

## LAWS70398 Law of the Sea and Marine Species

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<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 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 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, contact the Melbourne Law Masters office. 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> ) or phone +61 3 8344 6190. Alternatively, visit our 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>	Marine species are depleting globally at an alarming rate. Traditional legal methods that seek to achieve the sustainable utilisation and preservation of fish stocks and whales have largely failed. This subject provides an overview of the established international regimes – including the Law of the Sea Convention – and introduces students to alternative and emerging laws relating to marine species. Students will investigate and critique voluntary management endorsed by the United Nations Food and Agriculture Organisation (FAO), trade measures and subsidy policy developed under the auspices of the World Trade Organization (WTO) and conservation pursuant to environmental treaties, and will consider how these manifold approaches relate to one another within the system of international law. The lecturer has published widely on fisheries law, trade law and on the interaction between international legal regimes. Principal topics will include:

	<ul style="list-style-type: none"> <li># The Law of the Sea Convention and associated instruments governing the high seas, including the Fish Stocks Agreement</li> <li># 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</li> <li># The International Convention for the Regulation of Whaling</li> <li># Relevant trade agreements, including proposals to discipline fisheries subsidies under the World Trade Organization (WTO)</li> <li># Relevant multilateral environmental agreements, including the Convention on the International Trade in Endangered Species (CITES)</li> <li># Relevant dispute settlement bodies, including the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), arbitral bodies and WTO panels</li> <li># Selected international case studies, including with respect to blue fin tuna, swordfish, whales and seals.</li> </ul> <p>Other topics may include:</p> <ul style="list-style-type: none"> <li># Trade rules relevant to the use of labelling and accreditation of fisheries and fish products</li> <li># Selected regional approaches to fisheries management</li> <li># The impact of international law on indigenous fishing practices</li> <li># The relevance of legal regimes relating to fisheries to other global resources, including the reduction of greenhouse gas emissions.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the utilization and exploitation of marine species, including fish stocks and whales, in a global ecological, social and economic context</li> <li># Understand traditional and emerging legal approaches to the management and conservation of marine species</li> <li># Understand the international legal framework governing marine species and likely future trends, including from the Law of the Sea Convention and associated agreements, instruments of the Food and Agriculture Organisation, international trade law and international environmental law</li> <li># Understand the range of international institutions relating to marine species utilization, sustainability and conservation with examples drawn from the United Nations, International Whaling Commission, regional fisheries management organisations and other bodies</li> <li># Understand the effectiveness, levels of compliance and enforcement of various approaches, including with reference to dispute settlement</li> <li># Be able to critically assess the scope for interaction between relevant norms and institutions</li> <li># Be able to draw upon relevant theoretical and practical approaches, including with respect to regime interaction, global administrative law, new governance and commons-resource use</li> <li># Be able to analyse cross-cutting legal issues with respect to other examples of finite global resources, including air quality in the context of the climate change regime</li> </ul>
<b>Assessment:</b>	In-class presentation and 1,000–1,500 word written presentation (25%) (12 November) 7,500 word research paper (75%) (31 January 2013) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<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/masters/courses-and-subjects/subject-details/sid/5274">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5274</a>