

## **LLM Programme in Law of the Sea**

### **Follow-up of External Periodical Evaluation - Proposals for Revision**

#### **1. Mandate of the working group and areas for revision**

The Academic Affairs Committee at the Faculty of Law mandated the creation of a working group to follow-up on the recommendations outlined by the External Periodical Evaluation Committee in their evaluation report. The working group comprised the following members: Associate Professors Maria Madalena das Neves, Youri van Logchem, Eva van der Marel, and Senior Adviser Jørgen Ytreberg. More specifically, the Academic Affairs Committee at the Faculty of Law underlined that:

*“The working group is requested to undertake a comprehensive review of the LL.M Programme, with the aim of investigating and operationalising changes in the programme’s academic profile and composition.”*

The working group has sought to address the majority of recommendations outlined in the external periodical evaluation report. The working group notes that some of the recommendations included in that report should rather be addressed by the LLM Director and teachers when undertaking the normal semester revision of the syllabi, devising new course materials, selecting relevant examples to use in class, etc. This is because not all recommendations require introducing formal changes in the LLM Programme’s description or in the individual course descriptions and learning outcomes. Moreover, some of the recommendations have already been addressed (for example, the syllabi for all the LLM Programme’s courses have already been updated during 2023).

The working group focused on the following main issues:

- a) Admission requirements
- b) Creation of a new course replacing JUR-3054
- c) Changes to course descriptions and learning outcomes
- d) Changes to evaluation formats
- e) Changes to the LLM Programme description
- f) Possibility of offering both a small (30 ECTS) and a large (60 ECTS) master's thesis

These issues are addressed individually hereunder.

#### **2. Admission requirements**

In the report from the periodic evaluation of the LLM programme carried out in 2022, the evaluation committee recommended reviewing the admission requirements with a view to making them clearer and to better specify the requirements regarding the required specialization in international law or politics as a basis for admission to the programme. The working group agreed that the admission requirements should be changed in order to make them clearer and also in order to attract a larger number of applicants to the programme. The working group has discussed the external evaluation committee's recommendation but agreed that including very specific/detailed requirements in relation to international law or politics could have the effect of constraining the number of eligible applicants. Instead, the working group opted for clarifying and expanding the existing specialization requirements. Widening the specialization areas of the LLM programme requires nonetheless that candidates still demonstrate to have enough knowledge of law to ensure that they can complete the programme.

The working group consulted with UiT's International Admissions Office to form a proposal that would be in line with their requirements. The International Admissions Office also suggested that we forego the two-page motivation essay as they do not have the competence to assess these essays and the increasing use of artificial intelligence also contributes to making these largely pointless. The working group therefore proposes that the current admission requirements are changed from:

Admission to the Master's programme in Law of the Sea requires a Bachelor's degree (180 ECTS) in Law or equivalent qualification, such as three years duration in law or political science at university level. You must also document knowledge of the fundamentals of international law and international politics.

Applicants must have a minimum grade average comparable to a Norwegian C (2,5) in the ECTS scale.

Applicants with education from non-Nordic countries must document English language proficiency. You will find more information of English language requirements here:

<https://en.uit.no/admission#v-pills-735946>

Applicants must enclose an essay of approximately 2 pages in English where they describe their background and motivation for taking this Master's degree.

There are approximately 20 available places on the programme, where the best of applicants based on background, academic results and the motivational letter are admitted.

For questions about admission to this programme, contact [admission@hjelp.uit.no](mailto:admission@hjelp.uit.no)

To:

Admission to the Master programme in Law of the Sea requires a bachelor's degree (180 ECTS), with at least 80 ECTS credits specialization in law; or at least 80 ECTS credits specialization in a relevant social science subject for example, in Political Science (e.g., international relations and peace & conflict studies) or Maritime Studies (e.g., maritime policy, marine management, maritime history, maritime security, ship and port management, nautical studies) including or combined with 15 ECTS in law.

Applicants must have a minimum grade average comparable to a Norwegian C (2,5) in the ECTS scale.

Applicants with education from non-Nordic countries must document English language proficiency.

There are approximately 20 available places on the programme, where the best of applicants based on background and academic results are admitted.

For questions about admission to this programme, contact [admission@hjelp.uit.no](mailto:admission@hjelp.uit.no)

### **3. Creation of a new course replacing – JUR-3054**

The external evaluation committee recommended changing the name of the two fall courses (JUR 3050 General Law of the Sea and JUR-3054 General Law of the Sea II) and reviewing the relationship and overlap between them. In the same vein, the LLM Director and teachers on the LLM programme have also pointed in the past to the need for changing JUR-3054, addressing overlaps with JUR-3050, and including newer and more relevant topics in the curriculum. The working group therefore proposes to create a new course

replacing JUR-3054. This new course - JUR-3054 *Uses of the Oceans* - will also address another suggestion of the external evaluation committee of including a *“more systematic focus on the role of international institutions in the law of the sea, the role of non-state entities in the law of the sea, and the implications of the law of the sea gaining closer and closer ties with other areas of international law”*.

The new course outline and learning outcomes are included in the next section in which changes to all the four courses offered in the LLM Programme are addressed.

#### **4. Changes to course’s descriptions and learning outcomes**

The creation of the new course - JUR-3054 *Uses of the Oceans* – requires creating a new course description and learning outcomes. It also implies a need for reviewing the other LLM courses in order to ensure the overall coherence of the programme. The working group also took the opportunity to streamline and improve the course descriptions and learning outcomes in all the four main courses offered in the LLM programme. In this process, the working group also took into account other recommendations of the external evaluation committee, in particular:

*“Consider the inclusion of certain other general topics in the first semester of the programme, for example a more systematic focus on the role of international institutions in the law of the sea, the role of non-state entities in the law of the sea, and the implications of the law of the sea gaining closer and closer ties with other areas of international law (the relationship between the law of the sea and human rights, international trade law, international refugee law, etc.).*

*“Assess whether the topics included in JUR 3052 (Protection of the Marine Environment by International Law) can have more space in the programme of study.”*

*“Maintain focus on key law of the sea issues in the Arctic but provide for greater focus on other ocean regions in the programme of study.”*

Hereunder follow the new course descriptions, and the introduced changes to the names of JUR-3054, JUR-3052, and JUR-3053 courses. Since extensive changes were made to all courses, a word file with track changes is submitted as an annex to this document (Annex 1). Note, however, that even though the changes are extensive, this is mostly due to a rearrangement of the content of existing course descriptions, the simplification of long and detailed explanations, and the removal of content from the courses and re-allocation of this content to the newly created course. The focus of the courses in JUR-

JUR-3050, JUR-3052, and JUR-3053 remains largely the same. This is different for the proposed new course JUR-3054.

No changes have been made to JUR-3910 Master's Thesis in Law of the Sea. However, should the faculty decide to offer students the possibility of writing a 60 ECTS master thesis, it will likely require creating a separate programme to accommodate this change as explained in section 7 hereunder.

#### JUR-3050 – General Law of the Sea (the name of the course remains the same)

##### *Course content*

The course covers the following topics:

- 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 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
- Knowledge of the principles for the delimitation and delineation 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

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

- 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, etc.)

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 – Uses of the Oceans (new course)

*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 in the regulation of 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 the 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 – International Marine Environmental Law (change/simplification in the name of the course)

#### *Course content*

The course covers the following topics:

- 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 pollution
- 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:

- Knowledge of the relevant rules and principles of international environmental law applicable in the context of the protection and preservation of the marine environment and the sustainable use of its resources
- Advanced knowledge of the international legal regime for the protection and preservation of the marine environment



- Specific knowledge of relevant (international and regional) legal frameworks governing key sources of marine pollution
- Specific knowledge of different (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
- Knowledge of key legal developments concerning marine genetic resources, marine biological diversity, and marine protected areas (e.g., the BBNJ process and the High Seas Treaty)
- Knowledge of the different legal issues that arise from human uses of the oceans in relation 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
- 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 the law of the sea relating to the protection of the marine environment
- 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 qualifications: 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

- 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
- 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 – The Law of the Sea and the Arctic (a small change to the name of the course)

#### *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.

The course covers the following topics:

- 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 rights and interests of Arctic indigenous peoples in the marine Arctic
- 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 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
- Advanced knowledge of the specificities in the regulation of the marine environment, navigation, fishing, and energy activities in the Arctic
- Advanced knowledge of the Svalbard Treaty, including the legal status of the waters off the Svalbard archipelago
- 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: Having passed the exam, the student will be able to:

- 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.

## 5. Changes to evaluation formats

The external evaluation committee also recommended assessing:

*“whether more can be done in relation to variation and balance in the programme of study’s teaching and assessment methods, such as the inclusion of more working life oriented learning activities”*

*“the form of examination for the programme’s courses, including whether more courses should have a home examination followed by an oral defence”*

The LLM programme currently has the following mandatory assignments and exams formats:

- JUR-3050 – a written mandatory assignment (encompassing a theoretical and a practical case) and a 6h written school exam
- JUR-3054 – a 6h written school exam
- JUR-3052 – a 6h written school exam
- JUR-3053 – a home assignment written over 4 days combined with an oral exam

The working group discussed the value of changing the formats of the exams and mandatory assignments, and the possibility of transforming the moot court held in JUR-3054 into a mandatory assignment.

The working group concluded that the exam format in JUR-3054 should change. Instead of a 6h written school exam, the evaluation in this course should be done through a home assignment over the course of 7 days without taking an oral exam. The working group concluded that adding another oral exam would unnecessarily add to the costs of the programme. Moreover, since many of the assignments in the programme already include oral presentations, the working group feels that students have sufficient opportunity for developing and showcasing their oral skills. The format of the new home assignment for JUR-3054 will further develop the research skills of students and enables the inclusion of more working

life-oriented learning approaches (for example by having students write a legal opinion to a Ministry), as suggested by the external evaluation committee. The working group also discussed potential concerns with the use of AI in this type of exam. However, the working group considers that examination formats requiring students to present properly structured and reasoned legal arguments should not be avoided out of concerns with AI. After all, students will be required to write a master thesis in the third semester, and in their professional life they will also have to be able to write legal opinions, legal reports, etc.

As for the possibility of transforming the moot court into a mandatory assignment, the working group believes that it would be positive to make the moot court part of the assessment by transforming it into a mandatory assignment/ pre-requisite for students to have access to the exam. This is because the moot court is an assignment that requires extensive work from the students. The possibility of students opting out (although this does not happen often in practice) could affect the success of the moot court, especially in a class with a reduced number of students. The assignment would be graded as pass/fail.

The working group discussed a couple of challenges linked to transforming the moot into a mandatory assignment. For one, since the moot court is a group assignment, it is more difficult to evaluate the exact amount of work each student contributes. There is a risk of free riding of some students in the group. Another challenge might arise if a student falls ill or cannot participate in the moot court as it is impossible to replicate the moot court for that student ('re-sit moot court'). Notwithstanding these challenges, they can be addressed by requiring students to pre-record their oral contributions, pre-submit their written contributions, and through the development of new strategies allowing for the correct evaluation of each student's participation and input. A similar mandatory large group assignment with oral presentations is done in JUR-3619 in NOMPEL with great success.

## **6. Changes to the LLM Programme description (study plan)**

The above suggested revision/changes concerning the different courses and evaluation format in JUR-3054 necessarily require revising the LLM programme description (study plan). As some of the information in the programme description is also outdated, the working group takes this opportunity to suggest some changes and to improve the text of the study plan. These are indicated in a word file with track changes submitted as an annex to this report (Annex 2).

## **7. Possibility of offering both a small (30 ECTS) and a large (60 ECTS) master's thesis:**

The study program Law of the Sea - master (M-LAWSEA) was approved by the Ministry of Education on June 25<sup>th</sup> 2007, following an application sent by the then University of Tromsø on January 24<sup>th</sup> 2007. The study program has a total of 90 credits and is completed over one calendar year. As of today, the program is structured as follows:

<b>1. sem.</b> <b>(autumn)</b>	<a href="#"><u>JUR-3050 General Law of the Sea - 15 stp.</u></a>	<a href="#"><u>JUR-3054 General Law of the Sea II - 15 stp.</u></a>
<b>2. sem.</b> <b>(spring)</b>	<a href="#"><u>JUR-3052 Protection of the Marine Environment by International Law - 15 stp.</u></a>	<a href="#"><u>JUR-3053 Law of the Sea and the Arctic - 15 stp.</u></a>
<b>3. sem.</b> <b>(autumn)</b>	<a href="#"><u>JUR-3910 Master's thesis in Law of the Sea - 30 stp.</u></a>	

In its periodic evaluation report, the evaluation committee recommended looking into the possibility of students being able to obtain 120 ECTS in total and thus be eligible for admission to PhD studies after completing the LLM. To this end, the evaluation committee also pointed to the possibility of offering the students the possibility of writing a large master's thesis of 60 ECTS. The Director of the Norwegian Centre for the Law of the Sea (NCLOS) has also expressed this wish for PhD recruitment purposes.

The working group has discussed this matter with UiT's Section for research and education quality (SEFU). From these discussions, three options emerge:

- 1) Not expanding the ECTS of the LLM programme and leaving it up to the student's discretion to take additional elective courses outside the LLM amounting to 30 ECTS. The Faculty of Law already offers elective courses which students could take.
- 2) Changing the LLM programme within the framework provided by the Ministry of Education after a separate (new) application to the Ministry to enable students to choose between writing a small or large master thesis.
- 3) Adapting the LLM programme's framework internally at UiT to enable students to opt between writing a small or large master thesis.

As option 1 does not alter in any way the status quo or responds to the suggestions of the evaluation committee, the working group has focused particularly on options 2 and 3 as explained hereunder.

Option 2 – changing the study programme within the current framework provided by the Ministry of Education – would be a cumbersome process. Both the modification of the formal framework for expanding the program by 30 ECTS to a total of 120 ECTS and the practical implementation of a 60 ECTS master's thesis for the students will require: creating (in consultation with UiT level 1) and submitting a new application to the Ministry, changing the description and learning outcomes for the LLM programme, creating path choices in the study programme, expanding the duration of the LLM programme (typically, the shorter length of three semesters has been seen as an advantage, particularly for working students), and following other administrative processes as part of implementing this change. UiT's Section for research and education quality (SEFU) suggests that we do not apply to the Ministry for making changes to the programme to solve this issue. Instead, SFU points to option 3 as being a viable option – that is, the possibility of creating a separate master's programme corresponding to today's LLM, but with the difference that the master's thesis amounts to 60 credits. Then, the programme will not have a separate admission procedure for new applicants, but it will only involve the transferring of students on the current LLM program who wish to write a large master's thesis to this separate/'new' LLM programme. Current students will have to apply in the second semester of the existing LLM programme, and admission to the large master's thesis will depend on them having completed and passed all compulsory courses in the first two semesters. The structure of the "new" master's program would look like this:

<b>1. sem.</b> <b>(autumn)</b>	<a href="#">JUR-3050 General Law of the Sea - 15 stp.</a>	<a href="#">JUR-3054 Ocean Uses - 15 stp.</a>
<b>2. sem.</b> <b>(spring)</b>	<a href="#">JUR-3052 International Marine Environmental Law- 15 stp.</a>	<a href="#">JUR-3053 The Law of the Sea and the Arctic - 15 stp.</a>
<b>3. sem.</b> <b>(autumn)</b>	JUR-39xx Master's thesis in Law of the Sea - 60 stp.	
<b>4. sem.</b> <b>(spring)</b>		

The process linked to creating a new master's program to enable transitional admission will be far less demanding than applying to the Ministry. However, it should be pointed out that the following considerations have not yet been assessed in connection with this possible solution:

- whether the faculty has sufficient capacity and economy to handle the increased need for supervision and censoring (for example, there are additional supervision hours that need to be filled and added costs for external supervisors);
- whether there is capacity in the faculty's study administration to establish and maintain – administratively speaking – a new LLM programme;
- whether establishing a new programme is the best way to give current students the opportunity to qualify for admission to a PhD programme, and whether such an opportunity is desired by (future) students/applicants, particularly considering the high semester registration fees that students would have to pay if they want to make use of this option;
- whether it is unproblematic to give students admitted to the current LLM the automatic option to transfer, or whether the new programme must be given its own learning outcome descriptions and criteria for admission, etc. Here we assume that if the introduction of such new requirements is indeed necessary, these should largely follow those of the main LLM Programme except for the description of the I master's thesis.

While the working group considers that it would be positive to allow students to choose between writing a small or a large master thesis, this is a decision that the Faculty will have to take after making a cost-benefit analysis. Since creating a new and separate LLM programme to allow student to transfer or submitting a new application to the Ministry will both take time, it is suggested that this is done separately/subsequent to the other revisions suggested in this report. All other revisions should be implemented for the 2025/2026 academic year.

Tromsø, 30 December 2023

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