

# JUR 3053 Recommended reading/syllabus

## General

- K.N. Scott and D.L. Vanderzwaag, "Polar Oceans and the Law of the Sea", in D.R. Rothwell, A.G. Oude Elferink, K.N. Scott and T. Stephens (eds.), *The Oxford Handbook of The Law of the Sea*, Oxford University Press 2015, pp. 724-751; 28 pages (in compendium).

- R. Rayfuse, "Melting Moments: The Future of Polar Oceans Governance in a Warming World" 16 *Review of European Community and International Environmental Law*, 2007, pp. 196-216; 21 pages (Available online).

~~- L.W. Brigham, "Think Again: The Arctic", 181 *Foreign Policy*, Sep./Oct. 2010, pp. 71-74; 5 pages (Available online).~~

- E.J. Molenaar, A.G. Oude Elferink, D.R. Rothwell (eds.), "Interactions between Global and Regional Regimes: Trends and Prospects", *The Law of the Sea and Polar Regions: Interactions between Global and Regional Regimes*, (Martinus Nijhoff Publishers), pp. 389-417; 29 pages (in compendium).

~~- D.R. Rothwell and C.c. Joyner, "The Polar Oceans and the Law of the Sea" in Alex G. Oude Elferink and Donald R. Rothwell (eds.) *The Law of the Sea and Polar Maritime Delimitation and Jurisdiction*, Brill, 2001, pp. 1-22; 21 pages (in compendium).~~

## Maritime zones

- R.R. Churchill, "Claims to Maritime Zones in the Arctic - Law of the Sea Normality or Polar Peculiarity", in: Oude Elferink and Rothwell, 2001, pp. 105-124; 20 pages (In compendium).

~~- Bjørn Kunoy, "A New Arctic Conquest: The Arctic Outer Continental Margin", 76 *Nordic Journal of International Law*, 2007, pp. 465-480; 16 pages (Available online).~~

- T. Henriksen and G. Ulfstein, "Maritime Delimitation in the Arctic: The Barents Sea Treaty", 42 *Ocean Development & International Law*, 2011, pp. 1-21; 21 pages (Available online).

- A.G. Oude Elferink, "The Continental Shelf in the Polar Regions: Cold War or Black-Letter Law", 40 *Netherlands Yearbook of International Law*, 2009, pp. 121-181; 62 pages (Available online).

- A.G. Oude Elferink, "The Delimitation of the Continental Shelf beyond 200 nautical miles in the Arctic Ocean: Recent Developments, Applicable Law and Possible Outcomes" in: M.H.

Nordquist, J.N. Moore and R. Long (eds), Challenges of the Changing Arctic, Brill Nijhoff 2016, pp. 53-80; 28 pages (in compendium).

## **Environmental protection**

- D.R. Rothwell, "Global environmental protection instruments and the polar marine environment", in D. Vidas (ed.), Protecting the Polar Marine Environment. Law and Policy for Pollution Prevention, (Cambridge University Press: Cambridge, 2000), pp. 57-77; 21 pages (available online).

- R. Rayfuse, "Protecting Marine Biodiversity in Polar Areas beyond National Jurisdiction", 17 Review of European Community and International Environmental Law, 2008, pp 3-13; 11 pages (Available online).

- I.U. Jakobsen, "Extractive Industries in Arctic: The International Legal Framework for the Protection of the Environment" in Nordic Environmental Law Journal 2014 1, pp 39-52; 14 pages (Available online).

[- I.U. Jakobsen, "MPAS under the Arctic Council", in I.U. Jakobsen, Marine Protected Areas in International Law, Queen Mary Studies in International Law, 2016, pp. 233-243; 10 pages \(available online\).](#)

## **Arctic shipping**

- D. McRae, "The Negotiation of Article 234", in F. Griffiths (ed.) Politics of the Northwest Passage (Kingston and Montreal, McGill-Queen's University Press: 1987), pp. 98-114; 17 pages (In compendium).

[- T. McDorman "A Note on the Potential Conflicting Treaty Rights and Obligations between the IMO's Polar Code and Article 234 of the Law of the Sea Convention" International Law and Politics of the Arctic Ocean, 2015, pp. 141-159; 18 pages \(available online\).](#)

[- K. Bartenstein, "The "Arctic Exception" in the Law of the Sea Convention: A Contribution to Safer Navigation in the Northwest Passage?, Ocean Development & International Law, 2011, pp. 22-52; 30 pages \(available online\).](#)

- J.J. Solski, "Russia" in R. Beckman, T. Henriksen, E.J. Molenaar, K. Dalaker Kraabel and J.A. Roach (eds), Governance of Arctic Shipping – Balancing Rights and Interests of Arctic States and User States (Brill/Nijhoff: 2017), pp. 173-216; 43 pages (available online).

~~[- J. Kraska, The Law of the Sea Convention and the Northwest Passage, 22 International Journal of Marine and Coastal Law, 2007, pp. 257-282; 26 pages \(Available online\).](#)~~

- Chircop, "The Growth of International Shipping in the Arctic: Is a Regulatory Review Timely?", 24 International Journal of Marine and Coastal Law, 2009, pp. 355-380; 26 pages (Available online).

- T. Henriksen, "Protecting polar environments: coherency in regulating Arctic shipping" in R. Rayfuse (ed.), Research Handbook on International Marine Environmental Law, Edward Elgar, 2015, pp. 363-384; 21 pages (available online).

## **Arctic fisheries**

~~- E.J. Molenaar, "International Regulation of Central Arctic Ocean Fisheries", in M.H. Nordquist, J.N. Moore and R. Long (eds) Challenges of the Changing Arctic. Continental Shelf, Navigation, and Fisheries, Brill Nijhoff 2016, pp. 429-463; 35 pages (in compendium).~~

~~- E.J. Molenaar, "The December 2015 Washington Meeting on High Seas Fishing in the Central Arctic Ocean", post dated 5 February 2016 for The JCLOS Blog. 10 pages (Available online).~~

- E.J. Molenaar, "Participation in the Central Arctic Ocean Fisheries Agreement", in A. Shibata et al (eds) Emerging Legal Orders in the Arctic: The Role of Non-Arctic Actors (Routledge: forthcoming in 2019); 37 pages (in compendium).

- I. Dahl, "Maritime Delimitation in the Arctic: Implications for Fisheries Jurisdiction and Cooperation in the Barents Sea", The International Journal of Marine and Coastal Law, 30, 2015, pp. 120-147; 20 pages (available online).

## **Svalbard**

- G. Ulfstein, "Spitsbergen/Svalbard" in Max Planck Encyclopedia of Public International Law, R. Wolfrum (ed.), Oxford University Press, 2008; 13 pages (http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1356).

- D. Anderson, "The Status under International Law of the Maritime Areas around Svalbard", 40 Ocean Development & International Law, 2009, pp. 373-384; 12 pages (Available online).

- C.A. Fleischer, The New International Law of the Sea and Svalbard, paper presented at The Norwegian Academy of Science and Letters 150th Anniversary Symposium, January 25, 2007; 15 pages (http://www.dnva.no/binfil/download.php?tid=27095).

- T. Pedersen and T. Henriksen, "Svalbard's Maritime Zones: The End of Legal Uncertainty?", 24 International Journal of Marine and Coastal Law, 2009, pp. 141-161; 22 pages (Available online).

- E.J. Molenaar, "Fisheries Regulation in the Maritime Zones of Svalbard", 27 International Journal of Marine and Coastal Law (2012) pp. 3-58, 56 pages (Available online).

## **Arctic Council**

- E.T. Bloom, "Establishment of the Arctic Council", 93 American Journal of International Law, 1999, pp. 712-722; 11 pages (Available online).

- E.J. Molenaar, "Current and Prospective Roles of the Arctic Council System within the Context of the Law of the Sea", 27 International Journal of Marine and Coastal Law (2012) pp. 553-595, 43 pages (Available online).

~~- E.J. Molenaar, "The Evolution of the Arctic Council and the Arctic Council System", The Circle No. 2 (2016), pp. 19-20, 2 pages (Available online).~~

[E.J. Molenaar, "The Arctic, the Arctic Council, and the Law of the Sea" in R. Beckman, T. Henriksen, K. Dalaker Kraabel, E.J. Molenaar and J.A. Roach \(eds\) Governance of Arctic Shipping. Balancing Rights and Interests of Arctic States and User States \(Brill/Nijhoff: 2017\), pp. 24-67, 43 pages \(available online\).](#)

## **Reform of the Arctic Regime**

- T. Koivurova, "Alternatives for an Arctic Treaty - Evaluation and a New Proposal", 17 Review of European Community and International Environmental Law, 2008, pp. 14-26; 13 pages (Available online).

- O.S. Stokke, "Protecting the Arctic Environment: The Interplay of Global and Regional Regimes", 1 Yearbook of Polar Law, 2009, pp. 349-371; 23 pages (In compendium).

~~- O.R. Young, "The Arctic in Play: Governance in Time of Rapid Change", 24 International Journal of Marine and Coastal Law, 2009, pp. 423-442; 20 pages (Available online).~~

- O.R. Young, "If an Arctic Ocean Treaty is Not the Solution, What is the Alternative?", 47 Polar Record, 2011, pp. 327-334; 18 pages (Available online).

[B. Baker and B. Yeager, "Coordinated Ocean Stewardship in the Arctic: Needs, Challenges and Possible Models for an Arctic Ocean Coordinating Agreement", Transnational Environmental Law, 4:2, 2015, pp. 359-394; 35 pages \(available online\).](#)

## **Arctic indigenous peoples**

- Eide, "Indigenous Self-Government in the Arctic and their Right to Land and Natural Resources", 1 Yearbook of Polar Law, 2009, pp. 245-281; 37 pages (In compendium).

~~-M. Åhren, "International Human Rights Law Relevant to Natural Resource Extraction in Indigenous Territories - An Overview", in Nordic Environmental Law Journal 2014 1, pp. 21-37; 17 pages (Available online).~~

Total 818 pages.