

JUR-3050 General Law of the Sea

Course content

The course covers the following topics:

- ~~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 principles and procedures for the delimitation of overlapping maritime zones and the establishment of the outer limits of the continental shelf;~~
- ~~The substantive regimes for the uses of these maritime zones, in particular the exploitation of marine resources, navigation, marine scientific research and military uses and the appurtenant rights and obligations of coastal states and other states and the role of competent international organizations therein;~~
- ~~Attention will also be paid to the role of international dispute settlement in the law of the sea, in particular the mechanism laid down in the United Nations Convention on the Law of the Sea (LOS Convention).~~
- The course also provides an introduction to the topics that will be further discussed in the continuation course JUR-3054. This will facilitate participation in JUR-3054.
 - Historical development, key institutions, and instruments of the law of the sea
 - Maritime areas under coastal State jurisdiction (internal waters, the territorial sea, archipelagic waters, the contiguous zone, the exclusive economic zone (EEZ), the continental shelf, and the extended continental shelf)
 - Maritime areas beyond coastal state jurisdiction (the high seas and the Area)
 - The rights and duties of the coastal, flag, and port State in the different maritime zones
 - Maritime delimitation and the establishment of the outer limits of the continental shelf beyond 200 nautical miles
 - The role of dispute settlement in the law of the sea

Objectives of the course

Knowledge: Having passed the exam, the student shall have acquired:

- Advanced knowledge of ~~fn~~ the various maritime zones and their legal status;

- Advanced knowledge of the rights and duties of the coastal, flag and port State in the different maritime zones and jurisdiction of coastal states and restrictions thereon within their maritime zones;
- Knowledge of the principles for the delimitation of maritime zones and delineation of the outer limits of the continental shelf beyond 200 nautical miles;
- Knowledge of international dispute settlement and the dispute settlement procedures under the 1982 Law of the Sea Convention
- Advanced knowledge on the rights and jurisdiction of states and restrictions thereon in areas beyond national jurisdiction (high seas and the Area);
- Advanced knowledge on the rights and freedoms of states relating to navigation and their limitations;
- Specialised knowledge on rights and obligations on the conservation and management of living marine resources (both commercially and non-commercially exploited species);
- Specialised knowledge on rights and obligations (both procedural and substantive) on the protection and preservation of the marine environment under the law of the sea;
- Knowledge on the dispute settlement procedures and on the rules on marine scientific research;
- Specialised knowledge on the legal regime for seabed and subsoil beyond national jurisdiction;
- Knowledge on the history of law of the sea and conservation of marine biological diversity;
- Knowledge on rules on military uses of the sea.

Skills; and general qualifications: Having passed the exam, the student will be able to:

- Be able to identify and analyse questions of theoretical and practical character in General Law of the Sea
- Be able to independently and critically apply the sources of General Law of the Sea
- Be able to identify the limitations of existing law
- Be able to use English terminology with this field of law
 - Analyse jurisdictional conflicts that can occur in the different maritime zones as well as potential problems deriving from overlapping maritime zones
 - Critically evaluate State practice vis-à-vis rules and obligations of the law of the sea
 - Identify and interpret the relevant sources of the law of the sea, using the rules on treaty interpretation
 - Apply legal methodology in analysing law of the sea questions

- Apply theoretical and practical reasoning to formulate appropriate responses to different law of the sea problems (e.g., jurisdictional conflicts, overlapping maritime zones)

General competence: Having passed the exam, the student will be able to:

- Identify and analyse law of the sea questions of a theoretical and practical character
- Communicate effectively, both orally and in writing about law of the sea questions and with proper use of relevant legal methodology and terminology
- Demonstrate the ability to work independently as well as the ability to cooperate and effectively work as part of a team

JUR-3054 General Law of the Sea II Uses of the Oceans

Course content

The course is a continuation of JUR-3050. It provides an in-depth analysis of key selected topics previously covered in JUR-3050 at an introductory level. The course covers the following topics:

- The principles and procedures for the delimitation of overlapping maritime zones and the establishment of the outer limits of the continental shelf;
- The principles of dispute settlement
- The regime for maritime scientific research
- Maritime security (piracy, terrorism and other crimes at sea)
- International security (maritime warfare, military uses at sea)

Objectives of the course

Knowledge:

Having passed the exam, the student shall have acquired:

- Advanced knowledge on principles for delimitation of maritime zones and delineation of the outer limits of the continental shelf;
- Advanced knowledge on the principles of dispute settlement
- Advanced knowledge on the regime for maritime scientific research
- Advanced knowledge on maritime security (piracy, terrorism and other crimes at sea)
- Specialised knowledge on international security (maritime warfare, military uses at sea)

Skills and general qualifications:

Having passed the exam, the student will:

- Be able to identify and analyse questions of theoretical and practical character in General Law of the Sea
- Be able to independently and critically apply the sources of General Law of the Sea
- Be able to identify the limitations of existing law
- Be able to use English terminology with this field of law

Course content

The course covers the following topics:

- Fisheries
- The exploration and exploitation of non-living marine resources (offshore energy and seabed mining)
- Navigation
- Illegal uses of the oceans, maritime enforcement, and naval operations at sea
- The role of international organizations, other institutional arrangements, and non-state actors across key marine activities

Objectives of the course

Knowledge: Having passed the exam, the student shall have acquired:

- Advanced knowledge of the international legal regime concerning living and non-living marine resources
- Advanced knowledge of the international legal regime concerning navigation
- Advanced knowledge of the international legal regime concerning illegal uses of the oceans, maritime enforcement, and naval operations at sea
- Knowledge of the challenges associated with competing uses of the oceans, and of solutions to these challenges
- Knowledge of the role of international organizations, other institutional arrangements, and other non-state actors across key marine activities

Skills: Having passed the exam, the student will be able to:

- Critically evaluate the major legal challenges arising from competing uses of the oceans
- Analyse the possibilities for and limitations to enforcement activities by coastal, flag, and port States
- Identify and interpret the relevant sources of law of the sea, using the rules on treaty interpretation
- Use legal methodology to analyse law of the sea questions
- Apply theoretical and practical reasoning to formulate appropriate responses to different problems (e.g., competing uses of the oceans, the proper management of marine resources, limitations on enforcement activities)

General competence: Having passed the exam, the student will be able to:

- Analyse complex issues in relation to uses of the oceans, both systematically and creatively
- Identify and analyse law of the sea questions of both a theoretical and practical character

- Communicate effectively, both orally and in writing about law of the sea questions with proper use of relevant legal methodology and terminology
- Demonstrate the ability to work independently as well as the ability to cooperate and effectively work as part of a team
- Evaluate current research and advanced scholarship on the uses of the oceans critically and independently, and to identify emerging and contemporary issues and debates and accordingly engage with these at an advanced level both in writing and verbally

JUR-3052 Protection of the Marine Environment by International Law

International Marine Environmental Law

Course content

The course takes general principles of international environmental law as applicable in the marine context as a starting point. Permanent sovereignty over natural resources, the no-harm rule, prevention, precaution, common but differentiated responsibilities, sustainability and other concepts all play a role for enhanced protection of the marine environment although they have not specifically developed in the context of marine environmental protection. The course focuses on the international legal rules concerning the protection of the marine environment from adverse effects of different human uses and the sustainable use of marine resources. Scientific insights, new uses (e.g. geoengineering) and the dimension of overexploitation and degradation of the marine environment lead to rapid political and legal developments in this field of international law. This is reflected by the jurisprudence of international courts and tribunals. JUR-3050 General Law of the Sea already introduces some of these issues, this course deals with them more comprehensively and places them in a context that allows for an in-depth discussion of international law regulating different human uses of the oceans and their effects on the marine environment.

The course covers the following topics:

- General principles of international environmental law, their relevance and scope of application in the context of the marine environment and their interrelation with 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 comprehensive approach of the UN Convention on the Law of the Sea towards the prevention of pollution, the role of the Convention and the International Maritime

~~Organization in regulating pollution by vessels and dumping, international rules and regulations on other forms of pollution of the marine environment~~

- ~~• Sustainable use of non-living marine resources in zones under national jurisdiction and the International Seabed Authority's role in regulating the protection of the marine environment in the context of exploration and exploitation activities of mineral resources in the Area~~
- ~~• Global and regional legal frameworks for the sustainable use of marine living resources with a focus on international law governing sustainable fisheries in areas under national jurisdiction and beyond and marine mammals~~
- ~~• Legal developments concerning marine genetic resources and marine biodiversity in areas beyond national jurisdiction including marine protected areas~~
- ~~• Overview on the challenges for international legal governance of the oceans in the context of climate change (e.g. carbon capture and storage in subsea formations, ocean fertilization, greenhouse gas emissions by vessels)~~
 - The interaction between the law of the sea and the relevant rules and principles of international environmental law
 - Obligations of states to protect and preserve the marine environment
 - Obligations of states to prevent, reduce and control key sources of marine pollution
 - The use of marine genetic resources and biodiversity protection
 - Climate change and the law of the sea

Objectives of the course

Knowledge: Having passed the exam, the student shall have acquired:

- ~~• Advanced knowledge of~~ the relevant rules and general principles of international environmental law ~~as that are~~ applicable in the context of the protection and preservation ~~conservation~~ of the marine environment and the sustainable use of its resources
- ~~•~~ Advanced knowledge on the international legal regime ~~for under the LOSC for~~ the protection and preservation of the marine environment
- Specific knowledge of relevant (international and regional) legal frameworks governing key sources of marine pollution
- ~~• Advanced knowledge on the comprehensive approach adopted by the LOSC to prevent pollution of the marine environment by different sources~~

- ~~Advanced knowledge on States' obligations when engaging in seabed activities in areas under national jurisdiction and on the International Seabed Authority's role in regulating the use of mineral resources from the perspective of environmental protection~~
- ~~Advanced Specific~~ knowledge on the ~~different~~relevant (international and regional) legal frameworks governing the conservation and /or sustainable use of marine living and non-living resources from the perspective of environmental protection
- Knowledge of the role of different global and regional bodies in the protection and preservation of the marine environment, and in the sustainable management of living and non-living resources
- ~~Advanced knowledge~~Knowledge of n the key legal developments concerning marine genetic resources and marine biological diversity ~~in areas beyond national jurisdiction, and including~~ marine protected areas (e.g., the BBNJ process and the High Seas Treaty)
- ~~Specialized k~~Knowledge of n the different legal issues that arise in the context of human uses of the oceans in relation ~~marine environment related~~ to climate change

Skills: Having passed the exam the student is able to:

- Identify and understand the pressures that different uses of the oceans and climate change place on the health of the marine environment and on the resilience of ecosystems and biodiversity
- ~~use different sources of information to structure and formulate scholarly and practical arguments and to critically discuss a 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, evaluate, and critically analyse the structural and issue-specific shortcomings of the international legal framework dealing with the protection and preservation of the marine environment
- identify and critically interpret the relevant sources of law of the law of the sea relating to the for different aspects of marine environmental protection protection of the marine environment
- ~~identify and analyze critically the structural and issue-specific shortcomings of the current legal frameworks~~
- ~~contextualize new challenges to the existing legal frameworks~~
- Use legal methodology to analyse law of the sea questions

- Apply theoretical and practical reasoning to formulate appropriate responses to different problems threatening the health of the marine environment and the resilience of ecosystems and biodiversity
- Think creatively in the development of responses to different law of the sea problems

General competence: Having passed the exam, the student will be able to:

- Acan apply and transfer ~~the~~ acquired knowledge and skills to new legal questions and scenarios
- ~~Identify and analyse law of the sea questions of both a theoretical and practical character~~
- Can communicate effectively, both orally and in writing, about ~~legal~~ law of the sea questions- with proper use of relevant legal methodology and terminology 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 able to demonstrate the ability to cooperate and effectively work as part of a team~~
- ~~master the English language and international legal terminology~~
- Demonstrate the ability to work independently as well as the ability to cooperate and effectively work as part of a team
- Identify and reflect on ethical dilemmas that may arise within the law of the sea, especially those related to the protection and preservation of the marine environment, and deal with these in a responsible manner

JUR-3053 Law of the Sea and the Arctic

Course content

The course builds on the three previous courses by using the Arctic as a case study to analyse a wide range of law of the sea issues.~~is essentially a case study of the three previous courses, referred to above.~~

The course covers the following topics:

- ~~The various maritime zones in the Arctic, their legal regimes and their consistency with international law;~~
- ~~Disputes baselines, claims to historic title over marine areas, unresolved maritime boundaries and the state of play on the establishment of the outer limits of the continental shelf;~~
- ~~Other Arctic-specific disputes, such as the spatial scope of application of the Spitsbergen Treaty and the applicability of Article 234 of the United Nations Convention on the Law of the Sea (LOS Convention) to marine areas off Canada and the Russian Federation in light of the regime of transit passage through straits used for international navigation;~~
- ~~The existing international legal regime for the governance and regulation of the marine Arctic for specific sectors (e.g. navigation, marine capture fisheries and offshore hydrocarbon activities) and the mandate and output of international bodies in this regard (e.g. the International Council for the Exploration of the Sea (ICES), the International Maritime Organization (IMO), regional fisheries management organizations and arrangements (RFMOs/As), the OSPAR Commission and the Arctic Council);~~
- ~~The adequacy of the current international legal regime for the governance and regulation of the marine Arctic in light of climate change and the increased human activity which it enables or could enable. In case the regime is determined to be inadequate, analyses will be made to determine which adjustments could be made in order to~~
 - ~~prevent, reduce and control marine pollution;~~
 - ~~ensure sustainable utilisation of marine living resources;~~
 - ~~protect and preserve marine biodiversity;~~
 - ~~deliver ecosystem-based oceans governance;~~
 - ~~safeguard the rights and interests of Arctic indigenous peoples;~~

For each of these cases, separate attention will be devoted to

- ~~The potential role and responsibility of different states and entities (Arctic and non-Arctic) in their capacities as coastal, flag or port states?;~~
- ~~The potential role of existing international bodies to deliver such adjustments;~~
- ~~The need to establish new regional bodies.~~
 - Maritime zones in the Arctic

- Law of the sea disputes in the Arctic
- Navigation in the Arctic
- Fisheries in the Arctic
- Offshore energy activities in the Arctic
- The protection and preservation of the Arctic marine environment
- The role, responsibility, rights, and interests of States and non-State actors (e.g., indigenous peoples) in marine Arctic governance
- The differences and similarities between the regulation of the marine Arctic and other relevant regions (e.g., Antarctica)

Objectives of the course

Knowledge: Having passed the exam, the student shall have acquired:

- Advanced knowledge of the various maritime zones in the Arctic, their legal status and compatibility with the law of the sea ~~on the application of the regulations of law of the sea~~ ~~on entitlements to maritime zones to the Arctic Oceans and its seas;~~
- Advanced knowledge of the specificities of the regulation of the marine environment, navigation, fishing, and energy activities in the Arctic ~~on the application of the legal regime under law of the sea and international law for the protection of the marine environment and conservation of living marine resources to the Arctic; including the role of relevant international bodies (e.g. IMO, Arctic Council and NEAFC);~~
- ~~Advanced knowledge on the existing and potential jurisdictional disputes between Arctic states and between Arctic coastal states following increased use of the marine areas (e.g. shipping, fishing and petroleum activities) and their possible resolution;~~
- ~~Advanced knowledge on the adequacy of existing legal framework for sustainable use of the Arctic Ocean and its resources and on strategies for strengthening of and other development of the framework;~~
- Advanced knowledge ~~of~~ the Svalbard Treaty, including and its implications for the legal status of the waters off the Svalbard archipelago;
- ~~Knowledge on Arctic indigenous peoples and their rights under international human rights to access and use maritime waters and their natural resources~~

- Knowledge of the rights and interests of Arctic and non-Arctic States and non-State actors, including indigenous peoples
- Knowledge of the differences and similarities between the governance of the Arctic and comparable regions (e.g., Antarctica)

Skills and general qualifications: Having passed the exam, the student will be able to:

- ~~Be able to identify and analyse questions of theoretical and practical character related to the marine Arctic and apply the knowledge acquired during the previous to address them~~
- ~~Be able to independently and critically apply the relevant sources of law~~
- ~~Be able to identify the limitations of existing law~~
- ~~Be able to use English terminology with this field of law~~

- Analyse (legal) challenges linked to the development of Arctic marine resources
- Evaluate and critically evaluate the adequacy of the current international legal regime for the governance and regulation of the marine Arctic in light of climate change and the associated (increased) human activity
- Identify, interpret, and critically evaluate the sources of the law of the sea applicable in the context of the Arctic
- Apply legal methodology to analyse law of the sea questions
- Apply theoretical and practical reasoning to formulate appropriate responses to different law of the sea problems
- Apply comparative methods to examine and evaluate the legal regulation of human activities within the Arctic
- Think creatively in the development of responses to different problems facing the Arctic

General competence: Having passed the exam, the student will be able to:

- Apply and transfer acquired knowledge and skills to new law of the sea questions and scenarios
- Demonstrate the ability to prepare for and give a lecture to others on a current law of the sea topic

- Identify and analyse law of the sea questions of a theoretical and practical character
- Communicate effectively, both orally and in writing about law of the sea questions with proper use of relevant legal methodology and terminology
- Demonstrate the ability to work independently as well as the ability to cooperate and effectively work as part of a team
- Identify and reflect on ethical dilemmas that may arise in the context of the governance of the Arctic as well as other regions and deal with these in a responsible manner.