

**UČNI NAČRT PREDMETA / COURSE SYLLABUS**

<b>Predmet:</b>	
<b>Course title:</b>	Law of the Sea

<b>Študijski program in stopnja</b> Study programme and level	<b>Študijska smer</b> Study field	<b>Letnik</b> Academic year	<b>Semester</b> Semester
Prvostopenjski univerzitetni študijski program Pravo			
	Law		

**Vrsta predmeta / Course type**Posebni program študijskih izmenjav /  
Special elective course for Erasmus students**Univerzitetna koda predmeta / University course code:**

<b>Predavanja</b> Lectures	<b>Seminar</b> Seminar	<b>Vaje</b> Tutorial	<b>Klinične vaje</b> work	<b>Druge oblike študija</b>	<b>Samost. delo</b> Individ. work	<b>ECTS</b>
20	30			70	60	6

**Nosilec predmeta / Lecturer:**

Prof. dr. Mirjam Škrk

**Jeziki /**  
**Languages:****Predavanja /**  
**Lectures:** English  
**Vaje / Tutorial:****Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:****Prerequisites:****Vsebina:****Content (Syllabus outline):**

## 1. Introduction

1.1. Maritime law and the law of the sea

1.2. Codification of the law of the sea

1.3. Sources of the law of the sea

1.4. Sea. Ocean space. Coastal states and their tendencies to extend jurisdiction towards the high seas.

1.5. Ship as a legal term; different categories of ships.

## 2. International Legal Regime of the Sea-General Part

2.1. Areas under the national sovereignty

2.1.1. Internal waters. Delimitation; normal baseline; straight baseline(s); straight baselines on the Eastern Adriatic coast. Rules determining the legal position of internal waters.

2.1.2. Territorial sea; breadth of the territorial sea; the right of innocent passage; meaning of innocent passage; jurisdiction of coastal state over foreign ships; delimitation of the territorial sea.

2.2. Contiguous zone

2.3. Exclusive economic zone

2.3.1. Ecological and protective zones

2.4. Continental shelf

2.5. High seas

2.5.1. Freedom of high seas and its meaning; the state jurisdiction on the high seas; piracy; right to hot pursuit.

2.5.2. The protection of archeological and historic heritage

2.5.3. The position of land-locked and geographically disadvantaged states

2.6. The (international seabed) Area

2.6.1. The notion and meaning

2.6.2. Organs

2.7. Straits used for international navigation and canals

2.7.1. Straits; general regime; special treaty regimes (Bosporus and Dardanelles; the Strait of Gibraltar; others).

2.7.2. Canals; general; special treaty regimes (Suez Canal; Panama Canal, Kiel Canal).

## 3. International Legal Regime of the Sea-Special Part

3.1. Fishing and the exploitation of the biological resources of the sea

- 3.2. International regulations on safety at sea
- 3.3. Protection of maritime environment
- 3.4. Marine scientific research (MSR)
- 3.5. International cooperation in maritime affairs (the UN, IMO)
- 3.6. Peaceful settlement of maritime disputes
- 3.7. The law of the sea in time of war and naval warfare

**Temeljni literatura in viri / Readings:**

Rothwell, D. R., Stephens, T., The International Law of the Sea, Oxford and Portland, Oregon, 2010.

Geneva Conventions on the Territorial Sea and the Contiguous Zone, on the High Seas, and on the Continental Shelf, 29 April 1958.

UN Convention on the Law of the Sea of 10 December 1982, 1833 UNTS 3.

Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, 1386 UNTS 42.

Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, 2167 UNTS 3.

**Cilji in kompetence:**

**Objectives and competences:**

The purpose of the course is to give a student a profound knowledge in the field of law of the sea as one of the legal sub-disciplines of international law. In order to upgrade the theoretical knowledge students develop the ability to resolve the concrete practical issues by analyzing the relevant treaty provisions and the case-law of the International Court of Justice as well as other international judicial bodies and tribunals.

**Predvideni študijski rezultati:**

**Intended learning outcomes:**

Znanje in razumevanje:

Knowledge and understanding:

After the concluded assignments a student will be capable of identifying the international legal regime of the sea, including its parts, and will acquire the fundamental skills and proficiency necessary for dealing with this field of law. Accordingly, a student will be capable to interpret individual concepts and to skillfully apply them in the practice.

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**Metode poučevanja in učenja:**

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**Learning and teaching methods:**

<ul style="list-style-type: none"> <li>- Presentation of basic theoretical knowledge through lectures;</li> <li>- seminars (analysis of judicial and arbitral jurisprudence and concrete treaty provisions);</li> <li>- individual assignments.</li> </ul>
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Delež (v %) /

**Načini ocenjevanja:**

Weight (in %)

**Assessment:**

Način (pisni izpit, ustno izpraševanje, naloge, projekt)		Type (examination, oral, coursework, project):  Oral examination
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**Reference nosilca / Lecturer's references:**

ŠKRK, Mirjam. National report with a special view of the case law of the Constitutional Court of the Republic of Slovenia. V: POSTIGLIONE, Amedeo (ur.). *The protection and sustainable development of the Mediterranean-Black Sea ecosystem : proceedings of the ICEF International Conference Venice, 24-26 May 2007*. Bruxelles: Bruylant, 2008, str. 632-641.

ŠKRK, Mirjam. Pomorski zakonik Republike Slovenije v luči mednarodnega prava. V: *X. dnevi javnega prava, Portorož, 14. - 16. junij 2004*, (Izobraževanje in usposabljanje v javni upravi, 2004, 1). [Ljubljana: Inštitut za javno upravo], 2004, str. 493-512.

ŠKRK, Mirjam. The prospects of marine scientific research in the contemporary practice of states. *Prinosi pored. prouč. prava međunar. pravo*, 1990, god. 21, br. 24, str. 341-370.

ŠKRK, Mirjam. OZN in pravo morja. *Teorija in Praksa*, letnik III, št. 1, Ljubljana, 2016, str. 86-102.