



# LAWS586

## Law of the Sea

S2 External 2019

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor and Tutor

Abdullah-Al Arif

[abdullah-al.arif@mq.edu.au](mailto: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, but preferably by appointment

Credit points

3

Prerequisites

39cp at 100 level or above including LAWS259 or LAW409 or LAW459 or LAW509

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:

1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe 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, doing so on the basis of engagement with the unit content and independent research.
2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant 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.

3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.

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

5. 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 made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all fail papers are double marked.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Participation and Engagement</a>	10%	No	Ongoing
<a href="#">Long Research Questions</a>	60%	No	11:59 pm, Tuesday, October 8, 2019
<a href="#">Short Answer Questions</a>	30%	No	5 pm, Wednesday, November 13, 2019

### Participation and Engagement

Due: **Ongoing**

Weighting: **10%**

#### 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 and responses to assigned questions in the tutorials. Students will be expected to lead the discussion on set tutorial questions. Students should generally be prepared to 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 discussions that extend beyond these set questions and readings through their own evaluation of the issues raised. Further details on the assignment of tutorial questions to students and the class participation rubric will be posted on iLearn.

Students are encouraged to attend all tutorials during the semester. Extended absences from tutorials must meet the criteria for Special Consideration. Applications for Special Consideration are made online at [ask.mq.edu.au](http://ask.mq.edu.au) and must be accompanied by the appropriate documentation.

External students are required to attend the On Campus Session (OCS). The schedule for the OCS will be posted on iLearn. External students are also expected to regularly contribute to online discussion forums.

On successful completion you will be able to:

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe 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, doing so on the basis of engagement with the unit content and independent research.
- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written

form based on knowledge acquired through research in and engagement with the unit content.

- 4. 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 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 engagement with the unit content and independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant 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. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 5. 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: **5 pm, Wednesday, November 13, 2019**

Weighting: **30%**

You will be asked to respond in writing to 15 questions, requiring responses of a maximum of 100 words each. Each question will be marked out of 2 for a total mark out of 30. The questions

will test your knowledge across the entire content of the semester and your ability to analyse and solve problems quickly.

You will have a total of 48 hours to complete this task, but it should only take you approximately 6 hours to answer the questions. The questions will be released on **Monday, November 11 at 5 pm** and must be submitted via Turnitin by **Wednesday, November 13 at 5 pm**.

Substantive criteria and the marking rubric will be posted on iLearn.

**Please note that this is a timed assessment and no late submissions will be accepted.**

On successful completion you will be able to:

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe 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, doing so on the basis of engagement with the unit content and independent research.
- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant 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.
- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.
- 4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 5. 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**

Recorded lectures will be made available on Echo360 each week. Students are expected to listen to the lectures online and attend the tutorials on campus.

An iLearn space will be available for this unit and include information vital for the successful completion of this unit. Internet access is therefore required to undertake this unit. Topical items will be posted on iLearn for discussion and engagement with the unit content.

### **Delivery**

This unit will be taught with a two-hour recorded lecture and one-hour tutorial. The location and

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

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

### Learning outcome

- 1. UNDERSTANDING AND INTERPRETING LAW AND POLICY RELATED TO THE LAW OF THE SEA: Describe 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, doing so on the basis of engagement with the unit content and independent research.

### Assessment tasks

- Participation and Engagement
- Long Research Questions

- Short Answer Questions

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

### Learning outcome

- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant 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.

### Assessment tasks

- Participation and Engagement
- Short Answer Questions

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

- 2. CRITICAL ANALYSIS: Evaluate and critique on the basis of independent research and reading of relevant 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.
- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.

### Assessment tasks

- Participation and Engagement

- Long Research Questions
- Short Answer Questions

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

### Learning outcome

- 3. PROBLEM SOLVING: Untangle factual problems to elucidate, apply and assess relevant legal principles in the law of the sea. Present informed views in oral and written form based on knowledge acquired through research in and engagement with the unit content.

### Assessment tasks

- Participation and Engagement
- Short Answer Questions

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

### Learning outcomes

- 4. EXPANDING GLOBAL PERSPECTIVES: Discuss, explain and critique in oral and written form different viewpoints from an international perspective.
- 5. 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
- Long Research Questions

- 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.