UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Ocean Affairs Law and Policy

2627-1-F7504Q014

Aims

Based on the knowledge built during the course of International Law of the Sea, this course aims at providing students with a detailed comprehension of selected aspects of the law of the sea.

Knowledge and understanding. Based on their knowledge concerning the construction of maritime limits, developed in the course of International Law of the Sea, students will become familiar with the technical aspects of the law of maritime boundary delimitation and the construction of maritime boundaries between opposite and adjacent States. They will understand the role played by international courts and tribunals in the field of the law of the sea and, in particular, in maritime boundary delimitation cases. They will comprehend specific legal issues involved in ocean affairs in selected regional contexts.

Applying knowledge and understanding. Based on the knowledge built during this course, students will be able to understand and evaluate past and current disputes between States regarding the delimitation of their territorial sea, exclusive economic zone, and continental shelf. They will be able to understand the reasoning developed by international courts and tribunals in resolving such disputes, recognizing the application of the so-called three-stage approach to maritime delimitation. They will be able to understand the advantages and disadvantages of taking a dispute before a certain international court or tribunal. They will discern the complexity of regional contexts in the application and interpretation of legal instruments concerning the protection of the marine environment, the conservation and sustainable use of marine biological diversity, navigational issues, and national security.

Making judgments. Students will be able to read court judgments and arbitral awards critically, understanding the underlying legal reasoning, as well as predict, when faced with case studies, the potential outcomes in proceedings before international courts and tribunals. They will be able to evaluate priorities using a set of appropriate criteria when planning environmental conservation strategies in regional contexts and identify ad hoc instruments – for example, for establishing marine protected areas and other effective area-based conservation measures within and beyond national jurisdiction.

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 international law of maritime boundary delimitations and the relevant case law; the set of rules concerning the peaceful settlement of inter-State maritime disputes; and ocean affairs in selected regional contexts, with particular regard to the Black Sea, the Mediterranean Sea, and the Arctic Ocean.

Detailed program

The course addresses the following topics.

1. The international law of maritime boundary delimitations:

- maritime limits vs. maritime boundaries;
- types of maritime delimitations and the relevant provisions of the codified law of the sea;
- the role of international courts and tribunals in the law of maritime boundary delimitations;
- the so-called three-stage approach to maritime boundary delimitation: (1) the median/equidistance line; (2) the special/relevant circumstances leading to the boundary line's adjustment and the priority of geographical criteria, i.e., the prevention of encroachment, the marked disparity in the length of the States' relevant coasts, and the distorting effect of marine features on the boundary line; other potentially relevant circumstances and irrevelevant circumstances in maritime boundary delimitation; (3) the disproportionality check;
- situations where the three-stage approach might be inappropriate or inapplicable, with examples in case law;
- special considerations in the delimitation of specific maritime zones: territorial sea, single delimitation of sui generis zones and continental shelf; delimitation of the continental shelf beyond 200 nautical miles and the "grey area".

2. The peaceful settlement of international maritime disputes:

- the basic structure and principles of the dispute settlement under the United Nations Convention on the Law of the Sea (Montego Bay, 1982; UNCLOS) and the multiplicity of fora: the International Tribunal for the Law of the Sea; the International Court of Justice; UNCLOS Annex VII arbitration;
- the interlinkage between voluntary and compulsory procedures for dispute settlement;
- the role of experts;
- applicable law;
- preiminary proceedings;
- preliminary objections;
- final decisions;
- limitations to the compulsory procedures;
- optional exceptions to the compulsory procedures.

3. Ocean affairs in selected regional contexts:

- the Black Sea: general overview and current issues; maritime delimitations in the Black Sea; open questions;
- the Mediterranean Sea: general overview and current issues; maritime delimitations in the Mediterranean

Sea; open questions;

- the Arctic Ocean: general overview and current issues; maritime delimitations in the Arctic Ocean; the Svalbard regime; the Northwest Passage, the Northern Sea Route and the legal status of the Arctic Straits; the “Polar Code” of the International Maritime Organization; outer continental shelves in the Arctic and the legal implications of seafloor highs and ocean ridges; open questions;
- the protection of the marine environment, legal responses to the impacts of climate change, and the conservation and sustainable use of marine biological diversity from global to regional, with a focus on legal instruments establishing marine protected areas and other effective area-based conservation measures.

Prerequisites

Knowledge of the fundamental principles and instruments of reference of international law of the sea is a prerequisite for attending this course.

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

Second semester.

Assessment method

The oral exam for all students 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 | PARTNERSHIPS FOR THE GOALS