

POST-GRADUATE PROGRAMME

NEW CHALLENGES IN INTERNATIONAL JUSTICE AND INTERNATIONAL ARBITRATION

Curricular unit

International Law of the Sea litigation

Responsible Academic staff and respective workload in the curricular unit

Prof. Dr. Fernando Loureiro Bastos (6 hours lectures + 6 hours tutorials) and Prof. Dr. Vasco Becker-Weinberg (6 hours lectures + 6 hours tutorials)

Syllabus

1. International Law of the Sea litigation: an overview
2. International Law of the Sea arbitrations
3. International Court of Justice
4. Dispute settlement under Part XV of the United Nations Convention on the Law of the Sea (UNCLOS)
5. International Tribunal for the Law of the Sea (ITLOS): an overview
6. ITLOS: jurisdiction and procedure (contentious proceedings; advisory proceedings; incidental proceedings)
7. ITLOS: Applications for prompt release of vessels and crews
8. ITLOS: Applications for provisional measures
9. Arbitration (Annex VII UNCLOS)
10. Special arbitration (Annex VIII UNCLOS)
11. Conciliation (Annex V UNCLOS)
12. Sea-Bed Disputes Chamber of the International Tribunal for the Law of the Sea

Main Bibliography

Basic bibliography on International Law of the Sea:

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, Vaughan LOWE and Amy SANDER, *The Law of the Sea*, 4th ed., Manchester University Press, 2022

Mathias FORTEAU e Jean-Marc THOUVENIN (editors), *Traité de droit international de la mer*, Editions Pedone, 2017

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*, 4th ed., Cambridge University Press, 2023

Basic bibliography on International Law of the Sea litigation:

Manuel García GARCÍA-REVILO, *The contentious and advisory jurisdiction of the International Tribunal for the Law of the Sea*, Brill, 2015

Natalie KLEIN and Jack McNALLY, *Compliance with decisions of the Dispute Settlement Bodies of the UN Convention of the Law of the Sea*, Brill, 2023

Kriangsak KITTICHAISAREE, *The International Tribunal for the Law of the Sea*, Oxford University Press, 2021

P. Chandrasekhara RAO and Philippe GAUTIER, *International Tribunal for the Law of the Sea: law, practice and procedure*, Edward Elgar, 2018

Basic materials:

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

Statute of the International Tribunal for the Law of the Sea (Annex VI to the United Nations Convention of the Law of the Sea)

Rules of the Tribunal (ITLOS/8) as adopted on 28 October 1997 and amended on 15 March 2001, 21 September 2001, 17 March 2009, 25 September 2018, 25 September 2020 and 25 March 2021

Arbitration - Annex VII to the United Nations Convention of the Law of the Sea

Special arbitration - Annex VIII to the United Nations Convention of the Law of the Sea

Conciliation - Annex V to the United Nations Convention of the Law of the Sea

Commentary to the United Nations Convention on the Law of the Sea

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

Caselaw (ITLOS and PCA):

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA / TRIBUNAL
INTERNATIONAL DU DROIT DE LA MER, *Digest of Jurisprudence, 1996-2021 = Répertoire de
jurisprudence, 1996-2021*, ITLOS, 2021

PERMANENT COURT OF ARBITRATION (PCA), *Law of the Sea PCA Cases* (available at
<https://peacepalacelibrary.nl/law-sea-pca-cases>)

Lisboa, April 2025