

LL4140V/LL5140V/LLD5140V/LL6140V

OCEAN LAW & POLICY IN ASIA

The main focus of this course is on the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which was adopted in 1982 after nine years of negotiations. UNCLOS purports to establish a legal order for the oceans and has been described as a “constitution for the oceans”. It reflects a carefully negotiated balance of the security and economic interests of various groups of states, including naval powers, maritime states, coastal states, island archipelagic states and land-locked states.

This course examines how UNCLOS came about, and how it is being interpreted, adapted, modified and supplemented to meet the challenges posed by developing issues and problems, including threats of piracy and maritime terrorism, military exercises and survey activities, environmental threats to coral reefs and marine biological diversity, the management of fisheries resources, and the dangers presented by maritime boundary disputes. The specific aims and objectives of the course are:

1. To provide students with an understanding of the dynamic processes by which the international law of the sea is being developed and applied, especially in Asia.
2. To examine the issue of whether the framework established in the UNCLOS is appropriate for meeting the challenges of ocean governance in Asia in this century.
3. To examine some of the most important issues and problems concerning the uses of the oceans in Asia, and the actions that must be taken at the national, regional and global levels to resolve such issues and problems.

Learning Objectives

At the end of this course students will understand how the legal regime in UNCLOS provides a legal framework for analysing contemporary problems in oceans law and policy such as: (1) the maritime disputes in the South China Sea; (2) the implications of opening the northern sea route in the Arctic Ocean to international navigation; (3) the development of regulations to protect the marine environment from deep sea mining; and (4) the initiative at the United Nations to draft a new “implementation agreement” to govern the exploration and exploitation of genetic resources beyond the limits of national jurisdiction.

Readings and Teaching Modes:

There is no required textbook. All of the required readings for each topic will be uploaded into an IVLE Workbin Folder for that topic. Study questions and discussion questions for each topic will also be uploaded into the same folder. For some topics PowerPoint presentations will also be uploaded so that you can obtain an overview of the topic before you begin the readings. Discussion Problems may be issued for some topics.

All classes will be conducted as interactive seminars. Students are expected to come to class prepared to ask questions and engage in a discussion of the readings. Some classes will be organized as “workshops” in which students will be required to work in teams in preparation for class, and to then make presentations in class. Students will be evaluated for the contributions to class discussions, and it will account for 25% of the final grade.

Tentative Schedule of Topics

1. History of LOS & 1982 UNCLOS
2. Dispute Settlement Regime in UNCLOS
3. Principles Governing the High Seas
4. Baselines, Islands, Rocks & Low-Tide Elevations
5. Passage Regimes
6. Straits & Archipelagos in SE Asia
7. Continental Shelf
8. Exclusive Economic Zone (EEZ)
9. SCS Disputes and Philippines v China case
10. Marine Scientific Research
11. Surveys, Cables & Pipelines
12. Piracy & Maritime Security
13. CLCS and Outer Shelf Claims
14. Maritime Boundary Delimitation
15. 1995 Fish Stocks Agreement
16. EEZ Fisheries & IUU Fishing
17. UNCLOS & Intl Environmental Law
18. Ship-Source Pollution
19. Pollution from Dumping & Offshore Installations
20. UNCLOS and the Arctic
21. Part XI and 1994 Implementation Agreement
22. ISA and Deep Sea Mining
23. Advisory Opinion on Deep Sea Mining
24. Marine Genetic Resources & BBNJ

Class Schedule: The class is scheduled to meet on Tuesdays and Thursdays from 12.00 to 1.20 pm

Modes of Assessment

The course will be assessed as follows: Class Participation – 25% ; Writing Assignment – 25%; and Take-Home Examination – 50%. The deadline of submitting the Writing Assignment is 9.00 am on **Monday 27 February**, which is the Monday following the one week recess. The take-home examination is tentatively scheduled on **Tuesday 18 April from 1.00 pm to 5.00pm.**