

FACULTY OF LAW OF THE UNIVERSITY OF LISBON

Academic year 2022/2023

PUBLIC INTERNATIONAL LAW II (DIREITO INTERNACIONAL PÚBLICO II)

Law degree – 4th year (day classes)

INTERNATIONAL LAW OF THE SEA

Prof. Dr. Fernando LOUREIRO BASTOS

I. COURSE CONTENTS

PART I. INTRODUCTION

CHAPTER I. GENERAL ASPECTS

1. Short presentation of the matters included in the International Law of the Sea course
2. International Law of the Sea and International Maritime Law
3. The importance of Public International Law for a proper understanding of the International Law of the Sea
4. Maritime spaces subjected to sovereignty or jurisdiction of coastal States, international maritime spaces and internationalized maritime spaces
5. Coastal States and other types of States
6. Oceans' governance

7. Reference to the materials available for the study of the International Law of the Sea

CHAPTER II. HISTORY OF THE INTERNATIONAL LAW OF THE SEA

8. Reference to the period before 1945
9. The Conferences of the United Nations on the Law of the Sea
10. The United Nations Convention on the Law of the Sea

CHAPTER III. SOURCES OF INTERNATIONAL LAW OF THE SEA

11. Customary international law
12. Treaty law
13. Decisions of international courts and tribunals
14. Other sources of International Law of the Sea

PART II. MARITIME SPACES

CHAPTER I. MARITIME SPACES SUBJECTED TO THE SOVEREIGNTY OR JURISDICTION OF THE COASTAL STATES

15. Internal waters
16. Territorial sea and the contiguous zone
17. Exclusive economic zone
18. Continental shelf
19. Archipelagic waters

CHAPTER II. INTERNATIONAL MARITIME SPACES AND INTERNATIONALIZED MARITIME SPACES

20. High seas

21. The Area

CHAPTER III. DELIMITATION OF MARITIME SPACES

22. Delimitation of traditional maritime spaces

23. Delimitation of exclusive economic zones and continental shelves up to 200 nautical miles

24. Delimitation of continental shelves beyond 200 nautical miles

PART III. ACTIVITIES UNDERTAKEN IN THE MARITIME SPACES

25. Navigation

26. Management of living resources

27. Exploration and exploitation of non-living resources

28. Marine environmental protection

PART IV. DISPUTE SETTLEMENT IN THE LAW OF THE SEA

29. Dispute settlement under Part XV of the United Nations Convention on the Law of the Sea

30. International Tribunal for the Law of the Sea

II. ASSESSMENT

According to article 23 of the *Faculty of Law of the University of Lisbon Evaluation Rules*:

- i) All the classes of the course are simultaneously theoretical and practical and mandatory under the Faculty of Law of the University of Lisbon Evaluation Rules;
- ii) The evaluation will be done through the oral presentation of one or two research papers (lasting 15 minutes each, accompanied by a written paper of 10 pages for each of the oral presentations);
- iii) Students who achieve a positive assessment equal to or greater than ten marks taking in consideration the two oral presentations (and also the written paper(s)) are approved;
- iv) Students who have a negative evaluation of eight or nine marks shall present themselves to a written final exam, and those who obtain a grade equal to or greater than ten marks will be approved;
- v) Students who want to improve their grades will submit a research paper of no fewer than 15 pages, which will be submitted to oral discussion.

III. BASIC LEGAL LITERATURE AND MATERIALS

A. LEGAL LITERATURE:

David ATTARD, Malgosia FITZMAURICE and Norman A. MARTINEZ GUTIERREZ (editors), *The IMLI Manual on International Maritime Law – Volume I. The Law of the Sea*, Oxford University Press, 2014

Robin CHURCHILL and Alain LOWE, *The Law of the Sea*, 3rd ed., Manchester University Press, 1999

Prof. Dr. Fernando LOUREIRO BASTOS, PUBLIC INTERNATIONAL LAW II (DIREITO INTERNACIONAL PÚBLICO II) – INTERNATIONAL LAW OF THE SEA – 2022-2023

Fernando LOUREIRO BASTOS, *A internacionalização dos recursos naturais marinhos*, AAFDL, Lisboa, 2005 [Portuguese]; and *Direito Internacional do Mar. Guia de Estudo*, AAFDL, 2017 [Portuguese]

Armando M. MARQUES GUEDES, *Direito do Mar*, 2nd, Coimbra Editora, 1998 [Portuguese]

Donald ROTHWELL and Tim STEPHENS, *The International Law of the Sea*, 2nd edition, Hart, 2016

Donald ROTHWELL, Alex G. Oude ELFERINK, Karen N. SCOTT and Tim STEPHENS (editors), *The Oxford Handbook of the Law of the Sea*, Oxford University Press, 2015

Yoshifumi TANAKA, *The International Law of the Sea*, 3rd ed., Cambridge University Press, 2019

B. MATERIALS:

United Nations Convention on the Law of the Sea of 10 December 1982

Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted on 28 July 1994

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted on 4 August 1995

Law n° 34/2006 of 28 July (Portugal) – Determines the extent of maritime spaces under national sovereignty or jurisdiction and the powers the Portuguese state has on those maritime spaces, as well as the powers it has on the high seas [Determina a extensão das zonas marítimas sob soberania ou jurisdição nacional e os poderes que o Estado português nelas exerce, bem como os poderes exercidos no alto mar]

Louis B. SOHN, John E. NOYES, Erik FRANCKY and Kristen G. JURAS, *Cases and Materials on the Law of the Sea*, 2^a ed., Brill, 2014

**C. COMMENTARIES TO THE UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA**

Myron H. NORDQUIST (edit.), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume I*, Martinus Nijhoff, 1985

Satya N. NANDAN and Shabtai ROSENNE (edits), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume II – Articles 1 to 85. Annexes I and II. Final Act, Annex II*, Martinus Nijhoff, 1993

Satya N. NANDAN and Shabtai ROSENNE (edits), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume III – Articles 86 to 132 and Documentary Annexes*, Martinus Nijhoff, 1995

Shabtai ROSENNE and Alexander Yankov (edits), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume IV – Articles 192 to 278 Final Act, Annex VI*, Martinus Nijhoff, 1991

Myron H. NORDQUIST, Shabtai ROSENNE and Louis B. SOHN (edits), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume V – Articles 279 to 320. Annexes V, VI, VII, VIII and IX. Final Act, Annex I, Resolution I, III and IV*. Martinus Nijhoff, 1989

Satya N. NANDAN, Michael W. LODGE, and Shabtai ROSENNE (edits), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume VI – Articles 133 to 191. Annexes III and IV. Final Act, Annex I, Resolution II. Agreement relating to the Implementation of Part XI. Documentary Annexes*, Martinus Nijhoff, 2002

Satya N. NANDAN and James KRASKA (edits), *United Nations Convention on the Law of the Sea 1982. A commentary. Volume VII. Consolidated United Nations Convention on the Law of the Sea and Comprehensive Index to the Commentary Series*, Martinus Nijhoff, 2011

Alexander PROELSS (editor), *The United Nations Convention on the Law of the Sea. A Commentary*, Beck/Hart, 2017

D. RESEARCH OF LEGAL LITERATURE AND MATERIALS

Fernando LOUREIRO BASTOS, “A Internet e a promoção do Direito Internacional. Elementos para um guia de investigação jusinternacional”, in *Estudos em honra do Professor Doutor José de Oliveira Ascensão*, vol. II, Almedina, 2008, pp. 1659-1743 [Portuguese]