

Law of the Sea and Protection of Oceans (C002500)

Due to Covid 19, the education and evaluation methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size	<i>(nominal values; actual values may depend on programme)</i>			
Credits 3.0	Study time 90 h	Contact hrs	39.0 h	
Course offerings and teaching methods in academic year 2021-2022				
A (semester 1)	English	Gent	seminar: coached exercises	8.75 h
			lecture	30.0 h
Lecturers in academic year 2021-2022				
Maes, Frank		RE22	lecturer-in-charge	
Offered in the following programmes in 2021-2022			crdts	offering
Master of Science in Marine and Lacustrine Science and Management			3	A

Teaching languages

English

Keywords

International law, law of the sea, protection of seas, marine spatial planning.

Position of the course

Providing understanding of the international legal rules dealing with the use of the sea, its natural resources and the environmental protection of the oceans. To provide knowledge of the international legal norms and standards with respect to various activities that can take place within the marine environment. To provide in depth knowledge concerning international principles and rules to protect oceans and seas, the international organisations involved and the application of those principles and rules in state practice. Learn to assess critically the developments of international norms and standards in order to evaluate the relation between the law of the sea and the economic, political and security aspects involved.

Contents

The course starts with a general introduction to international environmental law and law of the sea. The legal status of the various maritime areas will be extensively dealt with (internal waters, territorial sea, EEZ, high seas, continental shelf, deep seabed beyond national jurisdiction). An analysis will be made of some functional elements, such as fisheries, pollution, navigation, passage through international straits. The legal status of natural non-living resources, sovereignty and sovereign rights of states will be explained. After the exploitation rights, the accompanying duties will be dealt with. The focus is on general principles of international environmental law: the duty to prevent pollution/damage, the precautionary principle/approach, the polluter pays principle, sustainable development/management, common but differentiated responsibilities, the duty to consult and to inform. Finally, specific rules to protect oceans and seas will be explained in depth based on the sources (rivers, air, ships, dumping) and threats (climate change), as well as international civil liability rules and compensation for damage in case of shipping accidents at sea.

Initial competences

There are no specific prerequisites save those that follow from obtaining a master's degree and the willingness and interest to develop a multidisciplinary, scientific and critical attitude.

Final competences

- 1 Knowledge of international legal rules regulating the use and the protection of the sea in all of its aspects, and maritime spatial planning.
- 2 Understanding legal texts and be able to independently apply the rules in actual situations.

- 3 Critical thinking in the framework of multidisciplinary scientific research, education and consultation. Legal assessment of actual occurrences at sea within the framework of the law of the sea.

Conditions for credit contract

Access to this course unit via a credit contract is determined after successful competences assessment

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Lecture, seminar: coached exercises, lecture: response lecture

Extra information on the teaching methods

- Ex cathedra and additional documentation material on Ufora. Guest lecturers for specific themes.
- Coached exercise: students will apply what they have learned during lectures in the development of a marine spatial plan (MSP), which takes into account the rights and duties of states, in particular coastal states and flag states, when planning activities at sea (oil and gas exploitation, renewable energy, fisheries) and the designation of marine protected areas.

Learning materials and price

- Tanaka, Y., *The International Law of the Sea*, Cambridge University Press, 2019 (third edition), 557 p. (Cost: € 55).
- Law of the Sea Convention (10 december 1982) – pdf op Ufora (free of charge)
- Power points supporting the lectures– on Ufora (free of charge)

References

- Attard, J.D. (ed.), *The IMLI Manual on International Maritime Law. Vol. I. The Law of the Sea*, Oxford University Press, 2014, 723 p.
- Rothwell, D.R., Oude Elferink, A.G., Scott, K.N., Stephens, T. (eds.) *The Oxford Handbook of the Law of the Sea*, Oxford University Press, Oxford, 2015, 850 p.

Course content-related study coaching

Students can contact the assistants during office hours for additional explanations.

Evaluation methods

end-of-term evaluation and continuous assessment

Examination methods in case of periodic evaluation during the first examination period

Written examination with open questions

Examination methods in case of periodic evaluation during the second examination period

Written examination with open questions

Examination methods in case of permanent evaluation

Participation, job performance assessment

Possibilities of retake in case of permanent evaluation

not applicable

Extra information on the examination methods

Evaluation will be based on written exam and active participation in the MSP game.

Calculation of the examination mark

- 80% written exam
- 20% participation MSP game