

## **JUR-3052 Law of the Sea and Marine Biodiversity - 15 stp**

### **The course is administrated by**

Faculty of Law

### **Type of course**

Master level students

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 contents**

The course addresses problems concerning the conservation and sustainable use of living marine resources and the protection and preservation of the marine environment and marine biodiversity. These issues are introduced in JUR-3050 General Law of the Sea, but are examined more in-depth in this course.

The course covers the following topics:

- The concept of sustainable development and principles under international environmental law defining the obligations for states to exploit the resources sustainably and to protect the marine environment;
- The obligations under the United Nations Convention on the Law of the Sea (LOS Convention) on the protection and preservation of the marine environment, including regional protection of the marine environment exemplified through the OSPAR Convention for the Northeast Atlantic Ocean;
- International law on the protection and preservation of marine biodiversity and the implications for traditional uses under the law of the sea (e.g. marine protected areas, ecosystem-based oceans management and marine spatial planning)
- Rights and obligations under law of the sea and international environmental law relating to the conservation of marine living resources (e.g. on marine mammals and introduction of invasive alien species);
- Trade-related measures to protect and preserve the marine environment and marine biodiversity and their consistency under international trade law (including World Trade Organization (WTO) instruments and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

### **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-3051 International Ocean Governance or JUR-3050 General Law of the Sea, JUR-3054 General Law of the Sea II

### **Objective of the course**

#### *Knowledge:*

Having passed the exam, the student shall have acquired:

- Advanced knowledge on the basic principles under international environmental law on conservation of living resources and protection of the environment;
- Advanced knowledge on the legal regime under LOSC for the protection of the marine environment;
- Advanced knowledge on the obligations on conservation of living marine resources and institutions established to implement them at international level
- Advanced knowledge on the obligations under international law on the conservation and sustainable use of biological diversity and its implications for the obligations under the law of the sea;
- Specialised knowledge on the relationship between protection of the environment and international trade law.
- Knowledge on the regime on trade in endangered species

#### *Skills and general qualifications:*

Having passed the exam, the student will:

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

### **Language of instruction**

English

### **Teaching methods**

The teaching consists of a combination of lectures and seminars, comprising a total of 30 hours. Guest lectures of relevant natural science topic may be given. The students are expected to be prepared and active during the seminars in discussions of the prescribed

material. They may also be asked to prepare papers and give presentations during the seminars. Students are expected to study independently in periods when there are no lectures or seminars.

## **Assessment**

The course is assessed through a six hours written exam. The exam may include theoretical and/or scenario questions.

The grading scale of A to F is applied, where F constitutes fail. Students who fail their examination are entitled to re-sit the examination, cf. regulations for examinations at the University of Tromsø Sec.22.

## **Date for examination**

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

## **Recommended reading/syllabus**

### ***Methodology:***

- Alan Boyle, "Relationship between International Environmental Law and Other Branches of International Law", in *Oxford Handbook of International Environmental Law*, Bodansky, D. et al (eds.), Oxford University Press: Oxford 2007, pp 125-146; 21 pages. (Article in compendium)

### ***Protection and preservation of the marine environment***

- (Book) Patricia Birnie, Alan Boyle and Cathrine Redgwell, *International Law & the Environment*, 3rd ed., Oxford University Press, 2009:
  - Chapter 3, Rights and obligations of states Concerning Protection of the Environment, pp. 106-210; 104 pages
  - Chapter 7: The Law of the Sea and Protection of the Marine Environment, pp. 379-442; 63 pages

- B. Sage, "Precautionary Coastal States' Jurisdiction", 37 *Ocean Development & International Law*, 2006, pp 359-387; 28 pages (Available online)
- E.J. Molenaar, "Port State Jurisdiction: Toward Comprehensive, Mandatory and Global Coverage", 38 *Ocean Development and International Law*, 2007, pp. 225-257; 22 pages (Available online)

### ***Living marine resources and biodiversity:***

- (Book) Patricia Birnie, Alan Boyle and Cathrine Redgwell, *International Law & the Environment*, 3rd ed., Oxford University Press, 2009:
  - Chapter 11 Conservation of Nature, Ecosystems and Biodiversity, pp.583-649; 66 pages
  - Chapter 13 Conservation of Marine Living Resources and Biodiversity, pp. 702-752; 50 pages
- R. Barnes, "The Convention on the Law of the Sea: An Effective Framework for Domestic Fisheries Conservation?" in *The Law of the Sea. Progress and Prospects*. Freestone, D. et al (eds.), Oxford University Press, Oxford 2006, pp 233-260; 27 pages. (Article in compendium)
- T. Henriksen and A.H. Hoel, "Determining Allocation: From Paper to Practice in the Distribution of Fishing Rights Between Countries", 42 *Ocean Development & International Law*, 2011, pp. 66-93; 28 pages (Available online)
- E.J. Molenaar, "Non-Participation in the Fish Stocks Agreement. Status and Reasons", 26 *International Journal of Marine and Coastal Law*, 2011, pp. 195-234; 40 pages (Available online)

### ***Special legal regimes***

#### ***CITES:***

- S. Fordham and C. Dolan, "A Case Study in International Shark Conservation: The Convention on International Trade in Endangered Species and the Spiny Dogfish" 34 *Golden Gate University Law Review*, 2004, pp. 531-571; 40 pages (Available online)

#### ***Trade:***

- (Book) Patricia Birnie, Alan Boyle and Cathrine Redgwell, *International Law & the Environment*, 3rd ed., Oxford University Press, 2009: Chapter 14 (subchapters 1-5) International Trade and Environmental Protection, pp. 753-778; 25 pages

### ***Regional:***

- L. de la Fayette, "The OSPAR Convention Comes into Force: Continuity and Progress", 14 *International Journal of Marine and Coastal Law*, 1999 pp. 249-269 (parts of the article); 20 pages (Available online)

### ***Integrated oceans governance***

- Y. Tanaka, "Zonal and Integrated Management Approaches to Ocean Governance: Reflections on a Dual Approach in International Law of the Sea", 19 *International Journal of Marine and Coastal Law*, 2004, pp. 483-514; 32 pages (Available online)

### ***Marine protected areas***

- E. Druel, R. Billé and S. Treyer, *A Legal Scenario Analysis for Marine Protected Areas in Areas Beyond National Jurisdiction*, report from the Boulogne-sur-Mer seminar, 19-21 September 2011, IDDRI STUDIES, No.06/11 November; 26 pages (Available online at [http://www.iddri.org/Publications/Collections/Analyses/STUDY0611\\_druel%20bille%20treyer\\_rapport%20seminaire%20boulogne.pdf](http://www.iddri.org/Publications/Collections/Analyses/STUDY0611_druel%20bille%20treyer_rapport%20seminaire%20boulogne.pdf))
- J. Roberts, A. Chircop and S. Prior, "Area-based Management on the High Seas: Possible Application of the IMO's Particularly Sensitive Sea Area Concept", 25 *International Journal of Marine and Coastal Law*, 2010, pp. 483-522; 42 pages (Available online)
- Veronica Frank *The European Community and Marine Environmental Protection in the International Law of the Sea. Implementing Global obligations at the Regional Level*, Martinus Nijhoff Publishers: Leiden, 2006
  - Chapter 8 Marine Habitat Protection through Establishment and Management of Marine Protected Areas (subchapters 8.1.-8.7) 43 p. (Article in compendium)

**Total: 677 pages**