law.

Delivery

Lectures: Lectures will be recorded and made available weekly via the unit iLearn page & Echo360.

Tutorials: 12 x 1h weekly tutorials.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Prescribed Textbook

> *Yoshifumi Tanaka, The International Law of the Sea (4th edition, Cambridge University Press 2023)*

Students can purchase this textbook online from online resellers such as Booktopia, Amazon and Zookal.

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

Unit Schedule

Topics Covered

1. **Law of the Sea: History, Sources, Key Concepts & Principles**
2. **Baselines, Internal Waters, Access to Ports, Territorial Sea, Contiguous Zone**
3. **Continental Shelf & Exclusive Economic Zone, Seabed Energy Activities**
4. **Delimitation of Maritime Zones, Islands in Maritime Delimitation**
5. **Areas Beyond National Jurisdiction: High Seas & Deep Seabed, Submarine Cables & Pipelines**
6. **Protection of the Marine Environment & Controlling Pollution**
7. **Fisheries & Marine Resources Management**
8. **Marine Scientific Research**
9. **Dispute Settlement in the Law of the Sea: Rules & Procedures/ Role of International Courts & Tribunals**
10. **Crosscutting Issues & Future Directions: Marine Energy, Environment & Climate Change in the Oceans**

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 connect.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 an d maths support, academic skills development and wellbeing consultations.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://stu dents.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 Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via the Service Connect Portal, 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.

Unit information based on version 2024.01 of the Handbook