

Høst 2023

JUR-3623 ~~Protection of Marine Environment with focus on Marine Living Resources Law~~ Protection and Preservation of the Marine Environment 15 stp

formaterte: Engelsk (Storbritannia)

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The course is administrated by

Det juridiske fakultet

Type of course

The course is part of the Joint Nordic Master's programme in Environmental Law (NOMPEL), cf. Education plan with regulations for the Joint Nordic Master Programme in Environmental Law.

Only students admitted to the Joint Nordic Master's programme in Environmental Law (NOMPEL) may register for this course.

Course contents

The course primary focus of the course is the protection of the marine environment and marine ecosystems focuses on marine environmental law and the sustainable use of living marine resources.

The courseIt provides an overview over of the interaction between the international law of the sea and environmental law, looking in particular at key sources of -and offers in-depth studies marine pollution, climate change, on the conservation and management of marine living resources the protection of biodiversity in areas within and beyond national jurisdiction, and the conservation and management of marine living resources.-

The course gives a general introduction to the international law of the sea with an overview of the different maritime zones, and States' main rights and responsibilities. It provides an overview of the general duty to protect and preserve the marine environment and examines the regulation of key sources of marine pollution, including in relation to climate change.

The management and conservation of living marine resources is closely interlinked with the sovereignty or sovereign rights of States over the natural resources in areas under their national jurisdiction, and their freedom of fishing in adjacent areas of the high seas. The introduction to the international law of the sea therefore provides a general overview of the different maritime zones.

The rights and freedoms of States are to be exercised within conservation and management obligations, which have developed following recognition that harvesting living marine resources affects the marine environment. The conservation of living marine resources is part of the obligation of protection of the marine environment, as reflected by the jurisprudence of international courts and tribunals. It covers the conservation and sustainable use of marine biological diversity of areas within and beyond national jurisdiction, including under the new BBNJ Agreement. It furthermore specifically examines the conservation of living marine

resources, which is an element in the protection and preservation of the marine environment, and States' rights and responsibilities to that effect.

The course takes an international law approach but uses case studies on regional implementation will have a regional focus, providing students a special insight in the legal frameworks applicable in the North-east Atlantic/Arctic Ocean. ~~The Arctic region is environmentally vulnerable and is thus greatly affected by climate change. Climate change threatens biodiversity in areas within and beyond national jurisdiction, and affects marine ecosystems and living marine resources, such as their migratory patterns.~~

The course covers the following topics:

- An introduction to the international law of the sea with a general overview of the different maritime zones (internal waters, territorial sea, archipelagic waters, contiguous zone, exclusive economic zone (EEZ), continental shelf, high seas and the Area).
- The general obligations under the UN Convention on the Law of the Sea and customary international law to protect and preserve the marine environment.
- The interaction between the law of the sea and relevant concepts-rules and principles of international environmental law. ~~This includes the precautionary approach, the ecosystem approach, sustainable development, environmental impact assessment and marine protected areas.~~
- Global and regional legal frameworks for the sustainable use conservation and management of marine living resources ~~with a focus on international law governing sustainable fisheries in areas under national jurisdiction and beyond.~~
- Implementation of the legal obligations for sustainable use of living marine resources by regional fisheries bodies in the North-east Atlantic/Arctic Ocean.
- ~~Legal developments concerning~~ The protection of marine biodiversity in areas beyond national jurisdiction ~~(the BBNJ process);, including the new BBNJ Agreement.~~
- ~~Challenges~~ Key challenges for the protection and preservation of the marine environment international legal governance of the oceans in the context of, ~~including climate change. In particular, the course looks into aspects of climate change in relation to the management of fisheries; mitigation of climate change and ocean acidification.~~

Objective of the course

Knowledge:

Having passed the exam, the student shall have acquired:

- Advanced knowledge on-of the various maritime zones and their legal status
- ~~Advanced knowledge on the general principles of international environmental law, their relevance and scope of application in the context of the conservation of the marine environment and the sustainable use of its resources~~
- Advanced knowledge on-of the international legal regime under the UN Convention on the Law of the Sea for the protection and preservation of the marine environment
- ~~Advanced knowledge on the different legal frameworks governing the conservation and sustainable use of marine living resources~~
- ~~Advanced knowledge of implementation of international law on living marine resources at a regional level in North-east Atlantic/Arctic Ocean~~
- Specialized knowledge on the legal developments concerning conservation of marine biological diversity in areas beyond national jurisdiction (the 'BBNJ process') Advanced knowledge of the different legal frameworks governing the conservation and management of marine living resources

- Specialized insight into the protection of marine biological diversity in areas beyond national jurisdiction
- Specialized insight into the regulation of marine living resources in the North-east Atlantic/Arctic Ocean
- ~~Specialized knowledge on the role of the UN Convention on the Law of the Sea vis-à-vis the UN climate change regime for mitigating climate change and ocean acidification~~

Skills:

Having passed the exam, the student is able to:

- ~~use analyse and interpret~~ different sources of information to structure and formulate ~~scholarly and practical~~ their arguments and to ~~critically~~ discuss a key environmental challenges to the oceans ~~problem~~ from different perspectives
- ~~apply legal methodology to analyze a question of international environmental law in the marine context~~
- ~~identify and analyze questions of a theoretical and practical nature concerning the applicability of principles of international environmental law to the protection and preservation of the marine environment~~
- identify and critically interpret ~~interpret~~ the relevant sources of law for the protection and preservation of the marine environment ~~for different aspects of marine environmental protection~~
- identify and discuss the international and regional legal frameworks governing the conservation and management of marine living resources
- ~~identify and analyze critically evaluate critically the structural and issue-specific shortcomings of the current legal frameworks in light of new challenges~~
- use relevant methods for research in an independent manner
- carry out a limited research paper in accordance with applicable norms for research ethics
- ~~contextualize new challenges emerging in relation to the existing legal frameworks~~

General competence:

Having passed the exam, the student:

- can apply and transfer the acquired knowledge to new legal questions and scenarios
- can communicate effectively, both orally and in writing on legal questions concerning the protection of the marine environment
- knows how to engage in a scholarly legal argument both in discussions and in written form
- knows how to find relevant academic sources and engages in independent desktop research
- knows how to ~~formulate relevant research questions, structures and writes~~ a scholarly paper and complies with standards of academic integrity
- ~~is a able to demonstrate the ability to cooperate and effectively work as part of a team~~
- ~~master the English language and international legal terminology~~

Language of instruction

English

Teaching methods

This course uses interactive and dynamic teaching methods. The course will consist of both lectures and seminars comprising a total of 30 hours. Guest lectures may be included as an addition.

~~The seminars are primarily based on a set of problem-based practical cases. During the seminars, the students can be requested to give short oral presentations on a given topic, and to submit short written assignments.~~

Students are expected to participate actively during the lectures and seminars. Students must be prepared for lectures and seminars by studying the corresponding literature of the curriculum. For seminars in particular, students are required to prepare answers to questions before class ready to discuss in the group, and can be requested to give short oral presentations on a given topic.

Students should study independently in periods when there are no lectures or seminars.

Date for examination

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The date for the exam can be changed. The final date will be announced at your faculty early in May and early in November.

More info about the coursework requirements

The students admitted to the NOMPEL programme are required to hand in a research paper and have it accepted as adequate before they can take the exam. The research paper shall not exceed 10 pages (including footnotes, excluding bibliography and table of contents). The theme of the research paper will be provided by the Faculty.

In assessing whether the research paper is approved, the following criteria will be used:

- The students' ability to find relevant literature and discuss one or more legal research questions, applying a sound methodological approach, and referencing appropriately
- The students' ability to use legal sources critically and independently
- The students' ability to structure, present, and communicate legal arguments in a clear and precise manner

Students failing the research paper are entitled to a second attempt.