



UNSW Course Outline

JURD7586 Law of the Sea - 2024

Published on the 25 Aug 2024

General Course Information

Course Code : JURD7586

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

The Law of the Sea is that body of international law which regulates the activities of States in their international relations concerning maritime matters. It is one of the most dynamic and important areas of international law, and is of particular importance to Australia, which possesses one of the largest maritime areas on earth. This course aims to examine the current

legal regime governing ocean uses. The course will examine the major maritime zones recognised in international law and the rules relating to the various uses of the seas including fishing, shipping and navigation, scientific research and mining. It will examine the way in which disputes over conflicting uses of the seas arise and the manner in which they are handled and will look at the interrelationship between the public international law of the sea and municipal law with particular reference to matters of importance to Australia.

This course is also available to students undertaking relevant postgraduate non-law degree programs at UNSW, provided such enrolment is approved by the appropriate non-law Faculty.

Main Topics

- The history of the Law of the Sea
- Baselines and internal waters
- The territorial sea
- The exclusive economic zone
- The high seas
- The international sea bed area
- Maritime boundary delimitation
- Nationality of ships
- Proscribed activities
- Navigation
- Fishing
- Protection of the marine environment
- Marine scientific research
- Sea bed mining.

Relationship to Other Courses

This course draws on foundational knowledge of international law, such as the sources of international law, the law of treaties, jurisdiction and state responsibility. Students who have not previously studied international law should read the chapters on these topics in a standard international law textbook. Please consult the convenor for recommendations if needed.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Engage in advanced, integrated and critical analysis of the law of the sea, including key areas of the law of the sea which are currently the subject of debate and reform, from a range of perspectives (PLOs 1 & 6)
CLO2 : Demonstrate advanced knowledge and understanding of, and the ability to critically analyse, evaluate and apply, complex key legal concepts, doctrines and principles in the law of the sea (PLOs 1, 5, 6 & 12)
CLO3 : Demonstrate advanced knowledge of, and the ability to critically analyse and apply, the texts of the law of the sea including treaties, UN Documents, case law and academic commentary (PLOs 1, 5, 6 & 12)
CLO4 : Demonstrate an advanced and contextual knowledge of the law of the sea and the relevant international legal institutions through concise written and oral arguments supported by doctrinal disciplinary knowledge and interdisciplinary policy perspectives and adequate reference to a range of legal and interdisciplinary research sources using appropriate legal citation (PLOs 5, 6 & 12)
CLO5 : Demonstrate effective independent legal research and written communication skills by articulating complex legal concepts and analysis clearly and persuasively in self-directed research essays on specialized topics relating to the law of the sea (PLOs 5, 6, 9, 10 & 12)
CLO6 : Demonstrate the ability to think critically and to justify ideas in a reasoned manner and communicate effectively, in a scholarly, reflective and respectful manner, both in speaking and in writing, to diverse audiences (PLOs 5, 6, 9, 10 & 12)

Course Learning Outcomes	Assessment Item
CLO1 : Engage in advanced, integrated and critical analysis of the law of the sea, including key areas of the law of the sea which are currently the subject of debate and reform, from a range of perspectives (PLOs 1 & 6)	<ul style="list-style-type: none"> • Class Participation • Negotiation Exercise • Research Essay/Assignment (6000 words)
CLO2 : Demonstrate advanced knowledge and understanding of, and the ability to critically analyse, evaluate and apply, complex key legal concepts, doctrines and principles in the law of the sea (PLOs 1, 5, 6 & 12)	<ul style="list-style-type: none"> • Class Participation • Negotiation Exercise • Research Essay/Assignment (6000 words)
CLO3 : Demonstrate advanced knowledge of, and the ability to critically analyse and apply, the texts of the law of the sea including treaties, UN Documents, case law and academic commentary (PLOs 1, 5, 6 & 12)	<ul style="list-style-type: none"> • Class Participation • Negotiation Exercise • Research Essay/Assignment (6000 words)
CLO4 : Demonstrate an advanced and contextual knowledge of the law of the sea and the relevant international legal institutions through concise written and oral arguments supported by doctrinal disciplinary knowledge and interdisciplinary policy perspectives and adequate reference to a range of legal and interdisciplinary research sources using appropriate legal citation (PLOs 5, 6 & 12)	<ul style="list-style-type: none"> • Class Participation • Negotiation Exercise • Research Essay/Assignment (6000 words)
CLO5 : Demonstrate effective independent legal research and written communication skills by articulating complex legal concepts and analysis clearly and persuasively in self-directed research essays on specialized topics relating to the law of the sea (PLOs 5, 6, 9, 10 & 12)	<ul style="list-style-type: none"> • Class Participation • Negotiation Exercise • Research Essay/Assignment (6000 words)
CLO6 : Demonstrate the ability to think critically and to justify ideas in a reasoned manner and communicate effectively, in a scholarly, reflective and respectful manner, both in speaking and in writing, to diverse audiences (PLOs 5, 6, 9, 10 & 12)	<ul style="list-style-type: none"> • Class Participation • Negotiation Exercise

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

This course is run as three-hour seminars across the term, which involve a socratic method of teaching. Students will be assigned readings that they are required to read before class and are

ready to discuss during class.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Negotiation Exercise Assessment Format: Individual	20%	
Research Essay/Assignment (6000 words) Assessment Format: Individual	60%	

Assessment Details

Class Participation

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

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- CLO6 : Demonstrate the ability to think critically and to justify ideas in a reasoned manner and communicate effectively, in a scholarly, reflective and respectful manner, both in speaking and in writing, to diverse audiences (PLOs 5, 6, 9, 10 & 12)

Detailed Assessment Description

Students are expected to arrive at class having read set materials and be prepared to discuss them in class. A mark is given for the level of contribution each student makes to the learning in the class. Assessable class participation is designed to:

- encourage preparation for class;
- encourage students to learn, think, analyse, reflect and evaluate legal material prior to covering that content in class;
- assist students to develop the capacity to think clearly and to present oral arguments;
- develop collaborative and group learning skills.

To provide opportunities to all students to participate, students will be organised into specific groups that are "on call" for each class. Those students will be sought out by the teacher first of all to answer questions about the topics covered in that class. Further information on this approach will be set out in the Moodle site for the course.

Assessment information

Class Participation Marking Criteria

Each student will be assessed for class participation against the following criteria:

Quality of contribution:

- Relevance
- Ability to analyse and identify key issues
- Ability to develop a logical argument
- Facilitation of class discussion by comments or thoughtful questions
- Ability to contribute creative and critical thoughts
- Ability to see wider issues
- Cogency of arguments

Quality of preparation for class:

- Evidence of reading, analysis and understanding
- Consistency of preparation
- Indication of reading outside set materials

Contribution to group climate:

- Preparedness to listen to others
- Respect for other people's ideas
- Constructive criticism
- No domineering

- Helping other students

Attitude to learning and the subject:

- Interest and motivation
- Attentiveness in class
- Willingness to contribute
- Progress in participation for those with initial difficulty

Oral communication skills:

- Articulateness
- Conciseness

Students will lose marks for class participation if they are using translation software during class. For students who have English as a second language, the class environment is an opportunity to advance oral communication skills in English through listening and practice of English.

Generative AI Permission Level

No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

Class participation requires you to discuss issues raised during class and should involve statements and responses based on your preparation and understanding of the reading materials. There should be no need to engage with generative AI to make oral statements, give responses or ask your own questions during class. Instead, class time is an opportunity to engage with the available written material and to think and articulate views orally. Generative AI or translation tools may only be used in preparing notes prior to class, but are not to be used during the classes.

Negotiation Exercise

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

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- CLO4 : Demonstrate an advanced and contextual knowledge of the law of the sea and the relevant international legal institutions through concise written and oral arguments supported by doctrinal disciplinary knowledge and interdisciplinary policy perspectives and adequate reference to a range of legal and interdisciplinary research sources using appropriate legal citation (PLOs 5, 6 & 12)
- CLO5 : Demonstrate effective independent legal research and written communication skills by articulating complex legal concepts and analysis clearly and persuasively in self-directed research essays on specialized topics relating to the law of the sea (PLOs 5, 6, 9, 10 & 12)
- CLO6 : Demonstrate the ability to think critically and to justify ideas in a reasoned manner and communicate effectively, in a scholarly, reflective and respectful manner, both in speaking and in writing, to diverse audiences (PLOs 5, 6, 9, 10 & 12)

Detailed Assessment Description

Students will prepare a written brief for a fictitious government that outlines a negotiation position the country should take in relation to a question on the law of the sea.

The negotiation exercise will enable students to provide a critique of arguments for and against a particular proposal, informed by legal principles and policy considerations. Students will need to undertake research to support their negotiation advice to their government, considering the arguments in support of and counter-arguments against a proposition.

The written brief will be assessed on the basis of the following criteria:

- demonstrated understanding of the law of the sea principles at stake in the negotiations
- depth of research
- development of arguments and counter-arguments
- clarity of structure and expression
- accurate referencing

A rubric and marking guide will be provided on the Moodle site for the course.

The Negotiation Exercise assessment provides considerable opportunity for students to develop critical legal thinking, independent research skills, as well as demonstrating advanced writing

and comprehension ability. The assessment is further intended to provide an opportunity for students to think both creatively and deeply in developing arguments and counter-arguments. This assessment also builds skills of legal analysis and professional communication.

Assessment Length

1500 words including footnotes

Submission notes

Word documents are to be submitted, not PDFs

Assessment information

The style requirements for written assessments are:

- There must be double or 1 ½ spacing between lines.
- Assignments must be fully referenced in accordance with the most recent edition of the *Australian Guide to Legal Citation*, <http://www.law.unimelb.edu.au/mulr/aglc>.
- Assignments should include footnotes, but no bibliography is required. Failure to appropriately reference may amount to plagiarism and referred for investigation by School Student Integrity Advisers.
- The word limit for assignments is calculated by reference to all discursive text in the main body and the footnotes. Footnotes should not include additional commentary or information beyond the necessary references. The following penalties will apply to the total available marks for that piece of assessment only:
 - Up to 10% excess - 10% penalty
 - 10%+ up to 20% excess - 15% penalty
 - 20%+ up to 30% excess – 25% penalty
 - 30%+ excess and above – 30% penalty
- The Faculty policy in relation to the late submission of assessments applies.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Please see Other Useful Information regarding Academic Integrity

Research Essay/Assignment (6000 words)

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO1 : Engage in advanced, integrated and critical analysis of the law of the sea, including key areas of the law of the sea which are currently the subject of debate and reform, from a range of perspectives (PLOs 1 & 6)
- CLO2 : Demonstrate advanced knowledge and understanding of, and the ability to critically analyse, evaluate and apply complex key legal concepts, doctrines and principles in the law of the sea (PLOs 1, 5, 6 & 12)
- CLO3 : Demonstrate advanced knowledge of, and the ability to critically analyse and apply, the texts of the law of the sea including treaties, UN Documents, case law and academic commentary (PLOs 1, 5, 6 & 12)
- CLO4 : Demonstrate an advanced and contextual knowledge of the law of the sea and the relevant international legal institutions through concise written and oral arguments supported by doctrinal disciplinary knowledge and interdisciplinary policy perspectives and adequate reference to a range of legal and interdisciplinary research sources using appropriate legal citation (PLOs 5, 6 & 12)
- CLO5 : Demonstrate effective independent legal research and written communication skills by articulating complex legal concepts and analysis clearly and persuasively in self-directed research essays on specialized topics relating to the law of the sea (PLOs 5, 6, 9, 10 & 12)

Detailed Assessment Description

Students are to submit a research essay on a specific topic of international law of the sea. This assessment provides students with an opportunity to engage in an in-depth study of a contemporary issue in the law of the sea, either responding to one of the assigned questions or, with convenor's permission, engaging in a topical question of their own choice. Students wishing to pursue a topic of their own choice must submit to the convenor (via email) the specific research question that they wish to explore and a 500 word outline of the topic before October 23; failure to do so will result in the Research Essay being marked at zero. The assigned questions will be posted on Moodle.

To demonstrate sufficient engagement with scholarly literature, important commentaries and relevant case law, ALL students must cite to:

- UNCLOS and at least two other law of the sea treaties
- at least two journal articles from the *International Journal of Marine and Coastal Law*
- at least two journal articles from *Ocean Development and International Law*
- at least one journal article from *Marine Policy*
- either the *Virginia Commentary* or the *Proelss Commentary*
- at least two cases decided in the UNCLOS dispute settlement regime

These sources reflect the minimum requirements of research and students are encourage to progress well beyond these parameters. These research requirements apply to both the assigned questions and to topics selected by students.

The marking criteria for the research essay, and the accompanying rubric, will be posted on Moodle.

The Research Essay assessment provides considerable opportunity for students to develop critical legal thinking, for student reflection and deep learning. The Research Essay also facilitates students developing independent research skills, analytical skills as well as demonstrating advanced writing and comprehension ability.

Assessment Length

6000 words including footnotes - maximum

Submission notes

Word documents are to be submitted, not PDFs.

Assessment information

The style requirements for written assessments are:

- There must be double or 1 ½ spacing between lines.
- Assignments must be fully referenced in accordance with the most recent edition of the *Australian Guide to Legal Citation*, <http://www.law.unimelb.edu.au/mulr/aglc>.
- Assignments should include footnotes, but no bibliography is required. Failure to appropriately reference may amount to plagiarism and referred for investigation by School Student Integrity Advisers.
- The word limit for assignments is calculated by reference to all discursive text in the main body (including headings) and in the footnotes. The following penalties will apply to the total available marks for that piece of assessment only:
 - Up to 10% excess - 10% penalty
 - 10%+ up to 20% excess - 15% penalty

- 20%+ up to 30% excess – 25% penalty
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Generative AI Permission Level

Simple Editing Assistance

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For more information on Generative AI and permitted use please see [here](#).

Please see Other Useful Information regarding Academic Integrity

General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Grading Basis

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Seminar	Topics: Introduction / History / Overview / Land-Locked States
Week 2 : 16 September - 22 September	Seminar	Topics: Baselines / Islands / Sea-Level Rise
Week 3 : 23 September - 29 September	Seminar	Topics: Territorial Sea / International Straits / Archipelagos
Week 5 : 7 October - 13 October	Seminar	Topics: EEZ / Fishing / Protection of Marine Biodiversity
Week 7 : 21 October - 27 October	Seminar	Topics: Continental Shelf / Deep Seabed Mining / Introduction to High Seas
Week 8 : 28 October - 3 November	Seminar	Topics: Military Activities / Maritime Crime / Other Maritime Security Concerns
Week 9 : 4 November - 10 November	Seminar	Topics: Maritime Boundary Delimitation / Dispute Settlement under UNCLOS
Week 10 : 11 November - 17 November	Seminar	Topics: Contemporary Issues in the law of the sea

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

General Schedule Information

Classes for this course are held on either Wednesdays or Fridays from 1pm-4pm. Please consult the timetable for room details. Classes commence on either September 11 or 13, with no classes scheduled for either Week 4 (October 2 or 4) or Week 6 (October 16 or 18).

Course Resources

Prescribed Resources

Yoshifumi Tanaka, *The International Law of the Sea* (4th edition, 2023, Cambridge University Press).

A reading list for each seminar will be provided on Moodle with additional readings including in Leganto.

Recommended Resources

Donald R Rothwell and Timothy Stephens, *The International Law of the Sea* (3rd edition, 2024,

Robin Churchill, Vaughan Lowe and Amy Sander, *The Law of the Sea* (4th edition, 2023, Manchester University Press)

Additional Costs

Not applicable

Course Evaluation and Development

Student feedback will be gathered through informal discussions throughout the term, as well as an informal mid-term evaluation.

Student feedback will also be collected through the UNSW myExperience survey at the end of term to inform future iterations of this course by this teacher.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Natalie Klein		357, Law Building	+61 (2) 9065 2909	Student consultation available by appointment	Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment

submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.