

JUR-3052 Protection of the Marine Environment by International Law

International Marine Environmental Law

Type of course

Master level

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 and JUR-3054 General Law of the Sea II.

The course is given during the spring term.

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 on 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
- ~~Advanced knowledge of~~ Advanced knowledge of ~~the~~ the ~~relevant rules and general~~ relevant rules and general principles of international environmental law ~~as that are~~ 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 from 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:

- ~~Can~~ 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 a 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

Teaching methods

This course uses interactive and dynamic teaching methods. The course will consist out of a combination of lectures, seminars, a colloquium on jurisprudences with student presentations/written coursework; comprising a total of 30 hours. Guest lectures can be included as an addition.

Students are encouraged to participate actively during the lectures and seminars. Students are expected to be prepared for lectures and seminars by studying the corresponding literature of the curriculum. Students should study independently in periods when there are no lectures or seminars.

Admission requirements:

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

School exam, 6 Hours (A–E, fail F)