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**Course: Law**

**Degree: Bachelor**

**Branch: Core curriculum**

**Study plan: Aviso n.º 9088/2019, de 23 de maio**

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**Teaching staff:**

**Professor in charge of the curricular unit**

Prof.ª Doutora Irini Papanicolopulu

**Other Professors of the curricular unit**

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**Language of instruction:**

English

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**Functioning:**

The Law of the Sea course will examine in detail the legal rules that govern the seas and oceans and the activities carried out therein. The course will be divided into two parts. Part 1 will introduce the structural rules of the law of the sea (the subjects and objects, maritime zoning, delimitation of maritime boundaries). Part 2 will address major issues and current concerns in the law of the sea (exploitation of marine resources, protection of the environment, marine scientific research, maritime security, the protection of individuals at sea).

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**Intended learning outcomes:**

The course aims at providing students with a thorough and critical understanding of fundamental rules and principles of the Law of the Sea, as well as developing their legal skills, in particular drafting, communication and problem-solving.

By the end of this course students will be able to:

- a. identify, describe and critically evaluate the core rules and principles of the discipline
- b. relate the problems of the law of the sea (e.g. pollution, overfishing, exhaustion of non-renewable resources) to underlying principles and policy factors and to other relevant areas of general international law, including sources, the law of treaties and principles of state responsibility
- c. demonstrate the ability to construe a legal argument and to present it, both orally and in written form
- d. apply their knowledge to a specific case; in particular, recognise and name the legal issues arising out of specific facts, identify the type and content of legal principles and rules applicable to them and apply those principles and rules to decide how the case has to be solved
- e. advise on the sources, procedures and enforcement of law of the sea.

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**Syllabus:**

1. Issues, sources, actors
2. Coastal zones
3. Areas beyond national jurisdiction

4. Maritime delimitation
5. Maritime security
6. Environmental protection
7. The human element
8. Marine resources

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***Evidence of the syllabus coherence with the curricular units intended learning outcomes:***

Given the familiarity with law that the students will possess since the beginning of the course, the intended course objectives appear to be realistic and challenging at the same time. They are realistic as they build on skills already acquired during law studies, such as the ability to read, understand and discuss legal texts, and tend to refine and complete those skills. At the same time, students are challenged as they are required to shift from a purely student perspective to an academic/practitioner perspective. In light of the fact that students are likely to pursue a legal career immediately after the end of their studies, the intended learning outcomes are also “practically useful” since reaching them will permit the student to be ready to engage in a law firm or other office and to address and solve complex legal problems in this area of law.

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***Recommended prior learning (or curricular units whose prior attendance is recommended):***

A basic knowledge of public international law. Students who have not taken a public international law course are strongly encouraged to read a basic textbook. Vaughan Lowe, *International Law*, 2007 provides a brief but engaging introduction to this field of law.

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***Teaching and assessment methods:***

The Course will be taught by 8 seminars for a total of 20 hours. The reading for each seminar is found in the reading lists which will be distributed in advance of the course. It will not be possible for students to read everything for every seminar. Part of the discipline of legal studies – and working as a lawyer – is learning to choose what to read. But discussion will proceed nonetheless on the basis of the Recommended Reading. Additional/Further Reading materials should be consulted if you wish to obtain a good mark. So please read as much as possible. Students may be asked to lead discussion. Some seminars have questions. Answers should be prepared in advance.

**Assessment method:** 3,000 words summative essay. In the summative essay, students will be asked to critically discuss a statement or an example of state practice, in the light of normative instruments, relevant case-law and scholarly writings.

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***Evidence of the teaching methods and the intended learning outcomes:***

Seminars will enhance active learning since in preparation for each seminar, a handout will be circulated a week in advance. The handout will consist of three parts: the outline of the topic, a reading list divided into essential, recommended and further reading, and a list of questions. The list of questions purposes to stimulate critical thinking over salient aspects of the topic and to allow students the time to better prepare their positions and arguments during the debate in the seminar. Seminars will start with a short introduction by the teacher on the topic, linking it with some recent event that has appeared in the news or with an ongoing public debate. From there, the seminar should develop as a discussion of the questions posed in the handout, initiating a state of intersubjectivity with the students. Students will be encouraged to pick up the question that has most intrigued them and to share their views on the topic, assessing whether the existing legal regulation is sufficient and effective and what, if any, problems of coordination with other

topics and other fields this regulation or the lack thereof raises. The last 10 minutes of each seminar will be devoted to wrapping up the topic, so as to provide students with a clear perception of the salient aspects of each topic. The aim of this division of time is to give students plenty of time for refining their knowledge of the topic and enhancing their communication and problem solving skills, while at the same time making sure that they do not leave the classroom without an indication of the core rules and principles, over which they will be assessed at the end of the course.

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### **Bibliography:**

The suggested textbooks are:

- Y. Tanaka, *The International Law of the Sea*, (3rd ed., CUP 2019): a traditionally structured and up-to-date overview of the field
- D.R. Rothwell, A. Oude Elferink, K. Scott and T. Stephens (eds.), *The Oxford Handbook of the Law of the Sea* (OUP, 2015): a collection of essays on traditional and innovative aspects on the law of the sea, including international organisations and regional seas
- D.J. Attard, M. Fitzmaurice and N.A. Martínez Gutiérrez (eds.), *The IMLI Manual on International Maritime Law. Volume I - The Law of the Sea* (OUP, 2014): a collection of essays on several aspects of the law of the sea, written by academics and practitioners
- D.R. Rothwell and T. Stephens, *The International Law of the Sea*, (Hart Publishing 2010): a broad overview of topics, which also present issues linked with ocean policy and currently developing fields
- R. R. Churchill and A. V. Lowe, *The Law of the Sea*, (3rd ed., Manchester UP, 1999. Paperback): the reference text in the field before Tanaka; however, it has not been updated since 1999

For further reading and reference purposes, the six-volume [United Nations Convention on the Law of the Sea 1982. A Commentary](#), prepared by the Center for Oceans Law and Policy of the University of Virginia is invaluable.

Among the most useful specialist journals are:

IJMCL            [International Journal of Marine and Coastal Law](#)

JMLC            [Journal of Maritime Law and Commerce](#)

Mar. Pol.        [Marine Policy](#)

ODIL            [Ocean Development and International Law](#)

Electronic collections of journals may not include publications for all years, especially more recent issues.

The UN *Law of the Sea Bulletin* appears at [http://www.un.org/Depts/los/doalos\\_publications/los\\_bult.htm](http://www.un.org/Depts/los/doalos_publications/los_bult.htm)

The US Department of State series *Limits in the Sea* is available at <http://www.state.gov/e/oes/ocns/opa/c16065.htm>



Other useful sites include:

<http://www.un.org/Depts/los/index.htm>

<http://www.imo.org/Pages/home.aspx>

<http://www.oceanlaw.net/>

<http://www.un.org/Depts/los/Links/Links-home.htm>

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**Legislation:**

The [1982 United Nations Convention on the Law of the Sea](#) is the basic treaty in the field. Constant reference will be made to it.

Other treaties, statutes and legal instruments will be referred to in specific seminars. You may find particularly useful A. V. Lowe and S. A. G. Talmon, *Basic Documents on the Law of the Sea: The Legal Order of the Oceans* (Hart Publishing, 2009. Paperback) You will also find a copy of *Blackstone's International Law Documents*, 10<sup>th</sup> ed., 2011, useful.

The 1958 Conventions can be found in Blackstone's International Law Documents and at

<http://untreaty.un.org/cod/avl/ha/gclos/gclos.html>

National legislation on the Law of the Sea can be found at

<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm>