

## LAWS70398 Law of the Sea

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Assoc Prof Margaret Young
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	The law of the sea relates to the peaceful uses of the seas and oceans, the equitable and efficient utilisation of marine resources, and the study, protection and preservation of the marine environment. Historically concerned with the 'freedom of the seas' for sovereign states, the law of the sea must also address contemporary and emerging challenges such as climate change, marine species preservation, pollution and national security. The overarching legal regime of the United Nations Convention on the Law of the Sea (UNCLOS) is supplemented by specific agreements as well as market techniques and supply chain oversight. This subject provides an overview and critique of the established and newly forming international regimes – and their interaction – and is informed by an institutional approach that acknowledges the influence of dispute settlement systems, non-state participation and transnational and administrative

practices. The lecturer has published widely on fisheries law, trade law, the law of the sea and on the interaction between international legal regimes.

Principal topics include:

- # The Law of the Sea Convention and associated instruments governing the high seas, including the Fish Stocks Agreement
- # Divisions of jurisdiction within the Law of the Sea, including key notions of the territorial sea, exclusive economic zones (EEZ), areas beyond national jurisdiction (high seas) and the sea-bed area
- # Voluntary instruments of the Food and Agriculture Organisation, including the Compliance Agreement, the Code of Conduct for Responsible Fisheries and the Port State Measures Agreement, as well as emerging views on the ecosystem approach and marine protected areas
- # The International Convention for the Regulation of Whaling
- # World Trade Organization (WTO) rules relating to subsidies, labelling and restrictions on illegal, unreported and unregulated (IUU) fishing
- # The Convention on the International Trade in Endangered Species (CITES) and other multilateral environmental agreements (MEAs)
- # Relevant dispute settlement bodies, including the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), arbitral bodies and the WTO.

Other topics may include:

- # Freedoms of the seas in contested areas of jurisdiction (such as Sea Shepherd and Greenpeace's Arctic Sunrise)
- # The role of Indigenous rights, subsistence and artisanal practices
- # Selected regional approaches to fisheries management
- # The influence of legal approaches to climate change, especially with respect to low-lying island coastal states.

**Learning Outcomes:**

A student who has successfully completed this subject will:

- # Have an advanced and integrated understanding of the law of the sea, including recent developments in this field of law and practice
- # Be able to critically examine, analyse, interpret and assess the effectiveness of these rules, including the Law of the Sea Convention and associated agreements, instruments of the Food and Agriculture Organisation, instruments from the International Maritime Organization, international trade law and international environmental law
- # Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as the equitable division of marine resources between coastal and non-coastal states, the use of unilateral trade measures to address illegal, unregulated and underreported (IUU) fishing, the use of labelling on marine protects and the emergence of marine protected areas
- # Have a sophisticated appreciation of historical and contemporary perspectives relating to the exploration, utilization, exploitation and preservation of marine resources, including fish stocks and whales, and relevant theoretical and practical approaches, including with respect to commons-resource use and new governance
- # Have an advanced understanding of the global ecological, social and economic context of the law of the sea, including the scope and potential for interaction between relevant norms and institutions
- # Have a detailed understanding of the effectiveness, levels of compliance and enforcement of various approaches, including with reference to dispute settlement
- # Have the cognitive and technical skills to independently examine, research and analyse the range of international institutions relating to marine resource utilisation, sustainability and conservation with examples drawn from the United Nations, International Whaling Commission, regional fisheries management organisations and other bodies
- # Have the cognitive and technical skills to generate critical and creative ideas relating to the use of law in the management and conservation of marine species and resources
- # Have the communication skills to clearly articulate and convey complex information regarding selected issues of the law of the sea to relevant specialist and non-specialist audiences
- # Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of the law of the sea.

**Assessment:**

In-class presentation and 1,000–1,500 word written presentation (25%) (9 December) 7,500 word research paper (75%) (8 February 2016) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.

<b>Prescribed Texts:</b>	Specialist printed material will be made available from Melbourne Law School. Yoshifumi Tanaka, <i>The International Law of the Sea</i> (Cambridge University Press, 2015)
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70398/2015">www.law.unimelb.edu.au/subject/LAWS70398/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Majors/Minors/Specialisations:</b>	Tailored Specialisation Tailored Specialisation