

Advanced Diploma in Law of the Sea and Water Law

Life Long Learning Office - 18 hours course

Venue: TBC – Version 4 (Not a DSEJ Course)

Student Fee MOP 2,800 – Minimum Number of Students 12

Course Coordination – Professor Francisco Leandro

Session	Content	Objectives
<p align="center">(4 Hours) The Law of the Sea (09h00-13h00) Professor Vasco Becker-Weinberg</p>	<ol style="list-style-type: none"> 1. Historical background, the codification of the international customary law of the sea, the United Nations Convention on the Law of the Sea (UNCLOS), fragmentation and coherence of international legal instruments dealing with the law of the sea. 2. Maritime zones and the exercise of jurisdiction and sovereignty at sea: flag States, coastal and port States. 3. Marine natural resources, within and beyond national jurisdiction 4. Delimitation of maritime boundaries 5. Protection and preservation of the marine environment 	<ul style="list-style-type: none"> • Understand the historical and legal background that framed the law of the sea rules, as well as the delicate balance achieved in UNCLOS between different interests at hand. • Recognize and distinguish the different legal regimes applicable to each maritime zone and the rights and duties of all States in each one. • Differentiate between the regimes applicable to maritime natural resources, both within and beyond national jurisdiction. • Appreciate the complexity of maritime delimitation procedures, taking into account the most relevant international jurisprudence. • Review and comprehend the legal regime applicable to the protection and preservation of the marine environment.
<p align="center">(3 Hours) Ocean Governance (15h00-18h00) Sustainability, Oceans, Ecosystems and Marine Biodiversity Professor Karen Tagulao (USJ)</p>	<ol style="list-style-type: none"> 6. Environmental Sustainability 7. The Ocean: Coastal and Marine Ecosystems 8. Biodiversity and Ecosystems Services in the Ocean 9. Conservation and protection of biodiversity and ecosystems 	<ul style="list-style-type: none"> • Understand the concept of environmental sustainability • Familiarize with the major types of coastal and marine ecosystems • Appreciate the value of biodiversity and ecosystems through the services they provide • Recognize the need to protect and conserve the ocean's biodiversity and ecosystems • Learn how to sustainably utilize biodiversity and ecosystems
<p align="center">(4 Hours) Sea-Economy and Marine Spatial Planning (09h00-13h00) Professor Vasco Becker-Weinberg</p>	<ol style="list-style-type: none"> 10. The conceptualization of the Sea-Economy and Marine Spatial Planning (MSP) 11. The EU model: Blue Growth and the role of MSP in the EU's Integrated Maritime Policy 12. Regional and international implications 13. Sustainable development (environmental, social and economic) and the protection and preservation of the marine environment 14. Protection of underwater cultural heritage (UNESCO 2001) 15. Promoting economic activities at sea and dealing with new resources, including genetic resources within and beyond national jurisdiction 	<ul style="list-style-type: none"> • Understand the concept of sea-economy and MSP, in light of the applicable legal framework being fragmented (UNCLOS, UNESCO, IMO) • Planning instruments and land and sea coordination. • Appreciate the challenges for the EU resulting from the Blue Growth and the Integrated Maritime Policy • The cross-border implications and the characteristics of the marine environment • Addressing competing for offshore economic activities and the relevance of legal certainty and security
<p align="center">(3 Hours) Freshwater in International Law (15h00-18h00) Professor Paulo Canelas de Castro (UM)</p>	<ol style="list-style-type: none"> 16. Fresh Water and its Features, Challenges 17. Evolution of the international regulation of fresh water uses: the traditional paradigm of international water law and its codification and development 18. Evolution of the international regulation of fresh water uses and protection: codification and development of the main international legal regimes 19. The emerging paradigm of international water law: environmentalisation 20. The emerging paradigm of international water law: inclusion and humanisation 	<ul style="list-style-type: none"> • Understand how the characteristics of fresh water impact the international legal discourse. • Assess the traditional uses of water internationally and recognise how international law gradually emerged to establish the traditional paradigm of international water law; description of its main features • Introduction to the codification and harmonisation endeavors in the Law of international watercourses and other main freshwater international legal regimes (e.g., transboundary aquifers) and analysis of key provisions

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	<p>21. The emerging paradigm of international water law: economicisation</p> <p>22. The emerging paradigm of international water law: institutionalisation and dispute-settlement of water conflicts</p> <p>23. Taking stock, looking ahead: perspective and prospects</p>	<p>Exploring the interface between freshwater and environmental protection and the contributions of the environmental treaties</p> <ul style="list-style-type: none">• Exploring the reconfiguration of the universe of legal subjects in the emerging international fresh water law and their legal entitlements, particularly the gradual emergence and recognition of a human right to safe drinking water and sanitation, as well as other procedural human rights• Exploring the relevance of economic uses in traditional international fresh water law and the possible application of instruments and principles of international economic law to emerging trends of valuing water as an economic good in trade and investment relations• Exploring the growing relevance of basin organisations and commissions as well as international organisations in different instances of the international governance of water matters; mapping the multiple dispute settlement mechanisms in handling current water-related disputes and the relevance of non-State actors• Assessing the main trends of progress in the development of international fresh water law and mapping the outstanding issues in search of legal response or clarification
<p>(1 Hour) Freedom of Navigation (09h00-10h00) Professor Vasco Becker-Weinberg</p>	<p>24. The Freedom of Navigation in the Law of the Sea and the opposing interests between flag States, coastal States and port States.</p> <p>25. Protection and interference with the freedom of navigation.</p> <p>26. Criminality and human rights at sea</p>	<ul style="list-style-type: none">• Understanding the principle of freedom of navigation (including the right of innocent passage and of transit passage) and flag State jurisdiction pre-emption.• Recognize the intricate legal regime applicable to the interception of foreign vessels.• Understand the complexities of Port State Control and coastal State jurisdiction• Introduce students to the complexity surrounding the combat against criminality at sea and the protection of human rights at sea.
<p>(3 Hours) Open Seminar (10h20-13h30) Maritime Spatial Planning and Management: Challenges and Opportunities for MSAR</p>	<p>27. The new legal framework: planning tools and licensing procedures;</p> <p>28. Prospects and opportunities for Blue growth in MSAR;</p> <p>29. Compatibility between different offshore uses and activities;</p> <p>30. The protection and preservation of the marine environment (classification and management of marine protected areas);</p> <p>31. Best practices: the Portuguese and Hong-Kong case-study.</p>	<ul style="list-style-type: none">• Examine and understand the concept of MSP in the context of MSAR, taking into account its role in the overall Blue Growth strategy.• Identify the challenges and opportunities facing the implementation of MSP in MSAR, such as ensuring the protection and preservation of the marine environment, sustainable development (environmental, social and economic) of offshore activities, and dealing and promoting with competing activities.