



ROYAL UNIVERSITY OF LAW AND ECONOMICS
ENGLISH LANGUAGE BASED BACHELOR OF LAW

COURSE SYLLABUS: LAW OF THE SEA

Credit Value: 3

Total Hours: 45 Hours (15 Classes)

Summer Term, 2017

(22 May – 08 September 2017)

Time: 5:45 – 8:30 PM

Room: B29

Lecturer: Dany Channraksmeychhoukroth

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Telephone: +855 77 698 828

Office Hour: Monday - Friday (prior appointment is needed)

1. Course Description

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.

This law of the sea course will start off by highlighting the main landmarks that shaped the history of the law of the sea. It will introduce students to the current legal regime governing ocean uses. It will examine the various maritime zones recognized in international law and the rules regulating the uses of the oceans including navigation, shipping, fisheries, scientific research, marine protection, oil and gas exploration and exploitation, and deep sea-bed mining. Where it would be difficult to cover all of the rules governing those maritime zones and the use of the ocean, this course will focus on the use of the United Nations Convention on the Law of the Sea as a main source of discussion.

Because of a tremendous advantages that ocean could offered, States try to delimit their maritime boundary in a way that provide significant benefits to themselves. They, however, could not delimit their boundary without referring to the available methods provided under customary international law and UNCLOS to delimit their boundary. The topic on maritime boundary delimitation will not end without looking at where Cambodia stands when discussing its relationship with the law of the sea and how Cambodia have claimed its maritime boundary.

This course will also apportion time to discussing the available mechanisms for dispute settlement by looking at the mechanisms already available and will analyze landmark and recent disputes pertaining to the law of the sea. Furthermore, it will discuss the challenges faced by international communities concerning the management of the ocean in this 21th century.

To sum up, this course will explain how importance it is to study law of the sea and student will gain a practical understanding of the concept. This course will limit itself to focusing the law of the sea applicable in time of peace and not in time of war.

2. Course Objectives

This course has five objectives.

- a. Students will be asked to read assigned materials (legal texts, articles, and cases) that would help them to deepen their understanding of the concepts and rational behind principles in law of the sea.
- b. Students will be required to examine and analyze the prevalent legal concepts of the international legal regime governing the use of the oceans.
- c. Students will be asked to actively participate in class discussion on various topics ranging from the rights and duties that States have in various maritime zones to dispute settlement mechanisms.

- d. Students will be challenged to solve hypothetical law of the sea cases, where they need to identify the legal issues and legal rules, and analyze the case using the knowledge they have acquired during their studies.
- e. Students will be required to prepare a report discussing the current challenges faced by international communities dealing with the application and interpretation of UNCLOS.

3. Expected Learning Outcomes

After completing the course students will be able to:

- Define keywords and key concepts in law of the sea
- Identify the international legal regime of the sea including maritime zones under national jurisdiction and maritime zones beyond national jurisdiction
- Generate a good understanding of the rights and duties of States and, possibly, other players in the various maritime zones
- Understand the available methods used for delimiting the maritime areas and evaluate how a certain State’s claim to maritime zones is recognized under international law or not
- Analyze legal issues and apply the relevant rules to a hypothetical law of the sea cases
- Write a report discussing the current challenges and possibly its solution.

4. Teaching Methods

Each class will be a lecture with Socratic teaching methods, which students are expected to actively participate in classroom/group discussion, in-class exercise, student presentations and others. There will be one seminar almost at the end of the course where students need to present their paper to their classmates.

All students are required to finish the assigned reading and homework prior to coming to classes. The schedule of the assigned reading and homework is shown below in section 8, Teaching Outline.

Required course materials include materials created by the lecturer, the laws and textbooks mentioned in section 7. The lecturer will explain how students can obtain copies of the required materials.

5. Student Assessment

Assessment will consist of attendance, class participation, quizzes, homework, group assignment, mid-term exam, and final exam.

Attendance	10%
Class participation and Quizzes	10%
Homework and Assignment	20%

Midterm	20%
Final exam	40%

Attendance is 10% of the total assessment. One score will be deducted each time for an unexcused absence. Students who are absent for 5 times will not be allowed to take a final exam, which means they need to re-take the course.

Class participation and Quizzes account for another 10%. Participation when you are called does not produce any class participation credits. Students who participate actively and effectively when they are not called on may have their final grade bumped up from their exam grade to the next higher grade (e.g. bumped up from B to B⁺). Quizzes are usually conducted in the end of each unit; however, there might be surprised quizzes sometimes.

Homework accounts for 10% while assignment is 10%. The lecturer will give you reading and writing homework every week.

Midterm exam will be given approximately halfway through the course and will cover only the materials in the first part of the course. The midterm will consist of multiple-choice questions, short answer questions, and a case study.

The final exam will be given at the end of the course and will cover all the discussed topics. The lecturer will instruct further information on the final exam.

6. Class Policies

Academic Dishonesty: ELBBL takes plagiarism and any form of cheating seriously, and we do not tolerate them. Students must refrain from involving in such academic dishonesty in any direct or indirect manner, as there would be serious consequences upon them.

Attendance, Absence Policy & Lateness: All students are required to attend one session weekly on Tuesday or Thursday, from 5:45 pm to 8:30 pm in Room B29. Attendance at class is obligatory. Any failure to attend class will be followed up by the lecturer or assigned person. If you are likely to be absent from any class, for whichever reason, you are advised to discuss this with the lecturer, preferably before the class or as soon as possible in case of an emergency, which makes it impossible for you to see your lecturer beforehand. If you are sick, you should inform the lecturer and/or the ELBBL Office by e-mail at the earliest possible. If your illness extends for more than one week, you have to submit a medical certificate to the ELBBL Office.

Students are encouraged to come on time. If a student is likely to come to class late on a regular basis for good cause, s/he must seek permission from the lecturer in advance; otherwise, s/he will receive score deduction based on the discretion of the lecturer.

Use of Electronic Devices: All uses of any electronic devices in classes (phones, pads, or laptops, etc...) are prohibited unless permitted by the lecturer.

Others: Students must not littering the classroom and make sure that the room is neat and clean.

7. Reading Texts

The materials used for this course are divided into categories: essential reading and further reading.

Essential Reading:

1. Convention on the Territorial Sea and the Contiguous Zone (1958).
2. Convention on the Continental Shelf (1958).
3. Convention on the High Seas (1958).
4. Convention on Fishing and Conservation of the Living Resources of the High Seas (1958).
5. United Nations Convention on the Law of the Sea (1982).
6. Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain [1995] (United Nations, International Court of Justice, February 15, 1995).
7. Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal [2012] (Germany|DE International Tribunal For The Law Of The Sea, March 14, 2012).
8. The Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India, (Permanent Court of Arbitration, July 7, 2014).
9. The South China Sea Arbitration between The Republic of the Philippines and the People's Republic of China, (Permanent Court of Arbitration, July 12, 2016).
10. Churchill, Robin Rolf, and Alan Vaughan Lowe. *The Law of the Sea*. Manchester University Press, 1999.
11. Division for Ocean Affairs and the Law of the Sea. *Handbook on the Delimitation of Maritime Boundaries*. United Nations Publications, 2000.
12. Evans, Malcolm. *International Law*. Oxford University Press, 2010.
13. Klabbers, Jan. *International Law*. Cambridge University Press, 2013.
14. Shaw, Malcolm N. *International Law*. Cambridge University Press, 2008.
15. Tanaka, Yoshifumi. *The International Law of the Sea*. Cambridge University Press, 2012.
16. Vukas, Budislav. *The Law Of The Sea: Selected Writings*. Martinus Nijhoff Publishers, 2004.

Further Reading

1. Aust, Anthony. *Handbook of International Law*. New York, The United State of America: Cambridge University Press, 2005.
2. Dany, Channraksmeychhoukroth, "Methodologies for Delimiting the Adjacent Maritime Boundary between Cambodia and Thailand: A View on International Jurisprudence." Nagoya University, 2015.
3. Evans, Malcolm D. "Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v Bahrain)." *The International and Comparative Law Quarterly* 51, no. 3 (July 2002): 709–18.

4. Hang, Chuon Naron, “Maritime Dispute between Cambodia and Thailand and International Jurisprudence.” Royal University of Law and Economics, 2013.
5. Schofield, Clive Howard. “Maritime Boundary Delimitation in the Gulf of Thailand.” Durham University, 1999.
6. Other academic journal and cases will be provided in the future.

8. Teaching Outline

Session No./ Date	Topics	Assigned Reading for Next Class	Homework	Note
1 23/May/17 25/May/17	Introduction to course syllabus Unit 1: Law of the sea in prospective <ol style="list-style-type: none"> 1. Sources of International Law of the Sea 2. Principle of the International Law of the Sea 3. The Codification of the Law of the Sea 4. United Nations Convention on the Law of the Sea, the Constitution of the Ocean <ul style="list-style-type: none"> - Overview of UNCLOS - Legal implications of entry into force of UNCLOS 	Evans, <i>International Law</i> , 654-657; <i>Handbook on the Delimitation of Maritime Boundaries</i> , 1-8.		
2 30/May/17 03/Jun/17	Unit 2: Baselines and Its Related Issues <ol style="list-style-type: none"> 1. Baselines and Its Construction <ul style="list-style-type: none"> - Normal Baselines - Straight Baselines 2. Validity of Baseline 3. Islands and Low-tide Elevation 	Evans, <i>International Law</i> , 657-665.		
3 06/Jun/17 08/Jun/17	Unit 3: Marine Zones under National Jurisdiction: Territorial Sovereignty <ol style="list-style-type: none"> 1. Internal Waters, Ports, 	Klabbers, <i>International Law</i> , 237-241.	Case study will be provided later.	

	<p>Historic Waters and Bays</p> <ul style="list-style-type: none"> - Legal status of internal waters - Rights and duties of the coastal state <p>2. Territorial Sea</p> <ul style="list-style-type: none"> - Development of the concept - Breadth of the territorial sea - Rights of innocent passage <p>3. International Straights</p> <p>4. Archipelagic Waters</p>			
<p>4</p> <p>13/Jun/17</p> <p>15/Jun/17</p>	<p>Unit4: Marine Zones under National Jurisdiction: Sovereign Rights</p> <p>1. Contiguous Zone</p> <ul style="list-style-type: none"> - Development of the concept - Breadth of the contiguous zone - Legal status of the contiguous zone - Rights and duties of the coastal state - Archaeological and historical objects <p>2. Exclusive Economic Zone</p> <ul style="list-style-type: none"> - Breadth of the EEZ - Rights, jurisdiction, and duties of the coastal state - Rights and duties of the other states in the EEZ <p>3. Continental Shelf</p> <ul style="list-style-type: none"> - Development of the continental shelf - Rights of the coastal state over the continental shelf - Rights of other state in the continental shelf - Relationship between EEZ and continental shelf 	<p>Klabbers,</p> <p><i>International Law</i>, 241-243;</p> <p>Evans,</p> <p><i>International Law</i>, 666-671 & 675-677.</p>		

<p>5 20/Jun/17 22/Jun/17</p>	<p>Unit 5: Maritime Spaces Beyond National Jurisdiction</p> <ol style="list-style-type: none"> 1. The High Seas <ul style="list-style-type: none"> - The legal status of the high seas - Freedom of the high seas - Jurisdiction on the high seas - The exceptions to flag state jurisdiction 2. The Area <ul style="list-style-type: none"> - Background and development of the concept - The Principle of Common Heritage of Mankind - The International Sea Bed Authority - The system of exploitation 	<p>Tanaka, <i>The International Law of the Sea</i>, 188-190 & 198-213.</p>		
<p>6 27/Jun/17 29/Jun/17</p>	<p>Unit 6: Maritime Boundary Delimitation</p> <ol style="list-style-type: none"> 1. The Need for Maritime Boundary Delimitation 2. Norms and Rules Applicable to Maritime Boundary Delimitation 3. Factors Exerting Influences on Maritime Boundary Delimitation 4. Common Methods Applicable to Maritime Boundary Delimitation 		<p>Individual research on Cambodia and its related maritime claims or delimitation.</p>	<p>Discussion on Assignment and Seminar</p>
<p>7 04/Jul/17 06/Jul/17</p>	<p>Unit 7: Cambodia and Its Maritime Delimitation</p> <ol style="list-style-type: none"> 1. Cambodia and Its Relationship with Law of the Sea 2. Claims to Its Baselines and 		<p>.</p>	

	<p>Maritimes Zones</p> <p>3. Challenges and Its Future</p> <p>REVIEW FOR MIDTERM EXAMINATION</p>			
<p>8</p> <p>11/Jul/17</p> <p>13/Jul/17</p>	<p>MIDTERM EXAMINATION</p>	<p>Churchill & Lowe, <i>The Law of the Sea</i>, 255-276.</p>		
<p>9</p> <p>18/Jul/17</p> <p>20/Jul/17</p>	<p>Unit 8: Navigation, Shipping and the International Maritime Organization “IMO”</p> <ol style="list-style-type: none"> 1. Nationality of Ships 2. Duties and Jurisdiction of the Flag State 3. Rights of Navigation and Safety of Shipping 4. IMO and its Conventions 	<p>Tanaka, <i>The International Law of the Sea</i>, 353-361; Churchill & Lowe, <i>The Law of the Sea</i>, 221-228.</p>	<p>Case study will be provided later.</p>	
<p>10</p> <p>25/Jul/17</p> <p>27/Jul/17</p>	<p>Unit 9: Maritime Terrorism and Security at Sea</p> <ol style="list-style-type: none"> 1. Piracy and Armed Robbery at Sea 2. Illicit Trafficking of Weapons of Mass Destruction at Sea 3. Military Uses of the Sea 4. Regulations of Nuclear Weapons at Sea 	<p>Churchill & Lowe, <i>The Law of the Sea</i>, 447-459;</p>		
<p>11</p> <p>01/Aug/17</p> <p>03/Aug/17</p>	<p>Unit 10: Peaceful Settlement of International Disputes</p> <ol style="list-style-type: none"> 1. Settlement of Dispute under General International Law 2. Settlement of Dispute under UNCLOS 3. South-China Sea and Its Related Matters 	<p>Reading materials will be provided later</p>	<p>Case study will be provided later.</p>	
<p>12</p>	<p>Unit 11: Ocean Management and the Law of the Sea in the 21st</p>			

08/Aug/17 10/Aug/17	Century: Uniformity or Fragmentation? Flexibility or Unresponsiveness? <ol style="list-style-type: none"> 1. Evolution in the Law of the Sea 2. High Sea Fisheries and Marine Pollution 3. Land-Locked and Geographically Disadvantaged States 4. Critiques on South China Sea Arbitration 			
13 15/Aug/17 17/Aug/17	SEMINAR			
14 22/Aug/17 24/Aug/17	REVIEW FOR FINAL EXAMINATION			
15 29/Aug/17 31/Aug/17	FINAL EXAMINATION			

9. About the Instructor

Dany, Channraksmeychhoukroth

Adjunct Lecturer in Law, RULE-ELBBL

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Education Background

LL.M in Comparative Law, Nagoya University (Japan)

Specialized Areas of Law: law of the sea, public international law, international environmental and ocean law, contract law, and international commercial arbitration.

Other Interested Areas: international human rights and refugee law, international humanitarian law, and international trade law.

* Please let me know if you see any errors in this syllabus, or if you have any questions about it.