

LW6194E: THE LAW OF THE SEA

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

The Law of the Sea

Subject Code

LW - Law

Course Number

6194E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

LW6594E The Law of the Sea

Part II Course Details

Abstract

This course provides an explanation of the foundational principles of the law of the sea, a critical overview of the 1982 United Nations Convention on the Law of the Sea, and an analysis of subsequent developments including the many

bilateral, regional, and global agreements that supplement the Convention. It takes as its focus the rules and institutions established by the Convention on the Law of the Sea in both historical and contemporary context. All of the main areas of the law of the sea are addressed including the foundations and sources of the law, the nature and extent of the maritime zones, the delimitation of overlapping maritime boundaries, navigational rights and freedoms, military activities at sea, marine resources and conservation issues including fisheries, marine environment protection, and dispute settlement.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Master legal theories in the law of the sea			x	
2	Analyse complex legal issues in the law of the sea			x	
3	Apply legal theories to legal practice in the law of the sea			x	x
4	Compare distinct legal mechanisms regarding the law of the sea between different legal systems			x	x
5	Present critical evaluation of legal arguments in the law of the sea		x	x	x
6	Initiate independent legal research in the law of the sea		x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	Lectures given by the instructor	1, 2, 3, 4, 5	3
2	Case studies	Case studies led by the instructor	1, 2, 3, 4, 5	3
3	Legal research	Legal research guided by the instructor	1, 2, 3, 4, 5, 6	3
4	Guest lectures	One or two guest lectures given by expertise in the law of the sea	1, 2, 3, 4, 5, 6	If possible (per semester)

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Research Assignment (written coursework and oral presentation)	1, 2, 3, 4, 5, 6	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Final Examination: The use of Generative AI tools is not allowed.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. The examination will be in open-book and students are required to use computers to type the answers.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. The examination will be in open-book and students are required to use computers to type the answers.

Assessment Rubrics (AR)**Assessment Task**

Research Assignment (written coursework and oral presentation) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking.

Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

Demonstration of oral presentation skills and willingness.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Final Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

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Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Research Assignment (written coursework and oral presentation) (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions. Demonstration of oral presentation skills and willingness.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Final Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues.
Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.
Application of legal writing and research skills.
Demonstration of ability to engage in argument-based analysis based on critical thinking.
Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

UN Convention on the Law of the Sea; history and sources; coastal waters; territorial sea; contiguous zone; exclusive economic zone; continental shelf; high seas; navigational rights and freedom; military use; marine resources management; marine environmental protection; delimitation of maritime boundaries; dispute settlement; oceans governance

Detailed Syllabus

- Part I - The History and Sources of the International Law of the Sea
- Part II - Coastal Waters
- Part III - Territorial Sea and Contiguous Zone
- Part IV - The Exclusive Economic Zone
- Part V - The Continental Shelf and the Deep Seabed
- Part VI - High Seas
- Part VII - Navigational Rights and Freedoms
- Part VIII - Military Uses of the Oceans
- Part IX - Marine Resources Management and Marine Scientific Research
- Part X - Marine Environmental Protection
- Part XI - Delamination of Maritime Boundaries
- Part XII - Dispute Settlement in the Law of the Sea
- Part XIII - Oceans Governance

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	Books
2	DONALD R. ROTHWELL & TIM STEPHENS, THE INTERNATIONAL LAW OF THE SEA (2010)
3	YOSHIFUMI TANAKA, THE INTERNATIONAL LAW OF THE SEA (2012)
4	JAMES HARRISON, MAKING THE LAW OF THE SEA: A STUDY IN THE DEVELOPMENT OF INTERNATIONAL LAW (2011)
5	NORMAN A. MARTINEZ ED., SERVING THE RULE OF INTERNATIONAL MARITIME LAW (2010)
6	DAVID ANDERSON ED., MODERN LAW OF THE SEA: SELECTED ESSAYS (2008)
7	B. VUKAS ED., THE LAW OF THE SEA: SELECTED WRITINGS (2004)
8	NATALIE KLEIN, DISPUTE SETTLEMENT IN THE UN CONVENTION ON THE LAW OF THE SEA (2009)
9	UNITED NATIONS, LAW OF THE SEA: OBLIGATIONS OF STATES PARTIES UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND COMPLIMENTARY INSTRUMENTS (2004)
10	UNITED NATIONS, DIGEST OF INTERNATIONAL CASES ON THE LAW OF THE SEA (2007)
11	Periodicals
12	Aegean Review of the Law of the Sea and Maritime Law
13	ITSSD Journal on the UN Law of the Sea Convention
14	Ocean and Coastal Law Journal
15	Ocean Development and International Law
16	The Journal of International Maritime Law
17	Online Resources
18	United Nations Division for Ocean Affairs and the Law of the Sea, http://www.un.org/Depts/los/index.htm
19	Maritime Law Virtual Database: Oceans and Law of the Sea, http://www.paclii.org/maritimelaw/law-of-the-sea/index.html
20	International Law of the Sea: United Nations & Other Organizations, http://lib.law.washington.edu/ref/LOS2.html
21	International Environmental Agreements (IEA) Database Project: Law of the Sea, http://iea.uoregon.edu/page.php?query=treaties_lineage&lineage=Law%20of%20the%20Sea
22	International Tribunal for the Law of the Sea, http://www.itlos.org/