



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.LL.B.(HONS.)

DETAILS OF COURSE OFFERED

EVEN SEMESTER – ACADEMIC YEAR 2021-22

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	1002 IL SP VII	LAW OF THE SEA - I	4	1		4	5

A. CODE AND TITLE OF THE COURSE: 1002 IL SP VII

LAW OF THE SEA - I

B. COURSE CREDIT: 4 (TOTAL MARKS 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. GITANJALI GHOSH

E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH

1. OBJECTIVE OF STUDY

The objectives of the course are as follows:

- To provide students with an understanding of the international law of sea
- To discuss the development of the international law of the sea
- To introduce students to the concepts of territorial sea, contiguous zone, EEZ, Archipelagos, International Straits etc.
- To introduce students to UNCLOS and other international legal instruments

2. COURSE LEARNING OUTCOME

At the completion of the course, it is expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary law of the sea problems in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course and produce at least one research paper of publishable quality
- Desire to take up international law for further studies

3. DETAILED STRUCTURE OF THE COURSE

Module 1

Historical Development of the Law of the Sea

Mare Liberum
Mare Clausum

Codification of the Law of the Sea

The Hague Conference for the Codification of International Law (1930)
The First UN Conference on the Law of the Sea (1958)
The Second UN Conference on the Law of the Sea (1960)
The Third UN Conference on the Law of the Sea (1973–1982)

Development after UNLCOS III

General considerations
Adoption of two Implementation Agreements
De facto amendment of the UNCLOS through Meetings of States Parties
Development of the law of the sea through international organisations

Module 2

Baselines

Normal baselines
Straight baselines

Juridical bays
Historic bays
Bays bordered by more than one State
River mouths
Ports
Islands
Reefs
Low-tide elevations

Internal Waters

Spatial scope
Legal status
Jurisdiction of the coastal State over foreign vessels in internal waters
Access to ports
Ships in distress at sea

Territorial Sea

Legal status
The right of innocent passage
Rights and obligations of the coastal State concerning innocent passage

Module 3

International Straits

Legal framework for international straits prior to 1982
Typology of international straits under the UNCLOS
International straits under Part III of the UNCLOS
International straits outside the scope of Part III of the UNCLOS
The right of transit passage
Rights and obligations of coastal States bordering straits
Customary law character of the right of transit passage
Non-suspendable innocent passage
Legality of creation of bridges in international straits

Archipelagos

Definition of an archipelago, archipelagic States and archipelagic waters
Archipelagic baselines
Jurisdiction of archipelagic States over archipelagic waters
The right of innocent passage through archipelagic waters
The right of archipelagic sea lanes passage
Rights and obligations of an archipelagic State

Contiguous Zone

The concept of the contiguous zone

Coastal State jurisdiction over the contiguous zone

Exclusive Economic Zone

- Evolution of the concept
- Legal status
- Sovereign rights over the EEZ
- Jurisdiction of coastal States over the EEZ
- Freedoms of third States
- Residual rights

4. PRESCRIBED READINGS

- YOSHIFUMI TANAKA, *THE INTERNATIONAL LAW OF THE SEA* (Cambridge University Press 2012).
- R.R. CHURCHILL AND A.V. LOWE, *LAW OF THE SEA* (3d ed. Manchester University Press 1999).
- R.P. ANAND, *ORIGIN AND DEVELOPMENT OF THE LAW OF THE SEA* (Martinus Nijhoff Publishers 1983).
- JAMES HARRISON, *MAKING THE LAW OF THE SEA* (Cambridge University Press 2011).
- LOUIS B. SOHN, *LAW OF THE SEA IN A NUTSHELL* (Thomson Reuters 2006).