

JUR-3053 Law of the Sea and the Arctic

Type of course

The course is part of the Master of Laws programme in Law of the Sea and builds on JUR-3050 General Law of the Sea, JUR-3054 General Law of the Sea II and JUR-3052 Protection of the Marine Environment by International Law. The course is given during spring term.

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~~ 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.

Admission requirements

Only students admitted to the Master of Laws program in Law of the Sea may register for the exam for this course.

Obligatory prerequisites

JUR-3050 General Law of the Sea, JUR-3054 General Law of the Sea II

or

JUR-3050 General Law of the Sea, JUR-3055 Uses of the Oceans

Examination

Off campus exam 45 Days (E, fail F)

Oral exam (A–E, fail F)