This course is meant to provide a survey of international law of the sea. After a short history of the development of the modern law of the sea, the course will focus on the legal regime established by both customary international law and the United Nations Convention on the Law of the Sea (UNCLOS). It will cover the legal regime of: internal waters; territorial Sea; international straits and archipelagos; contiguous zone; exclusive economic zone; continental shelf; high seas and the international seabed area. Due attention will be also paid to the management and conservation of living resources (including fisheries), the protection and preservation of marine environment and the settlement of law of the sea disputes. The course aims also to inquire whether, 19 years later the entry into force of UNCLOS, the international law of the sea is changing to take into more and appropriate consideration the new challenges to oceans.

Tentative Schedule of Topics:

1/17 and 1/18 Development of the Modern Law of the Sea
Earlier history (Mare clausum and mare liberum); developments until World War II; the 1958 Geneva Conventions on the law of the sea; the conclusion (1982) and entry into force (1994) of United Nations Convention of Law of the Sea

1/23 and 1/24 Baselines and equitable delimitation of maritime boundaries
Internal Waters; Territorial Sea; International Straits and Archipelagos
Legal status of the territorial sea, extent of territorial sea, right of innocent passage; straits used for international navigation; use of force in territorial sea

1/25 and 1/30 The Contiguous zone and the Exclusive economic zone
Genesis and development of the concepts of contiguous zone and exclusive economic zone; extension; nature of rights exercisable in the Contiguous zone; regulation of fishing activities and related activities in Exclusive economic zone; navigation through the Exclusive economic zone.

1/31 The Continental Shelf
The Truman Proclamation as catalyst for development of the concept; legal regime; extension and delimitation; Continental shelf beyond 200 nautical miles. Outer continental shelf in the Artic Ocean case.

2/1 The International Seabed Area
The Common heritage of mankind; the International Seabed Authority; the 1994 Implementation Agreement; legal regime of oil, gas and mineral deposits; genetic resources of the deep sea and bioprospecting. The 2011 advisory opinion of the International Tribunal for the Law of the Sea on “Responsibilities and Obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area”.
2/6 High Seas
Freedoms of the High Seas in the Modern Law of the Sea; high seas navigation in a post 9/11 World; nationality of ships and Flag State duties; flags of convenience; Piracy; hot pursuit.

2/7 and 2/8 Marine Living Resources and International Law of Fisheries
The evolution of customary and conventional law on fisheries activities in the high seas: from freedom to duty of conservation and cooperation. Regional fisheries organizations; the Straddling Stocks Agreements of 1995 and its implementation agreements. Combating illegal, unreported and unregulated (IUU) fishing. The “Southern bluefin tuna dispute”; the new dispute between Australia and Japan before the International Court of Justice on “whaling in the Antarctic”.

2/13 Protection and Preservation of the Marine Environment
State Obligations under Customary international law and under International Treaties; vessel-source pollution; MARPOL Convention; Erika and Prestige incidents; protection of vulnerable marine ecosystems in areas beyond national jurisdiction; the Gulf of Mexico oil spill case

2/14 Settlement of Law of the Sea Disputes
Part XV of UNCLOS and settlement of law of the Sea Disputes; the International Tribunal for the Law of the Sea.

2/15 Conclusions:
Oceans Management Today.

Assignments

I week: pp. 16-38
II week: pp. 44-54; 110-120; 77-96
III week: pp. 124-151 177-192
IV week: 155-164; 231-264
V week: pp. 267-272; 346-356; 417-430

Power Point Presentations posted on TWEN

Exam
The exam will be open-book. The exam will be one hour long, and will test only material on the syllabus, as emended. It will consist of three short answers. The course will be letter graded. I may increase exam grades upon active and informed participation in class.