



LAW 892

Law of the Sea

S2 External 2019

Macquarie Law School

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Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Convenor and Tutor

Abdullah-Al Arif

abdullah-al.arif@mq.edu.au

Contact via Email is the best method to contact me. If the matter cannot be resolved over email, arrangements can be made to discuss the matter in person.

Room 331, 6 First Walk (Macquarie Law School)

Wednesdays, 12 pm - 1 pm during teaching weeks (by appointment only)

Credit points

4

Prerequisites

Admission to MIntLawGovPP or MIntEnvLaw or MIntTrdeComLaw 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. UNDERSTANDING THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND POLITICS IN OCEAN GOVERNANCE: Articulate and critique the general characteristics and principles of the law of the sea and the relationship between international law and politics in ocean governance.

3. 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.

4. 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. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.

6. 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

Submission of assessments

All written assessments in the unit are to be submitted electronically (via Turnitin). Plagiarism detection software is used in this unit. Students need access to a secure and reliable server for access to iLearn and submission of assessment tasks.

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. Word limits will be strictly applied and work above the word limit will not be marked.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Word limits will be strictly applied and work above the word limit will not be marked.

All written work should be referenced in accordance with the current version of the Australian Guide to Legal Citation (AGLC)

Moderation

Detailed marking rubrics will be available on iLearn. Failed papers will be double marked.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Participation and Engagement</u>	10%	No	On Campus Session
<u>Long Research Questions</u>	60%	No	11:59 pm, Tuesday, October 8, 2019
<u>Short Answer Questions</u>	30%	No	11:59 pm, Tuesday, November 12, 2019

Participation and Engagement

Due: **On Campus Session**

Weighting: **10%**

Students are required to attend and participate in the On Campus Session discussions, debates, reflective exercises and any other activities. Assessment of student participation and engagement will be undertaken during the On Campus Session using the following criteria:

1. Substantive Requirements in relation to Participation and Engagement

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. Students will be expected to lead discussion and 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 online discussion forums on tutorial questions on iLearn. Further details on the On Campus Session and online discussion and participation rubric will be posted on iLearn.

2. Preparation and understanding of material: Students have listened to the lecture, read the required reading and has attempted to link the materials to the lectures, to other course materials and to their life experience.

3. Ability to think critically about the material: Students are able to think critically about the materials from different angles and is able to question the materials.

4. Clear expression of ideas: Students are able to clearly express their ideas about the materials.

5. Engaging with other students: Students engage with others in the class taking an active role in activities assigned by the tutor. The student responds to others in the class by listening to them, providing constructive feedback and asking questions.

6. Demonstration of skills: Students are able to demonstrate communication skills including listening, advocacy, argument and negotiation skills.

Extended absences from the On Campus Session must meet the criteria for Special Consideration. Applications for Special Consideration are made online at ask.mq.edu.au and must be accompanied by the appropriate documentation.

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. UNDERSTANDING THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND POLITICS IN OCEAN GOVERNANCE: Articulate and critique the general characteristics and principles of the law of the sea and the relationship between international law and politics in ocean governance.
- 3. 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.
- 4. 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. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.

Long Research Questions

Due: **11:59 pm, Tuesday, October 8, 2019**

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. 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. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 6. 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: **11:59 pm, Tuesday, November 12, 2019**

Weighting: **30%**

You will be asked to respond in writing to 5 questions, requiring responses between 300 and 500 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, November 12, 2019, 11:59 pm**.

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.
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- 6. 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

Lectures are available on Echo360 via iLearn. Students are not required to attend weekly lectures/tutorials in person.

An iLearn space will be available for this unit.

Delivery

Students are required to attend a two day On Campus Session.

The location and time of classes for the On Campus Session are provided in the University's [Timetable](#).

Required Text and Readings

The Required Text

The International Law of the Sea, By Don Rothwell and Tim Stephens, Hart Publishing, 2nd edition, 2016.

Recommended Texts

The following are useful texts that students are encouraged to consult during the course of the unit. Copies are on Reserve in the Library:

- *The Oxford Handbook of the Law of the Sea*, Edited by Rothwell D, Oude Elferink A, Scott K, et al, Oxford University Press, 2015.
- *Law of the Sea: UNCLOS as a Living Treaty*, Edited by Jill Barrett and Richard Barnes, London: The British Institute of International and Comparative Law, 2016.
- *The Law of the Sea*, By R.R. Churchill and A.V. Lowe. 3rd ed. Manchester, U.K.: Yonkers, N.Y.: Manchester University Press, Juris, 1999.

All required and recommended readings will be placed on Leganto and any links to additional sources will be posted on iLearn. Information on research in international law will also be posted on iLearn.

Unit Schedule

The following schedule is indicative only and may be subject to change:

1. History of the law of the sea
2. Baselines, Internal Waters and Islands
3. Territorial Seas, Straits, Archipelagos and Passage
4. Continental shelf and deep seabed
5. Boundary delimitation
6. Marine scientific research
7. High Seas
8. Protection of the marine environment
9. Fisheries
10. Maritime security and naval warfare
11. Law enforcement
12. Dispute Settlement

A schedule of classes will be provided on iLearn.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

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

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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

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

If you are a Global MBA student contact globalmba.support@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

- 2. UNDERSTANDING THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND POLITICS IN OCEAN GOVERNANCE: Articulate and critique the general characteristics and principles of the law of the sea and the relationship between international law and politics in ocean governance.
- 5. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 6. 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

- Long 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.
- 3. 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.
- 4. 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

- Participation and Engagement
- Long 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.
- 2. UNDERSTANDING THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND POLITICS IN OCEAN GOVERNANCE: Articulate and critique the general characteristics and principles of the law of the sea and the relationship between international law and politics in ocean governance.
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Assessment tasks

- Participation and Engagement
- Long 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 outcomes

- 2. UNDERSTANDING THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND POLITICS IN OCEAN GOVERNANCE: Articulate and critique the general characteristics and principles of the law of the sea and the relationship between international law and politics in ocean governance.

- 4. 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

- Long 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:

Learning outcomes

- 4. 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. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.

Assessment task

- Participation and Engagement

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

- 5. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and

written from different viewpoints from an international perspective.

- 6. 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

- Participation and Engagement
- Short Answer Questions

Changes from Previous Offering

1. Assessment criteria for 'Participation and Engagement' have been redesigned.
2. The maximum word limit for assessment task 'Short Answer Questions' has been revised.
3. Live lectures are replaced by recorded lectures, the unit reading list is updated, and will now be available on Leganto.
4. Learning outcome "UNDERSTANDING THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND POLITICS IN OCEAN GOVERNANCE: Articulate and critique the general characteristics and principles of the law of the sea and the relationship between international law and politics in ocean governance" has been added.