



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

Semester: IX

B.A./B.B.A. LL.B. (Hons.)

Paper Code: SPD4-905

Law of the Sea

Credit - 04

Introduction:

The law of the sea is one of the most dynamic and important areas of public international law. It provides great importance to the world communities as reflected in the wealth of customary laws, treaty laws, and judicial decisions dealing with this subject. The oceans cover about 70% of our planet and grant two significant usages: media of communication and sources of living and non-living resources. Because of these enormous advantages, the world communities have tried to codify laws governing the use of the ocean. From the first attempt to regulate law governing territorial waters in the 1930 Hague Conference for the Codification of International Law to the lengthy Third United Nations Conference on the Law of the Sea, the world communities are able to bring about one of the recognizable international instruments known as the United Nations Convention on the Law of the Sea “UNCLOS”, the constitution of the ocean.

Course Objectives:

1. To understand the background of the development of the law of sea through various international conventions.
2. To understand the concepts of baselines, territorial sea, exclusive economic zone, continental shelf, and high seas.
3. To understand the rights pertaining to innocent passage and of rights of Coastal States.
4. To understand the role of International Sea Bed Authority, Parallel System of International Seabed Mining and Pioneer Investors.

Learning Outcomes:

On the successful completion of course, students will be able to:

1. The background of the development of the law of sea through various international conventions.
2. The concepts of baselines, territorial sea, exclusive economic zone, continental shelf, and high seas.
3. The rights pertaining to innocent passage and of rights of Coastal States.
4. The role of International Sea Bed Authority, Parallel System of International Seabed Mining and Pioneer Investors.

Module - I**Historical Background**

- 1.1. Mare liberum versus Mare clausum;
- 1.2. Geneva Conventions on the Law of Sea, 1958 - Geneva Convention on Territorial Sea and Contiguous Zone, 1958; Geneva Convention on Continental Shelf, 1958;
- 1.3. Geneva Convention on the Conservation of Fishing Resources, 1958; and Geneva Convention on High Sea, 1958;
- 1.4. Common Heritage of Mankind – Relevance to Contemporary Law of the Sea;
- 1.5. U. N. Convention on the Law of Sea, 1982;

Module - II**Baselines, The Territorial Sea and the Contiguous Zone**

- 2.1. Baseline: Meaning, Significance and Drawing Baseline;
- 2.2. The Rights of Coastal and other States in the territorial sea, Breadth of Territorial Sea;
- 2.3. The Right of Innocent Passage, The Passage through International Straits;
- 2.4. Contiguous Zone – Breadth, Rights and Duties in the Contiguous Zone;
- 2.5. Delimitation of Adjacent and Opposite Territorial Waters.

Module - III

The Continental Shelf and the Exclusive Economic Zone

- 3.1. Exclusive Economic Zone: Breadth of the EEZ, Rights, Jurisdiction, and duties of the Coastal States;
- 3.2. Rights and Duties of the other States in the EEZ;
- 3.3. Continental Shelf: Conceptualization;
- 3.4. Rights of Coastal and other States in Continental Shelf;
- 3.5. Relationship between EEZ and Continental Shelf.

Module - IV

The High Seas, The Sea Bed and Dispute Resolution

- 4.1. The High Seas: Freedom of the High Seas, The legal status of the High Seas;
- 4.2. Jurisdiction on the high seas, the exception to flag State Jurisdiction;
- 4.3. The International Sea Bed Authority; Parallel System of International Seabed Mining;
- 4.4. Pioneer Investors;
- 4.5. Dispute Settlement Mechanisms in the Law of the Sea, South China Sea and its Related Matters.

Prescribed Legislations:

1. The U. N. Convention on the Law of Sea, 1982.
2. The Geneva Convention on the Conservation of Fishing Resources, 1958.
3. The Geneva Convention on High Sea, 1958.
4. The Geneva Conventions on the Law of Sea, 1958.
5. The Geneva Convention on Territorial Sea and Contiguous Zone, 1958.
6. The Geneva Convention on Continental Shelf, 1958.

Prescribed Books:

1. Pallab Das, THROUGH THE LENS OF MARITIME LAW: A WORLD VIEW, (EBC, ed. 1, 2023).
2. George Walton Dalzell, THE LAW OF THE SEA, (Palala Press, 2016).
3. U. N. Gupta, THE LAW OF THE SEA, (Atlantic, ed. 1, 2005).
4. Yoshifumi Tanaka, THE INTERNATIONAL LAW OF THE SEA, (University of Copenhagen, ed. 3, 2019).

5. Donald R. Rothwell, Tim Stephens, *THE INTERNATIONAL LAW OF THE SEA*, (Bloomsbury Academic, 2010).
6. Donald Rothwell, *THE OXFORD HANDBOOK OF THE LAW OF THE SEA*, (Oxford University Press, 2015).
7. Robin Churchill and Vaughan Lowe, *THE LAW OF THE SEA*, (Melland Schill Studies in International Law, ed. 4, 2022).

Prescribed Readings

1. Frank Boas, *Landlocked Countries and the Law of Sea*, SECTION OF INTERNATIONAL AND COMPARATIVE LAW BULLETIN, (1959).
2. R. Y. Jennings, *A Changing International Law of Sea*, THE CAMBRIDGE LAW JOURNAL, (1972).
3. Robin R. Churchill, *Law of Sea*, THE INTERNATIONAL AND COMPARATIVE LAW QUARTERLY, (1988).
4. Shigeru Oda, *Dispute Settlement Prospects in Law of Sea*, (THE INTERNATIONAL AND COMPARATIVE LAW QUARTERLY, (1995).
5. Shigeru Oda, *Fisheries Under the United Nations Convention on the Law of the Sea*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW (1983).
6. Xuechan Ma, *The South China Sea Dispute*, ATLANTISCH PERSPECTIEF, (2016).

Suggested Readings:

1. Alan E. Boyle, *Marine Pollution under the Law of Sea Convention*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW, (1985).
2. Arthur Nussbaum, *The Significance of Roman Law in the History of International Law*, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, (1952)
3. John R. Stevenson and Bernard H. Oxman, *The Preparations for the Law of the Sea Conference*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW, (1974).
4. Jonathan L Charney, *The Implications of Expanding International Dispute Settlement Systems*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW, (1996).
5. Luke T. Lee, *The Law of Sea Convention and Third States*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW, (1983).
6. Myres S. McDougal, *The Hydrogen Bomb Tests and Law of Sea*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW (1955).

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