



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

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

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER – ACADEMIC YEAR 2022-23**

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	1003 IL SP VIII	LAW OF THE SEA - II	4	1		4	5

**A. CODE AND TITLE OF THE COURSE: 1003 IL SP VIII**

**LAW OF THE SEA - II**

**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 introduce students to the concepts of continental shelf, High Seas, The Area, marine pollution, marine biological diversity, marine scientific research, piracy etc.
- To introduce students to UNCLOS and other international legal instruments
- To provide students with an understanding of the dispute settlement process under UNCLOS

## 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 (SPECIFYING COURSE MODULES AND SUB-MODULES)

### Module 1

#### Continental Shelf

Evolution of the concept

Spatial scope

Criteria for determining the outer limits of the continental shelf beyond 200 nautical miles

Commission on the Limits of the Continental Shelf

Payments concerning the exploitation of the continental shelf beyond 200 nautical miles

The sovereign rights of the coastal State over the continental shelf

Freedoms of third States

#### High Seas

Spatial scope

Principle of the freedom of the high seas

Principle of the exclusive jurisdiction of the flag State

The nationality of a ship

Problems associated with flags of convenience

Exceptions to the exclusive jurisdiction of the flag State: the right of visit and the right of hot pursuit

#### The Area

Spatial scope  
Principle of the common heritage of mankind  
International Seabed Authority  
System for the exploration and exploitation of resources of the Area  
The 1994 Implementation Agreement

### **Land-locked and geographically disadvantaged states**

Land-locked States and access to the sea  
The navigational rights of land-locked States  
Land-locked and geographically disadvantaged States and uses of the oceans

## **Module 2**

### **Conservation of marine living resources**

Conservation of marine living resources prior to 1982  
Conservation of marine living resources under the UNCLOS: the zonal management approach and the species specific approach  
Development after the UNCLOS

### **Protection of the marine environment**

Typology of marine pollution  
Legal framework for marine environmental protection prior to 1982  
Protection of the marine environment in the UNCLOS  
Regulation of land-based marine pollution  
Regulation of vessel-source marine pollution  
Dumping at sea  
Regulation of pollution from seabed activities

### **Conservation of marine biological diversity**

Principal approaches to conservation of marine biological diversity  
Global legal frameworks for the conservation of marine biological diversity  
Marine Protected Areas

## **Module 3**

### **Marine scientific research**

The concept of marine scientific research  
Regulation of marine scientific research in the UNCLOS  
Legality of military and hydrographic surveys in the EEZ  
International cooperation in marine scientific research  
Transfer of technology

### **Maintenance of international peace and security at sea**

The suppression of piracy  
Regulation of unlawful offences and weapons of mass destruction at sea  
Military exercises in the EEZ  
Regulation of nuclear weapons at sea

### **Dispute resolution under United Nations Convention on the Law of the Sea**

Principle of Compulsory Settlement  
Exceptions to Principle of Compulsory Settlement  
Conciliation  
Arbitration  
Special Arbitration  
ITLOS  
Sea-Bed Disputes Chamber

#### **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).