



# LAWS8092

## Law of the Sea

Session 2, Online-scheduled-weekday 2024

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor; Senior Lecturer in International Law

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Contact via Email

Best arranged by email

Credit points

10

Prerequisites

Admission to LLM or MIntTrdeComLaw or MSusDev 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;

## 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](https://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
<u>Participation</u>	20%	No	Ongoing
<u>Research paper</u>	40%	No	12/09/2024 - 11:55 PM
<u>Final time limited assessment</u>	40%	No	31/10/2024 2:00-5:00 PM

### Participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 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;

### Research paper

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 24 hours

Due: **12/09/2024 - 11:55 PM**

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 <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 6 hours

Due: **31/10/2024 2:00-5:00 PM**

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;

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<sup>1</sup> 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.

<sup>2</sup> 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 develop a theoretical understanding as well as practical knowledge of the law and governance of the various maritime zones, as well as 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, and special issues associated with climate change in the oceans and international dispute settlement. In doing so, students 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:** 6 x 2h fortnightly online tutorials, through Zoom.

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) (<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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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](#).

## 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## 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/](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.

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Unit information based on version 2024.02 of the [Handbook](#)