



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

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

DETAILS OF COURSE OFFERED

EVEN SEMESTER (X) – ACADEMIC YEAR

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

**A. CODE AND TITLE OF THE COURSE: 1003 IL SP VIII,
LAW OF THE SEA - II**

B. COURSE CREDIT: 4 (TOTAL MARKS 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. GITANJALI GHOSH

E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH

1. COURSE OBJECTIVES

Traditionally, international law was the law that governed the conduct of States in their relations with each other. Gradually, international law has also come to govern individuals, international organizations and even corporations. In today's globalizing world, it has emerged as one of the significant subjects for study. It is not an exaggeration to state that international law affects every person living on the globe. Law of sea is another important area in the study of international law.

In the light of the growing importance of international law, it is not only desirable but also imperative for students to have a thorough knowledge of the subject. Hence, the primary objective of this course is to generate and sustain an interest to study international law in the minds of the students.

As the students are already familiar with the basics of international law, this course will take their study one notch higher with the introduction of several important and contemporary areas of international law.

The objectives of the course, in particular, are as follows:

- Provide students with an understanding of the international law of sea
- Introduce students to the concepts of territorial sea, contiguous zone, continental shelf, EEZ, High Seas etc.
- Introduce students to UNCLOS and other international legal instruments
- Provide students with an understanding of the dispute settlement process

2. TEACHING METHODOLOGY

The teaching methodology shall aim at the generation of critical thinking among the students. The topic for a particular class shall be informed to the students before hand and readings shall be assigned to them for the said topic. They are expected to have a basic idea about the topic prior to the class. Subsequent to a brief lecture on the topic, there shall be class discussion on the same as well as on the readings assigned. Pursuant to the class discussion, the teacher shall substantiate the issues raised and answer any questions posed or left unanswered. Debates shall also be organized at regular intervals.

3. COURSE OUTCOMES

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

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

4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The examinations shall be closed book. Internal assessment shall carry 70% (140 marks) and external assessment shall carry 30% (60 marks).

2 Assignments of 20 marks each	40 marks
Seminar	20 marks
2 Class Tests of 35 marks each	70 marks
Attendance	10 marks
Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE-I

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

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

MODULE-II

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
 - Fishing rights
 - Exploitation of non-living resources in the oceans
 - Marine scientific research

MODULE-III

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-IV

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

6. PRESCRIBED READINGS

- Yoshifumi Tanaka, *The International Law of the Sea* (Cambridge University Press 2012) Chapters 4, 5, 7, 8, 9, 10, 11, 12 and 13.
- R.R. Churchill and A.V. Lowe, *Law of the Sea* (3rd edn, Manchester University Press, 1999) Chapters 8, 9, 11, 12, 15, 16, 17 and 18.
- Malcolm Evans, 'The law of the sea' in Malcom D. Evans (ed.), *International Law* (4th edn, OUP 2014) Chapter 22.
- Martin Dixon, *Textbook on International Law* (7th edn, OUP 2013) Chapter 8.
- V.K. Ahuja, *Public International Law* (Lexis Nexis 2016) Chapter 11.
- Louis B. Sohn, *Law of the Sea in a nutshell* (Thomson Reuters, 2006) Chapter 10.
- Surya P. Subedi, 'The United Nations and the Trade and Transit Problems of Landlocked States', in Martin Ira Glassner (ed.), *The United Nations at Work* (Greenwood Publishing 1998) 134.
- Kishor Uprety, 'Landlocked States and Access to the Sea: An Evolutionary Study-of a Contested Right' (1993-94) 12 DICK. J. INT'L L. 401.
- Helmut Tuerk, 'The Landlocked States and the Law of the Sea' (2007) 40 REV. BDI 91.
- Guy Des Rosiers, 'Once More Unto the Breach: Some Thoughts on the Future of the EEZ' (2011-12) 9 INDONESIAN J. INT'L L. 19.
- Tomme Rosanne Young, 'Legal Development on High Seas' (2006) 36 ENVTL. POL'Y & L. 190.
- BernardH Oxman, 'The High Seas And The International Seabed Area' (1989) 10 MICH. J. INT'L L. 526.
- Helmut Tuerk, 'Combating Terrorism at Sea-The Suppression of Unlawful Acts against the Safety of Maritime Navigation' (2007-08) 15 U. MIAMI INT'L &

COMP. L. REV. 337.

- Nilufer Ora, '1982 UNCLOS +30: Confronting New Complexities in the Protection of Biodiversity and Marine Living Resources in the High Seas' (2012) 106 AM. SOC'Y INT'L L. PROC. 403.
- Eugene Kontorovich, 'The Piracy Prosecution Paradox Political And Procedural Problems With Enforcing Order On The High Sea' (2012)13 GEO. J. INT'L AFF. 107.
- Adriana Fabra; Virginia Gascon, 'The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Ecosystem Approach' (2008) 23 INT'L J. MARINE & COASTAL L. 567.
- Antonio J. Rodriguez; Joshua S. Force; Michael A. Harowski; David A. Freedman, 'Evolution of Marine Pollution Law 1966-2016' (2017) 91 TUL. L. REV. 1009.
- Denzil G.M. Miller; Eugene N. Sabourenkov; David C. Ramm, 'Managing Antarctic Marine Living Resources: The CCAMLR Approach' (2004) 19 INT'L J. MARINE & COASTAL L. 317.
- Eduardo Augusto S. da C. Schneider, 'Piracy at Sea: Somalia as a Case Study' (2015) 12 BRAZ. J. INT'L L. 302.
- Florica Brasoveanu, 'Considerations regarding the Legal Protection and Preservation of the Marine Environment' (2015) 2015 ANNALS CONSTANTIN BRANCUSI U. TARGU JIU JURIDICAL SCI. SERIES 17.
- J. Ashley Roach, 'Marine Scientific Research and the New Law of the Sea' (1996) 27 OCEAN DEV. & INT'L L. 59.
- Marko Pavliha; Norman A. Martinez Guitierrez, 'Marine Scientific Research and the 1982 United Nations Convention on the Law of the Sea' (2010) 16 OCEAN & COASTAL L.J. 115.
- Monica Pathak, 'Maritime Violence: Piracy at Sea & (and) Marine Terrorism Today' (2005) 20 WINDSOR REV. LEGAL & SOC. ISSUES 65.
- Yurika Ishii, 'International Cooperation on the Repression of Piracy and Armed Robbery at Sea under the UNCLOS' (2014) 7 J. E. ASIA & INT'L L. 335
- Julian Roberts, *et al.*, 'Area-Based Management On The High Seas: Possible Application Of The Imo's Particularly Sensitive Sea Area Concept' (2010) 25 INT'L J. MARINE & COASTAL L. 483.
- Anthony Lucky, 'The Issues concerning the Continental Shelf: Reflections' (2015) 17 INT'L COMM. L. REV. 95.
- Caitlyn Antrim, 'The International Seabed Authority Turns Twenty' (2015) 16 GEO. J. INT'L AFF. 188.

International documents

- Agreement Relating to the Implementation of Part XI of the United Nations
- Antarctic Treaty (1959)
- Arctic Environmental Protection Strategy (1991)
- Code of Conduct Concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (2009) (Djibouti Code of Conduct)

- Convention for the Prevention of Marine Pollution from Land-Based Sources (1974) (1974 Paris Convention)
- Convention for the Regulation of Whaling (1931)
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988) (SUA Convention) as amended by the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005) (2005 SUA Convention)
- Convention for the Unification of Certain Rules of Law Respecting Assistance and Salvage at Sea (1910)
- Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral Resources (1977)
- Convention on the Conservation of Antarctic Marine Living Resources (1980) (CCAMLR)
- Convention on the International Regulations for Preventing Collisions at Sea (1972)
- Convention on the Liability of Operators of Nuclear Ships (1962) (Brussels Convention on Nuclear Ships)
- Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (1971)
- Declaration of Principles Governing the Seabed and the Ocean Floor, and the Sub-soil Thereof, Beyond the Limits of National Jurisdiction (1970)
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992) (Fund Convention)
- Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas (1958)
- Geneva Convention on the Continental Shelf (1958)
- Geneva Convention on the High Seas (1958)
- Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (1995)
- International Convention for the Prevention of Pollution from Ships of 1973, as modified by the 1978 Protocol (MARPOL 73/78)
- International Convention for the Prevention of Pollution of the Sea by Oil (1954)
- International Convention for the Regulation of Whaling (1937)
- International Convention for the Regulation of Whaling (1946)
- International Convention for the Safety of Life at Sea (1974) (SOLAS)
- International Convention on Civil Liability for Bunker Oil Pollution Damage (2001) (Bunker Oil Convention)
- International Convention on Civil Liability for Oil Pollution Damage (1969)
- International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (1996) (HNS Convention)
- International Convention on Maritime Search and Rescue (1979)
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971)

- International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) (London Dumping Convention)
- Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1996) (London Protocol)
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969)
- Montreal Declaration on the Protection of the Marine Environment against Pollution from Land-Based Activities (2001)
- Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-Based Sources (1985)
- New York Convention on Transit Trade of Land-locked States (1965)
- Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (1972)
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1992)
- Protocol on Preparedness, Response, and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (2000) (HNS Protocol)
- Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil (1973)
- Protocol to Amend the International Convention on Civil Liability for Oil Pollution Damages, 1969 (1992)
- Protocol to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971
- Protocol to the Antarctic Treaty on Environmental Protection (1991)
- Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1996) (London Protocol)
- Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005) (2005 SUA Convention)
- Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (2003)
- Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (2010)
- Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water (1963)
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (1971)
- United Nations Convention on the Law of the Sea (1982)
- United Nations Convention on Conditions for Registration of Ships (1986)
- Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995) (United Nations Fish Stocks Agreement)

- Washington Declaration of the Protection of the Marine Environment from Land-based Activities (1995) (Washington Declaration)

Cases

ITLOS cases

- The M/V "Norstar" Case (Panama v. Italy)
- The "Enrica Lexie" Incident (Italy v. India), Provisional Measures
- Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)
- The "Arctic Sunrise" Case (Kingdom of the Netherlands v. Russian Federation), Provisional Measures
- Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC) (Request for Advisory Opinion submitted to the Tribunal)
- The "ARA Libertad" Case (Argentina v. Ghana), Provisional Measures
- The M/V "Virginia G" Case (Panama/Guinea-Bissau)
- The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)
- Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area (Request for Advisory Opinion submitted to the Seabed Disputes Chamber)
- Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)
- The "Tomimaru" Case (Japan v. Russian Federation), Prompt Release
- The "Hoshinmaru" Case (Japan v. Russian Federation), Prompt Release
- The "Juno Trader" Case (Saint Vincent and the Grenadines v. Guinea-Bissau), Prompt Release
- Case concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures
- The "Volga" Case (Russian Federation v. Australia), Prompt Release
- The MOX Plant Case (Ireland v. United Kingdom), Provisional Measures
- The "Chaisiri Reefer 2" Case (Panama v. Yemen), Prompt Release
- The "Grand Prince" Case (Belize v. France), Prompt Release
- Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Union)
- The "Monte Confurco" Case (Seychelles v. France), Prompt Release
- The "Camouco" Case (Panama v. France), Prompt Release
- Southern Bluefin Tuna Cases (New Zealand v. Japan; Australia v. Japan), Provisional Measures
- The M/V "SAIGA" (No. 2) Case (Saint Vincent and the Grenadines v. Guinea)
- The M/V "SAIGA" Case (Saint Vincent and the Grenadines v. Guinea), Prompt Release

ICJ cases

- Territorial and Maritime Dispute (Nicaragua v. Colombia)
- Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)
- Maritime Delimitation in the Black Sea (Romania v. Ukraine)
- Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)
- Oil Platforms (Islamic Republic of Iran v. United States of America)
- Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)
- Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)
- Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)
- Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)
- Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)
- Continental Shelf (Libyan Arab Jamahiriya/Malta)
- Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)
- Continental Shelf (Tunisia/Libyan Arab Jamahiriya)
- Aegean Sea Continental Shelf (Greece v. Turkey)
- Territorial Dispute (Libyan Arab Jamahiriya/Chad)
- Frontier Dispute (Burkina Faso/Republic of Mali)