

SYLLABUS DEL CORSO

International Law of The Sea

2526-1-F7504Q005

Aims

The course aims at providing students with in-depth knowledge of the international legal regime that presently applies to marine spaces.

Knowledge and understanding. Students will become familiar with the legal regime of maritime spaces and the activities conducted therein, comprehending the underlying reasons for the current division of spaces at sea and the distribution of sovereignty and jurisdiction among States.

Applying knowledge and understanding. Students will be able to evaluate practical cases, such as disputes between States regarding the exploitation of marine natural resources or maritime and aerial navigation within and above specific maritime spaces, in light of the knowledge acquired during the course. They will be able to understand the reasoning developed by international courts and tribunals in resolving such disputes, recognizing the application of the principles and rules of the international law of the sea.

Making judgments. Students will be able to critically consult legal texts such as international conventions, bilateral agreements between States, and soft law instruments, as well as scientific papers addressing various topics of the law of the sea.

Communication skills. Students will be able to develop well-founded arguments using the appropriate technical and legal terminology of the international law of the sea.

Learning skills. Students will be able to consult scientific literature and autonomously integrate the knowledge acquired in this course with other resources in the field of marine sciences, using a multidisciplinary approach.

Contents

The course addresses the legal regime of the seas and oceans at the world basis, as resulting from the United

Nations Convention on the Law of the Sea (Montego Bay, 1982; UNCLOS) and related legal instruments.

Detailed program

The course addresses the following topics:

1. The functions of the law of the sea.
2. The sources of the law of the sea.
3. The three principles governing marine spaces under the law of the sea: freedom, sovereignty, and the common heritage of mankind.
4. The codification of the law of the sea.
5. The construction of marine spaces under the law of the sea: baselines and related issues.
6. The cartographic construction and the legal regime of marine spaces under territorial sovereignty (internal maritime waters; territorial sea; international straits; archipelagic waters) with examples taken from international practice.
7. The cartographic construction and the legal regime of marine spaces under sovereign rights (contiguous zone; exclusive economic zone; continental shelf) with examples taken from international practice.
8. The legal regime of marine spaces beyond national jurisdiction (the high seas; the Area): the freedoms of the high seas; the exclusive jurisdiction of the flag State in the high seas and its exceptions (right of visit and right of hot pursuit at sea); the role and mandate of the International Seabed Authority and the regulations for the exploration and exploitation of the minerals of the seabed and subsoil thereof beyond the limits of national jurisdiction.
9. The conservation of marine living resources: the species-specific approach; the ecosystem, approach; the precautionary approach; the flag State responsibility; the role and measures of the Regional Fisheries Management Organizations.
10. The legal regime of marine scientific research in the different marine spaces according to the law of the sea.

Prerequisites

The course is aimed at students with a scientific background. Consequently, a basic knowledge of international law is not a prerequisite. A foundational understanding of this branch of the law is provided during the lectures through specific digressions on the characteristics of the subjects of international law, the sources of international law, and the fundamentals of the law of treaties.

Teaching form

All lectures are delivered in English. They consist of 21 two-hour in-person lectures (6 ECTS, 42 hours). All lectures are simultaneously delivered in videoconference and not recorded.

Textbook and teaching resource

The teaching resources consist of Power Point material used during the lectures, legal texts, scientific papers, and cartographic representations discussed in class. All resources are made available on the e-learning page of the

course in due time.

Semester

First semester.

Assessment method

The oral exam consists of one question cast by ballot among a list of questions uploaded on the e-learning page at the end of the semester. The list of questions covers the entire programme of the course and, therefore, students are expected to be able to expound all topics addressed in class.

The exam takes into account the following elements:

1. knowledge of the substance;
2. consistency and completeness in the exposition;
3. correct use of legal terminology;
4. ability to express oneself in a clear and concise manner.

The final mark ranges between 18/30 and 30/30 *cum laude* and is not subject to discussion or negotiation. Students may decide to withdraw from the exam before or immediately after the final mark has been stated and register to the exam of the following session.

Office hours

By appointment (e-mail ilaria.tani@unimib.it).

Sustainable Development Goals

RESPONSIBLE CONSUMPTION AND PRODUCTION | CLIMATE ACTION | LIFE BELOW WATER | PEACE, JUSTICE AND STRONG INSTITUTIONS
