

**Avtale**  
**mellom**  
**Universitetet i Tromsø ved Det juridiske fakultet (UiT)**  
**og**  
**Stiftelsen Kristian Gerhard Jebsen (SKGJ)**  
**om etablering av**  
**K.G. Jebsen-senter for havrett**  
**(engelsk navn: K.G. Jebsen Centre for the Law of the Sea)**

**1. Bakgrunn**

Denne avtalen inngås på bakgrunn av stiftelsens utlysning av støtte til etablering av et senter for havrett, mottatt søknad fra UiT og styrets behandling av denne.

**2. Formål**

Formålet med avtalen er å regulere aktivitetene i senteret i prosjektperioden, hvem som er prosjektleder, budsjett, bemanningsplan, bidraget fra SKGJ, egenandeler og fakturerings- og rapporteringsfrister. Avtalen regulerer også hvordan evaluering av senteret skal gjennomføres i løpet av prosjektperioden.

Formålet med støtten er å bidra til å etablere et senter for havrett ved UiT. Støtten vil bli gitt over en prosjektperiode på seks år. I løpet av denne perioden skal UiT planlegge og tilrettelegge for videreføring av senteret utover 6-års perioden som denne avtalen regulerer.

**3. Forskningsplan**

Oppbygning av og aktivitetene i senteret skal gjennomføres i henhold til forskningsplanen som følger som **vedlegg 1** til denne avtalen. Forskningsplanen inkluderer plan for oppbygning, aktiviteter, bemanning og ledelse av senteret.

Partene er kjent med at forskningsplanen skal gjennomføres i samarbeid med Fridtjof Nansens Institutt (FNI). FNI har forpliktet seg til å bidra med fagkompetanse i prosjektperioden og til å inngå konsortieavtale med UiT om dette samarbeidet, jfr. vedlegg 3.

Dersom UiT av faglige, økonomiske eller andre årsaker finner grunn til å gjøre vesentlige justeringer i forskningsplanen underveis, må dette oversendes SKGJ uten unødige opphold.

**4. Administrative forhold knyttet til senteret**

UiT forestår nødvendig utlysning, tilsetting og personaladministrasjon for samtlige medarbeidere som knyttes til senteret, enten de er dekket med midler fra SKGJ eller av UiTs egenandel.

Leder for senteret er professor Tore Henriksen, Det juridiske fakultet. Arbeidsoppgavene til senterleder er beskrevet i forskningsplanen.

## **5. Budsjett**

Totalbudsjett for senteret i prosjektperioden er vedlagt som **vedlegg 2**. I budsjettet er det spesifisert hvordan finansieringen fordeler seg mellom bidrag fra SKGJ, egenandeler fra vertsinstusjonen, eventuell gaveforsterkning og andre kilder. Budsjettet skal inneholde alle kostnader ved senterets drift, også dekningsbidrag.

Dersom hele eller deler av SKGJs bidrag til senteret skulle utløse gaveforsterkningsmidler forutsettes det at disse benyttes i tråd med vedlagte intensjonserklæring fra Universitetet i Tromsø (vedlegg 4).

## **6. Økonomi og betalingsbetingelser**

Forutsatt at prosjekts fremdrift er i samsvar med kontraktsfestet forskningsplan (vedlegg 1), forplikter SKGJ seg til å betale inntil NOK 1 190 000 i 2013, NOK 5 391 000 i år 2014, NOK 6 340 000 i år 2015, NOK 7 791 000 i 2016, NOK 7 969 000 i 2017, NOK 5 632 000 i 2018 og NOK 1 687 000 i år 2019, totalt inntil NOK 36 000 000 i perioden 1.september 2013 til 31.august 2019, som bidrag til senteret. De årlige beløpene angitt over skal faktureres som følger:

Universitetet fakturerer stiftelsen for et halvt år av gangen på datoene 1.april og 1.oktober. SKGJ skal foreta utbetaling innen 30 dager etter mottatt faktura.

I første prosjektår kan stiftelsen etter nærmere avtale utbetale et oppstartsbeløp før første ordinære faktureringsdato.

UITs bidrag til senteret bygger på prinsippene oppsummert i punkt 5. UIT forplikter seg til å bidra med ressurser tilsvarende NOK 5 918 000 i 2013, NOK 14 323 000 i år 2014, NOK 15 258 000 i år 2015, NOK 14 695 000 i 2016, NOK 14 364 000 i 2017, NOK 12 189 000 i 2018 og NOK 7 334 000 i år 2019 til senterets virksomhet, totalt NOK 84 081 000 i perioden 1.september 2013 til 31.august 2019.

UiTs bidrag til senteret som bygger på eksternfinansiert virksomhet: UiT forplikter seg til å bidra med ressurser tilsvarende NOK 4 010 000 i 2013, NOK 4 128 000 i år 2014, NOK 2 094 000 i år 2015, NOK 1 427 000 i 2016, NOK 140 000 i 2017 og NOK 20 000 i 2018 til senterets virksomhet, totalt NOK 11 819 000 i perioden 1.september 2013 til 31.august 2019.

Fullstendig budsjett er gitt i vedlegg 2.

## **7. Rettigheter til prosjekresultater og offentliggjøring**

SKGJ skal ikke ha eierrettigheter til resultatene eller rett til utnyttelse av disse. Det forutsettes at UiTs arbeid for synliggjøring av senterets virksomhet (herunder publisering av resultater) ivaretar allmennhetens og de samarbeidende institusjonenes interesser på best mulig måte.

Det vil bli inngått en egen konsortieavtale med samarbeidspartene i prosjektet og som regulerer bl.a. rettighetene til kommersiell utnyttelse av prosjekresultatene.

Slik rettighetssikring medfører ingen begrensning i beskyttelsen av opphavsmannens ideelle interesser etter Åndsverksloven. Alle rettighetsspørsmål skal håndteres i henhold til UiTs *Reglement om sikring og forvaltning av arbeidsresultater ved UiT* (se [www.uit.no/ipr-reglement](http://www.uit.no/ipr-reglement)).

Prosjektresultatene skal gjøres kjent så hurtig som mulig. Herunder skal de formidlingstiltak og formidlingsplaner som er angitt i forskningsplanen gjennomføres. Det kan avtales en midlertidig utsettelse av publisering for å sikre nødvendig beskyttelse av muligheten til kommersiell utnyttelse.

## **8. Regnskaps-/fremdriftsrapportering**

UIT skal sende følgende rapporter til SKGJ som beskrevet nedenfor:

### *i. Regnskapsrapporter*

Regnskapsrapporter for senteret skal leveres for hvert kalenderår. Regnskapsrapporten skal inneholde oversikt over midlene fra stiftelsen, egenandeler fra UIT og eventuell annen finansiering. Følgende kostnadsarter benyttes i regnskapsføringen:

- Personalkostnader
- Indirekte kostnader
- Innkjøpte FoU-tjenester
- Utstyr
- Andre driftskostnader

Frist: 1. mars

[Det skal benyttes samme eller tilsvarende skjema som Norges Forskningsråd]

### *ii. Faglige framdriftsrapporter*

Faglig framdriftsrapport skal leveres årlig.

Frist: 1. desember.

(Det skal benyttes skjema utarbeidet av SKGJ)

### *iii. Sluttrapport*

Sluttrapport skal leveres innen 3 måneder etter prosjektperiodens avslutning

Senterleder skal være faglig ansvarlig for rapportene. Fakultet skal være forelagt rapportene til godkjenning før oversendelse til SKGJ.

## **9. Evaluering og bedømmelse**

SKGJ skal gjennomføre følgende evalueringer i løpet av prosjektperioden:

### *i. Første evaluering*

Etter 3 år kan SKGJ gjennomføre en faglig evaluering av senteret som skal være rådgivende for senterleder og fakultetet. Universitetets planer for resterende prosjektperiode og påfølgende utvikling av senteret vil også være aktuelle tema.

### *ii. Andre evaluering*

Etter 5 år skal SKGJ iverksette en evaluering med internasjonale fageksperter for å vurdere resultat med hensyn til oppnådde mål og vitenskapelig produksjon samt universitetets planer for videreføring av senteret etter prosjektperioden.

SKGJ vil konsultere senterledelsen/fakultetet i forbindelse med utforming av planer for evalueringene.

## 10. Varighet

Prosjektets startdato: 1. september 2013

Prosjektets sluttdato: 31. august 2019

## 11. Avvikling

Dersom senterleder av uforutsette grunner må avslutte sitt arbeid som senterleder før senterets sluttdato, og UiT innen rimelig tid deretter ikke finner en erstatter som SKGJ kan akseptere, kan SKGJ avvikle sitt bidrag til senteret. Det må foreligge saklig grunnlag for at SKGJ skal kunne nekte den erstatter UiT ønsker å benytte.

SKGJ forplikter seg likevel ved slik avvikling til fortsatt utbetaling så langt dette er nødvendig for at ph.d-kandidater kan fullføre sin doktorgrad og for å dekke avviklingskostnader knyttet til andre tilsatte i senteret i henhold til krav i lov og forskrift.

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Denne avtale er utferdiget i to eksemplarer, hvorav partene beholder hvert sitt.

Universitetet i Tromsø

SKGJ

Sign Lasse Lønnum

Sign Kåre Rommetveit

Navn Lasse Lønnum

Navn Kåre Rommetveit

Tittel Universitetsdirektør

Tittel Daglig leder

Dato 13.06.2013

Dato 7.06.2013

Medsignatur fra fakultet og senterleder følger

Det juridiske fakultet

Sign Kirsti Anderssen

Navn Kirsti Anderssen

Tittel Fakultetsdirektør

Dato 11/6 - 2013

**Erklæring fra senterleder**

Ved min signatur under, erklærer jeg å være kjent med forpliktelsene i avtalen, og at jeg etter beste evne vil følge opp og gjennomføre aktivitetene i senteret i tråd med forskningsplanen slik dette er beskrevet i vedlegg 1.

Sign Tore Henriksen

Navn Tore Henriksen

Tittel Professor/senterleder

Dato 11. juni 2013



## K.G. Jebsen Centre for the Law of the Sea, University of Tromsø

*Vision: "The Law of the Sea: processes of change and pathways for adaptation"*

*The K. G. Jebsen Centre for the Law of the Sea hosted at the University of Tromsø with the Fridtjof Nansen Inst. as partner will be a leading national and international research institution specializing in the Law of the Sea known especially for its work on Arctic and High North issues. By the end of the project period it will be at the very forefront of research and teaching on the challenges facing the Law of the Sea in the 21<sup>st</sup> Century with a wide national and international scholarly network and excellent relationships with industry and public authorities. The Centre will be a prominent contributor to public debate, nationally and internationally. In addition to funding from the University of Tromsø, the Centre has attracted external sources of funding permitting it to pursue its objectives after the end of funding from the Kristian Gerhard Jebsen Foundation funding*

### 1. Strengths of the K.G. Jebsen Centre for the Law of the Sea, Tromsø

#### ***Located in an internationally leading research community on marine and Arctic issues***

The University's vision is to be a nationally and internationally renowned centre for High North research expertise, including natural resources.<sup>1</sup> The objective of the Faculty of Law is to build a world-leading research group within the Law of the Sea, with a special focus on fisheries law and environmental law.

The Faculty is already a leader at the national level in this area of research, having adopted in 2001 Ocean and Environmental Law as its primary focus of research. The K. G. Jebsen Centre of the Law of the Sea in Tromsø will be crystallized around the Law of the Sea research group, led by Professor Tore Henriksen. Today the research group has succeeded in recruiting 18 members, including 8 senior researchers and 10 PhD students all involved in fundamental research and scholarly publication, teaching, supervision and outreach activities. So far, three PhD degrees have been awarded within the discipline and several others are in the pipeline. Nonetheless, a K. G. Jebsen Centre at the University of Tromsø will significantly enhance this group, not least through close collaboration with the Fridtjof Nansen Institute.

On start-up, the Centre will include Professor Tore Henriksen, Principal Investigator (PI), Adjunct professors Erik Molenaar and Alex Oude Elferink (Utrecht), Nigel Bankes (Calgary) and Nele Matz-Lück (Kiel), Research Professors Davor Vidas and Olav Schram-Stokke and Research Fellow Øystein Jensen (FNI), and Associate Professors Svein Kristian Arntzen, Irene Dahl, Magne Frostad, Ingvild U. Jakobsen, Jon P. Rui, Susann F. Skogvang and Matthias Åhren (UiT). All have expertise within the areas covered by the Centre. The PhD students include Signe Busch (outer continental shelf), Vegard Helland (bioprospecting), Elise Karlsen (navigation), Vito de Lucia (international environmental law), Marianna Melentyeva (Spitsbergen Treaty), Maria Neves (Energy Law) and Kristoffer Svendsen (marine pollution), all UiT.

This core research group will nevertheless enable the Centre to be operative from Day 1 and provide the best possible basis for continued research on the Law of the Sea after the K. G. Jebsen Foundation funding period is over.

<sup>1</sup> A recent report commissioned by the Norwegian government confirmed the University of Tromsø's status as the leading Norwegian institution in Arctic research. See Dag W. Aksnes et al., *Norsk polarforskning – forskning på Svalbard*, NIFU rapport 3/3012, s.10.



The Centre has the firm backing of both the Faculty of Law and the University leadership. In addition to funding from the University of Tromsø, a substantial part of the research activity of the group is externally funded. In total, the research group has secured almost 40 million kroner in externally funded projects on the Law of the Sea and closely related areas from the Research Council of Norway, Sparebanken Nord Norge, the RDA programme (Troms County Council), and the Fram Centre. Most recently, in June 2012 Professor Tore Henriksen was awarded a grant for NOK 6,2 million from the Research Council of Norway (RCN) for a three-year project on Arctic shipping. Although we currently do well in the competition for funding from available sources, the ambition of the group is to serve as a nucleus for building a world-leading Centre of Ocean Law in Tromsø. The funding from the Kristian Gerhard Jebsen Foundation will equip us with the necessary means to go about fulfilling these ambitions.

The University of Tromsø provides the Centre with rich opportunities for pursuing inter-disciplinary research, for example with colleagues in the social sciences, economics and natural sciences. The Law of the Sea research group already has longstanding and productive collaborations with other researchers and research groups in the Department of Political Science (Faculty of Humanities, Social Sciences and Education) on Arctic shipping (see WP III/task 1), and at the Norwegian College of Fisheries Science (Faculty of Biosciences, Fisheries and Economics) on fisheries management. In October 2012 the Law of the Sea research group organized a seminar with colleagues from the aforementioned group in Brussels for members of the EU parliament on challenges of fisheries management. Several of the Centre's scholarly activities explicitly address inter-disciplinary issues (e.g. WP III/tasks 2 and 3). The Law of the Sea research group otherwise has an established track record in initiating meetings on topics of current concern in research and policy.

The University of Tromsø is also a partner in the Fram Centre ([www.framsenteret.no](http://www.framsenteret.no)), which brings together different Norwegian research institutions located in Tromsø, including the Norwegian Polar Institute, Cicero and the Institute of Marine Research). The objective of the Fram Centre is to facilitate research on sustainable management of the environment and natural resources in the (High) North. The Fram Centre provides a matrix for wide inter-disciplinary research on Arctic issues. Professor Henriksen is a member of the steering-committee in the Fram Centre flagship on Arctic sea ice, technology and agreements, where he is heading an interdisciplinary Arctic shipping project spanning political science, law, technology and natural science (see WP III/task 1). The flagship will also gradually incorporate research on living and non-living marine resources of the Arctic, where the Centre also will be involved, matched by the tasks of the scientific work packages.

In 2010 members of the Faculty of Law staff founded a new scientific journal, *Arctic Review on Law and Politics* and it was accepted as a scientific journal at level 1 in the Norwegian publication point system. The journal has an international editorial board including Professor Henriksen and has published several peer-reviewed articles on the Law of the Sea. The board is continuously working to improve the quality and international recognition of the journal, which may entail promotion to level 2. There is also on-going work to transform the journal to an open-access publication, which will accelerate the sharing of knowledge across political boundaries, facilitating better contact with researchers in Russia and China.

The Centre will be involved in teaching and training at graduate and postgraduate level. The Centre staff will be involved in the planning and implementation of the one year Master in Laws (LLM) programme in the Law of the Sea, set up in 2008, which recruits 10-15 Norwegian and international students annually. The programme currently includes courses on general Law of the Sea, oceans governance, international environmental law and a special course on Law of the Sea and the Arctic, as well as a master's thesis. The teaching portfolio



of the Centre staff will also include courses in fisheries law and energy law on the 5 year Master's degree in Law programme. The Centre will enable the University to improve, revise and extend the teaching offered by using world-leading researchers in teaching. The Centre aims to develop novel courses for needs that so far remain unaddressed for its own and other PhD students, as well as offer supplementary training through summer schools.

#### ***Part of national and international research network***

The Centre's everyday networking activities directed to academic institutions and other relevant international players will pave the way for long-term collaborations leading to concrete scholarly results. The Law of the Sea research group already has wide and varied experience of cooperation at national and international level over several years. One example is the *Geopolitics in the High North* interdisciplinary research program funded by the Research Council of Norway. Members of the research group have contributed with publications and presentations to one of the work packages together with political scientists on the implementation of the Law of the Sea in the Arctic. Another is the *Arctic Shipping* project under the Fram Centre (WP III/Task 1), which brings together legal researchers, social scientists, natural scientists and technologists. These projects engage with and build bridges to other rapidly expanding areas of research in other disciplines. A workshop in September 2012 organized by the UiT Law of the Sea group on the implementation of the Ecosystem Approach in Norway brought together researchers from all three of Norway's law faculties, as well as experts from public authorities. Indeed, one of the explicit aims of the workshop was to identify new research questions in Law of the Sea, which was successful. The Centre activities will provide for continuation and strengthening of the relationship, including cooperation on joint research projects such as the implementation of the Ecosystem Approach.

The research group has a wide international network of collaborators, both groups and individuals. It includes research groups at the University of Lapland, Finland, Northern (Arctic) University in Arkhangelsk, Russia and individual researchers in several countries (such as UK, Spain, Canada, Sweden and Iceland). Professor Henriksen and the research group on the Law of the Sea have organized several workshops, e.g. on shipping and continental shelf with participation from this network. Professor Henriksen is the Norwegian member of the Management Committee of MARSAFENET, a network of experts on the legal aspects of Maritime Safety and security, funded through COST. The Arctic Shipping project (WP III/task 1) provides excellent opportunities for international participation bringing together Russian, Belgian, Canadian and Chinese researchers in joint research projects. The long-term funding provided by K. G. Jebsen Foundation will help the group to fulfil its ambitions to internationalize its research activities even further.

The K. G. Jebsen Centre of the Law of the Sea will reap the unrivalled benefits of Tromsø's geographically strategic situation as the gateway to the Circumpolar Region and the Northwest Passage. The melting and thinning of the sea ice due to climate change will gradually open the Arctic Ocean and adjacent seas to new and extended uses, making the Circumpolar Region the prime laboratory and testing ground for application and interpretation of the Law of the Sea. Tromsø is the emerging *de facto* capital of the Norwegian Arctic and the (future) location of the permanent secretariat of the Arctic Council (from mid-2013) and the secretariat of the North Atlantic Marine Mammal Commission (NAMMCO). This setting provides the Centre with particular opportunities, as well as an obligation to focus on the Arctic and the challenges of implementing and strengthening the Law of the Sea in this region. All Centre activities will have an Arctic profile as developed under the subsequent work packages.

## 2. The Centre's Scientific Objective and Focus: Challenges and opportunities

The global community celebrated the 30<sup>th</sup> anniversary of the signing of UNCLOS on 10 December 2012. UNCLOS was adopted in recognition of the inadequacy of and the gaps in the four 1958 Geneva Conventions and the need for a generally acceptable global regime on the Law of the Sea regulating all ocean uses. The *scientific objective* of the Centre is to assess how UNCLOS and the related Law of the Sea and implementing national legislation is responding to the challenges, both old and new, and providing for sustainable development and peaceful utilisation of the seas and oceans in the 21<sup>st</sup> Century.

The oceans cover 71% of the Earth's surface and are crucially important for all of us. They are essential for life on the planet, providing ecosystem goods and services including energy (hydrocarbons but also increasingly energy from wind, currents, and waves), food, fertilizers, bio-prospecting resources and what the 2005 Millennium Ecosystem Assessment refers to as 'provisioning services'. The oceans include most of the world's biodiversity.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) establishes a legal framework for the use of the oceans and seas. It sets out the sovereignty, sovereign rights and jurisdiction of coastal states and the rights and jurisdiction of other states. The legal framework entails restrictions on sovereignty, sovereign rights and jurisdiction in order to ensure due regard for the rights of others, to protect the marine environment and to conserve its living marine resources. The Law of the Sea envisages a delicate balance between economic exploitation of the oceans and protection of the environment, while at the same time endeavouring to ensure equity and peaceful use.

However, this balancing is not uncontroversial since it involves different and often conflicting interests. Increased and more intensive use of the oceans and its resources lead to competition and possible conflicts on the uses of ocean space. Below we give an overview of several important areas of challenge and opportunities relating to the Law of the Sea that stand in critical need of further research. Most of the areas relate to the manner in which a balance is struck between different interests, whether harvesting or communication interests or between national and international regulation. These areas will be instrumental in developing the content of the Centre's activities.

### *Stability and change in the Law of the Sea*

There are two main challenges to the legal order of the sea: on the *one* hand there is a need to ensure uniform interpretation and application of the Law of the Sea (the need for stability), e.g. to ensure the safety of the maritime navigation crucial for the international community. International shipping, and ferry services continue to be the main mode of transport within and between states in many regions of the world. Coastal states, for instance, may affect this by their interpretation of the rules on the establishment of baselines or the scope of their jurisdiction over foreign vessels navigating through their maritime zones. Unresolved disputes on boundary delimitation may also affect the stability of the law of the sea.<sup>2</sup>

On the *other* hand, there is a need for a legal order that is sensitive to changes in the surrounding factual and legal circumstances and that operates in conjunction with other legal regimes. One example is the on-going debate on the need for a new regime for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (namely in the high seas and the Area). The adaptation of the Law of the Sea to these

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<sup>2</sup> Tore Henriksen and Geir Ulfstein 'Maritime Delimitation in the Arctic: The Barents Sea Treaty', *Ocean Development & International Law*, vol. 42: 1 (2011), 1 — 21; Torbjørn Pedersen and Tore Henriksen, »Svalbard's Maritime Zones: The End of Legal Uncertainty?« *International Journal of Marine and Coastal Law* vol.24 (2009), p. 141–161.

changes may challenge the balance struck between different interests, such as those of the coastal state or the flag state and the international community.

Commentators<sup>3</sup> have focused for many years on the interaction between the Law of the Sea, international environmental law and international trade law. Recent years have seen increasing attention to the interaction between the Law of the Sea and international human rights law.<sup>4</sup> When intercepting vessels on the high seas suspected of involvement in piracy or other transnational criminal activities, naval vessels may be required to comply with international human rights standards as reflected in the European Convention on Human Rights.

Themes where further analyses are needed include questions on how the Law of the Sea is challenged by the unilateral actions of states and mechanisms for responding to them. The UNCLOS attributes a role to other institutions (global and regional), such as the International Maritime Organization (IMO), regional fisheries management organizations (RFMOs) and the International Whaling Commission (IWC) to develop the law. The activities of these different “legislators” raise questions on how they affect the overall regime. This includes the role of international courts and tribunals and the actual practice of states, e.g. in the delimitation of maritime boundaries.

*Protecting the marine environment and biodiversity: precaution and integration*

The current state of the marine environment seems to suggest that the legal order is not functioning as effectively as it should. There is considerable loss of marine biodiversity (due e.g. to the destruction of habitats, and reflected in the endangered status of many marine species) and many stocks of living marine resources are over-exploited. Pollution of the marine environment originates from a number of different sources. Climate change with rising temperatures and acidification resulting from high CO<sub>2</sub> concentrations seriously threaten marine life. The cumulative effects of different human activities, natural variations and, more recently, climate change, are attracting ever increasing attention.

Developments after 1982 suggest that UNCLOS is capable of evolving further in the light of general international law to address changes in actual circumstances. Chapter 17 (Oceans) of Agenda 21, which was adopted at the Rio Earth Summit in 1992, points to the need to manage human activities affecting the marine environment in an integrated and precautionary manner. The 1995 Fish Stocks Agreement, the second UNCLOS implementation agreement operationalizes the precautionary approach and established a *de facto* ecosystem approach to fisheries management.<sup>5</sup> The Law of the Sea is influenced by international environmental law, including the CBD and the considerable activity of the bodies established by that Convention.<sup>6</sup> There is a pressing need for examining the developing norms on integrated oceans governance and management approaches to facilitate the adoption of the ecosystem approach.<sup>7</sup> Such integrated approaches must take account of

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<sup>3</sup> Rüdiger Wolfrum and Nele Matz, “The Interplay of the United Nations Convention on the Law of the Sea and the Convention on Biological Diversity”, *Max Planck Yearbook of United Nations Law*, vol. 4, 2000, pp. 423-480 and Alan Boyle, “Relationship between International Environmental Law and other Branches of International Law”, in D. Bodansky, J. Brunnée and E. Hey (eds.), *The Oxford Handbook of International Environmental Law*, Oxford University Press: Oxford, 2007, pp. 125-146.

<sup>4</sup> Oxman, B. H. “Human rights and the United Nations Convention on the Law of the Sea” *Columbia Journal of Transnational Law*, vol. 36 (1998) pp. 399-430.

<sup>5</sup> Tore Henriksen, “Conservation and Sustainable Use of Arctic Marine Biodiversity”, *Arctic Review on Law and Policy*, 1:2 (2010), p.249-278 .

<sup>6</sup> Alan Boyle, “Further Development of the 1982 Convention of the Law of the Sea”, in D. Freestone, R. Barnes and D. Young (eds) *The law of the Sea: Progress and Prospects*, Oxford, 2006, pp. 40 – 62.

<sup>7</sup> Yoshifumi Tanaka, *A Dual Approach to Ocean Governance: the cases of Zonal and Integrated management in International Law of the Sea*, Ashgate: Farnham, 2008.



overlapping jurisdiction of states acting in different capacities as well as the spatial and substantive mandates of international regulatory bodies, such as the IMO, RFMOs and IWC. The central research question that these issues raise is how the Law of the Sea may provide for more precautionary, holistic and integrated approaches to oceans governance and management, at the global, regional and national level.

#### *Ensuring implementation and compliance*

The effectiveness of the Law of the Sea depends upon the effective implementation of international legal norms into national legislation and their subsequent enforcement. On both counts there are currently serious shortcomings. States tend to prioritise the exploitation of natural resources and the freedom of navigation before adopting restrictions.<sup>8</sup>

There is therefore a need to examine and analyse different verification mechanisms (e.g. flag state performance assessments in the IMO and RFMOs, and coastal state and port state enforcement) with a view to improving implementation of and compliance with the Law of the Sea. As important arenas for economic/human activities through extraction of natural resources and as channels for communication between states, the oceans are increasingly the scene of criminal activities. In particular, we are currently witnessing a dramatic expansion of trans-national piracy and armed robbery in which the vessels of all states are victims, illicit trade in drugs, trafficking of humans and maritime terrorism.

#### *The Arctic*

The Arctic is opening up for new and extended uses due to climate change. The potential for international shipping through/within Arctic waters has perhaps attracted the greatest international attention, but the seabed below the Arctic Ocean may hide large amounts of oil and gas leading to increased attention on the part of industry towards the region for exploration activities. The melting of the sea ice also provides for possible new fishing grounds both within and beyond national jurisdiction. This raises traditional questions about the scope of the rights and jurisdiction of states under the Law of the Sea, as well as interrogates the adequacy of current legal regimes into which these activities fall. And further, whether traditional sectoral and geographical approaches to the governance of oceans will meet the challenges.<sup>9</sup> In particular the institutional dimension raises interesting questions, *inter alia* on the potential role of the Arctic Council, which has evolved from monitoring and assessment towards a regulatory body. Although this will involve research with regional focus, it may have relevance for other regions and Law of the Sea in general.

### **3. The Scientific Work Packages**

This section lays out the scientific content of the work packages. Section 6 provides more information regarding the milestones and deliverables of the project. To meet the Centre's scientific objective, a number of different legal questions are addressed. The questions may require different legal methods depending on the research questions and on the relevant legal sources. This includes international legal methods as well as Norwegian legal methodologies. The project also uses comparative legal methods as it will be necessary to undertake comparisons between, *inter alia*, Norwegian and Russian legislation. Some of the legal questions that will be addressed are part of interdisciplinary research projects. Material from natural scientific and technology research will therefore be relevant for the legal research.

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<sup>8</sup> Philippe Sands and Jacqueline Peel, with Adriana Fabra and Ruth MacKenzie, *Principles of International Environmental Law*, Cambridge, 2012, pp. 135-183.

<sup>9</sup> Louise Angélique de La Fayette, "Oceans Governance in the Arctic", *The International Journal of Marine and Coastal Law*, vol. 23 (2008), pp. 531-566.

## I. Fundamental Challenges for the Law of the Sea

*WP-leader: Research Professor Davor Vidas, FNI*

*Centre staff: Davor Vidas, Olav Schram-Stokke, Nele Matz and Ingvild U. Jakobsen*

*Cooperating researchers: Professor David Van derZwaag, MELAW, Dalhousie University, Canada, Professor Aldo Chircop, MELAW, Dalhousie University, Canada, Professor Peiqing Guo, Centre for Regional Polar Law, Faculty of Law, Ocean University, Qingdao, China, and Professor Said Mahmoudi, University of Stockholm, Sweden*

The Law of the Sea has been developed over several centuries as a distinct part of international law. Within the last 30 years this process has culminated in UNCLOS and related instruments, which together constitute our current legal framework for ocean governance. However, in the same time span, accelerating human activities related to the seas, coupled with technological innovations and scientific developments have resulted in a raft of fundamental challenges for the framework.<sup>10</sup> In particular the origin of some of the core challenges may be traced to changes underway in the Earth system itself, including the global climate. Responses to these varied challenges, some of which are unprecedented in our history, will require dynamic development of Law of the Sea, as well as far greater attention to its interaction with other parts of international law. The goal of WP I is to analyse the adaptability of the Law of the Sea to current challenges and those that can be foreseen with any confidence. Work in this WP will therefore draw on the other four WPs but will analyse those more ‘sectoral’ developments in the context of the overall legal and policy system, and in context of marine nature sciences. Processes such as climate change, sea-level rise and ocean acidification will increasingly require a deeper understanding of the overall Earth system-change. This will be done by organizing research activities focused on two main tasks:

### *Task I.1: Development of the Law of the Sea*

This task will emphasize driving forces and prospects for progressive development of the Law of the Sea. The goal is to find out how the Law of the Sea is developed under new circumstances following three developmental strands:

1. *State practice*: What new trends have emerged in state practice over the past 30 years, and with what effect on the development of the Law of the Sea? And what tendencies are likely to impact on its future development?
2. *International institutional cooperation*: The role and activity of numerous international bodies, both at the global (such as UN, IMO, FAO) and regional levels (e.g., RFMOs), is essential for the development of the modern Law of the Sea. In light of the complex challenges ahead – such as those embodied in ecosystem-based ocean management – we must ask: to what extent are activities under global bodies such as UN, IMO, FAO, RFMOs integrated or in need of coordination and mutual adaptation?<sup>11</sup> What is the significance of regional institutions in this regard (for instance in the Arctic), and how do regional and global instruments, including legally non-binding ones like recommendations and statements, interact? The other aspect relates to legitimacy and due process of institutional decision-making and broader possibilities of access of various *non-state actors*, among them NGOs.

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<sup>10</sup> For an overview of several challenges currently facing the Law of the Sea, see Davor Vidas (ed.), *Law, Technology and Science for Oceans in Globalisation: IUU Fishing, Oil Pollution, Bioprospecting, Outer Continental Shelf* (Martinus Nijhoff/Brill: 2010); and Davor Vidas and Peter J. Schei (eds), *The World Ocean in Globalisation: Climate Change, Sustainable Fishing, Biodiversity, Shipping, Regional Issues* (Martinus Nijhoff/Brill: 2011).

<sup>11</sup> On international institutional interaction, see Sebastian Oberthür and Olav Schram Stokke, *Managing Institutional Complexity: Regime Interplay and Global Environmental Change* (MIT Press, 2011).

3. *The role of international courts and arbitral tribunals*: The main question to be elaborated is to what extent the evasive character of some UNCLOS provisions has led to what can be termed a ‘creative role’ for international jurisprudence – in the sense of courts and arbitral tribunals *contributing to* the development of the Law of the Sea.

*Task I.2: Interaction of the Law of the Sea with Other Parts of International Law*

The Law of the Sea is an organic part of international law, and this task will gain a better overall grip on the interaction between the two. The scope and intensity of human uses of the seas and the increasing number of international instruments governing related activities have necessitated a stronger focus on how the Law of the Sea interacts with parts of international law that in the past were seldom seen as related to the maritime sphere. For instance, the use of trade-related measures in fisheries management has resulted in the need for the study of interaction with international trade law, while the more frequent arrest of fishing vessels as well as security demands in combating transnational crime require a focus on the interaction with human rights.

## **II. Maritime Boundaries and Limits & Transboundary Cooperation**

*WP-leader: Alex Oude Elferink, NILOS/UiT*

*Centre staff: Alex O. Elferink, Signe Busch, Øystein Jensen and Davor Vidas*

*Cooperating researchers: Professor Aldo Chircop, MELAW, Dalhousie University, Canada, Professor Peiqing Guo, Centre for Regional Polar Law, Faculty of Law, Ocean University, Qingdao, China*

The establishment of the inner and outer limits of maritime zones and the boundaries between neighbouring states is central to defining the scope of rights and obligations of states. Work Package II will address a number of issues that are critical to these issues identified under the theme stability and change. As most of these issues are also significant to the Arctic, several tasks under the Work Package will specifically take the region into account. The *goal* of the Work Package is to identify the existing legal frameworks, to establish how they operate and how they could be applied more effectively in practice.

*Task II.1: Maritime boundaries and climate change*

What would be the most appropriate response to climate change on baselines: reliance on the existing law on baselines and maritime zones or develop the law in the light of changing circumstances? This task will also explicitly address the implications of baseline changes in the Arctic region.

*Task II.2: The Commission on the Limits of the Continental Shelf (CLCS) and outer limits of the continental shelf*

In 2012 the CLCS has been in operation for 15 years. The practice of the Commission indicates that it is grappling with how to deal with the impact of UNCLOS Article 76 on land and maritime disputes and the interaction of Article 76 with other parts of the Convention and international law generally. The purpose of this task is to find answers to how to deal with these questions. The task will build on an on-going PhD project on disputes arising from the establishment of the outer limits of the continental shelf, which is to be completed at the end of 2013.

*Task II.3: The development of case law in relation to the delimitation of maritime boundaries between neighbouring states*

This task will address two related issues:



1. *Inconsistency in case law:* We will identify inconsistencies in the case law of the International Court of Justice and other courts and tribunals over the past couple of decades and assess implications for international law of maritime delimitation.
2. *Delimitation beyond 200 miles:* We will address the problematic 2012 judgment of the International Tribunal for the Law of the Sea (ITLOS) in the case between Bangladesh and Myanmar, the first time the delimitation of the continental shelf beyond 200 nautical miles has been addressed in detail. The intention is to assess the impact of the judgment on the law particularly the pending delimitations of the continental shelf in the Arctic.

#### *Task II.4: Delimitation of maritime and boundaries transboundary cooperation*

This task will deal with two related issues:

1. *Cooperation in absence of delimitation agreement:* The task will include regional case studies of concrete cooperative practice in the absence of formal delimitation agreements and analyses of the specific implications of these general obligations. This task will involve collaboration between the Centre, Utrecht, and the Centre for International Law of the National University of Singapore which has significant relevant expertise on the South China Sea.
2. *Transboundary cooperation in relation to hydrocarbon resources and marine conservation:* This subtask will investigate the 2010 delimitation agreement between Norway and the Russian Federation as a paradigm for future development and application of transboundary cooperation in relation to hydrocarbon resources and the preservation and protection of the marine environment. In particular, the focus could be on the establishment of transboundary marine protected areas.

#### *Task II.5: The implementation of article 82 of the UNCLOS*

A first step under this task is to identify how far the International Seabed Authority (ISA) and coastal states have come in operationalizing the obligations of coastal states under Article 82 to make payments or contributions with respect of the exploitation of the continental shelf beyond 200 nautical miles. Further the tasks include assessment of the legal constraints of the provisions on Norway and other coastal states in relation to the mineral resources on its continental shelf beyond 200 nautical miles. Norway also has an interest in this issue because a failure of Norway to implement article 82 would weaken the UNCLOS regime generally.

### **III. Navigation**

*WP-leader: Adjunct professor/Senior researcher Erik Molenaar, UiT/NILOS*

*Centre staff:* Erik Molenaar, Tore Henriksen, Ingvild U. Jakobsen, Øystein Jenssen, Magne Frostad, Jon P. Rui

*Cooperating researchers:* Professor Moira McConnell and Professor Aldo Chircop, MELAW, Dalhousie University Canada, Professor Peiqing Guo, Deputy director Jianye Tang, Department of Marine Policy and Law, Shanghai Ocean University, China, Professor Erik Franckx, Vrije Universiteit Brussel, Belgium, Senior lecturer Douglas Guilfoyle, UCL, UK, Professor Alexander Skaridov, Russian State Admiral Makarov Maritime Academy, St. Petersburg, Russia, Senior researcher Elvira Pushkareva, Department of Law, Russian Academy of Sciences, Moscow, Russia, Professor Alexander Vylegzhanin, Moscow State Institute of International Relations, Russia, Lecturer James Harrison, University of Edinburgh, UK and Professor Mark Shulman, Pace University, USA,

Even though the freedom of navigation continues to apply to the high seas and EEZs, the body of IMO standards has expanded enormously; not just in its most traditional domain of maritime safety, but also in vessel-source pollution, maritime security and crimes at sea. This task aims at investigating the character and scope of the freedom of navigation in light of this development. This will include the assessment of the role of coastal and port states and not least the IMO. There will be a particular focus on navigation in Arctic waters.

#### *Task III.1: Arctic shipping*

The research to be undertaken under this task will focus on the international law relating to shipping in the Arctic, which is rapidly developing due to the receding and thinning Arctic sea-ice. It will first of all build on and complement the research covered by the already mentioned RCN project ‘Arctic shipping through challenging waters’. This 3-year law and political science project will commence in 2013 and has the following main components:

1. *The adequacy of IMO regulations in the marine Arctic;*
2. PhD project on *Russian regulation of shipping in the Northern Sea Route*
3. PhD project on *Russia’s involvement in the IMO’s negotiations on the Polar Shipping Code*

Moreover, reference should be made to an already on-going Ph.D. project at the UiT on Norwegian practice on coastal state jurisdiction over vessel-source pollution finalised in January 2013. These research *foci* are intended to be complemented by the following sub-tasks:

4. *The relationship between coastal state jurisdiction and the envisaged IMO Polar Shipping Code,*
5. *The legal regime for navigation:* Is there a need to resolve the disagreements between several states on the legal regime for navigating in the Northern Sea Route and, if so, which options exist?
6. *Arctic Regional cooperation:* And the respective roles of IMO and regional cooperative arrangements on merchant shipping, with a particular emphasis on options for regional cooperation on monitoring, control, surveillance and enforcement among Arctic states, including within the context of the Arctic Council.

#### *Task III.2: Flag state compliance and performance assessment*

Compliance with applicable international rules and standards continues to be inadequate despite the jurisdiction granted to coastal states over ships in transit and the more optimal and collective (regional) exercise of jurisdiction by port states. This task examines the principal obligations of flag states under the UNCLOS and key IMO instruments as well as the mechanisms developed within IMO to enhance compliance, in particular the 2001 voluntary self-assessment of flag state performance system and the 2005 voluntary flag state audit scheme, which is scheduled to become mandatory in 2015.

#### *Task III.3: Norwegian Implementation of IMO and EU Instruments*

As a member state of IMO and the European Economic Area (EEA), Norway is required to implement new and amended IMO instruments as well as new and amended maritime instruments of the European Union (EU). This task is aimed at identifying implementation challenges and the solutions adopted by Norway to address these.

#### *Task III.4: Maritime security and enforcement at sea*

This task will examine the current and developing international law on combatting piracy and organized crimes at sea by examining the rights and obligations of states under the UNCLOS, international human rights instruments, and customary international law. These norms are reflected by the practice of states individually and collectively, whether within or outside global or regional bodies. These more general analyses are intended to be complemented by specific foci on issues such as the use of armed force and cooperative arrangements to resolve jurisdiction restrictions (e.g. ship-rider agreements).

### **IV. Sustainable and Equitable Utilisation of Marine Resources**

*WP-leader: Adjunct professor/Professor Nigel Bankes, UiT/ University of Calgary*

*Centre staff:* Nigel Bankes, Erik Molenaar, Irene Dahl, Svein Kr. Arntzen, Susann Skogvang, Mattias Åhren, Maria Neves, Vegard Helland

*Cooperating researchers:* Professor David Van derZwaag, MELAW, Dalhousie University, Canada, Senior lecturer David Leary, University of Technology, Sydney Professor Richard Ottinger, Pace University, USA  
The research under this work package will investigate the rights and obligations of states in relation to access to and utilisation of marine natural resources with a particular focus on the Arctic. It will also address the theme protecting the marine environment in the context of balancing resource exploitation and environmental protection and through the framework of ecosystem management. The theme of stability and change will also be addressed through the lenses of changing uses of the oceans and the recognition of new set of actors (indigenous peoples).

*Task IV.1: Rights and obligations in relation to the exploitation of energy resources in Arctic*

The task consists of three sub-tasks:

1. *The management of shared oil and gas resources between Arctic states:* The task will examine the 2010 Delimitation Agreement between Russia and Norway and its provisions for managing shared oil and gas deposits including unitization, in the context of USA/Russia, Alaska/Canada (delimitation yet to occur), Canada/Greenland, and Faroe Islands/Iceland/Norway drawing on existing North Sea practices. The project will include an examination of environmental norms as well as unitization rules and will take account of extended shelf claims. This project will be coordinated with Task 4 of WP 2. The project will also take account of the interaction between treaty relations and commercial relations between operators
2. *The Legal Framework for Norway's Energy Trading and Energy Investment Relationships:* An on-going PhD project which will generate research output for this project will help provide an important context for this Task as well as potential connections between issues of trade and investment law and the Law of the Sea.
3. *The legal framework for subsea energy infrastructure (pipelines and cables):* Energy security concerns and the widespread adoption of renewable energy as part of climate change policies have both lead to an increased demand for the use of the seabed for the use of pipelines and electricity transmission cables. This project will examine the legal regime applicable to such activities including the basic freedoms under UNCLOS, the management of conflict resource uses, as well as applicable planning and environmental rules and the relevant norms dealing with investment law and transit rules under the Energy Charter Treaty.

*Task IV.2: Biological resources beyond national jurisdiction*

Areas beyond national jurisdiction contain a variety of biological resources including both traditional resources (fisheries and marine mammals) and non-traditional resources such as marine genetic resources for bioprospecting. The management of these resources is challenging because of traditional high seas freedoms and because the rights and obligations of states are based upon the complex interaction between different legal regimes. The task consists of two sub-projects:

1. *The legal character of marine bioprospecting:* An on-going PhD project aimed at investigating the relationship between rights of marine scientific research accorded to all states and the rights of exploiting natural resources accorded to the coastal state.
2. *Conservation and sustainable use of marine biodiversity beyond national jurisdiction:* This project will examine a range of options including an instrument under UNCLOS, an instrument under the CBD and a stand-alone instrument.

*Task IV.3: Ecosystem approach in aquaculture and fisheries management*

The questions to be examined here include: What is the ecosystem approach and to what extent has it become a part of international fisheries law? What are the implications of the adoption of the ecosystem approach for the conservation and sustainable utilization of marine mammals? How does the ecosystem approach provide for the intrinsic value of biological diversity and how does it make provision for the needs of non-target species including not only fish but also, for example, seabirds? How do ecosystem management approaches within RFMOs take account of the effects of climate change? The task also includes examination of the national legal framework adopted to implement the ecosystem approach, including the types of measures, control, enforcement and compliance, both fisheries and aquaculture. The task will include comparative studies.

*Task IV.4: The interrelationship between the Law of the Sea and developing international norms relating to the rights of indigenous peoples*

Many indigenous peoples count marine areas as part of their traditional territories and rely on access to marine resources for sustenance and cultural reasons as well as for transportation. Since the adoption of UNCLOS in 1982 international law and the domestic laws of many states, including Norway, have accorded the rights of indigenous people increased recognition.

The specific activities envisaged are as follows:

1. *Right to harvest*: An assessment of how international law accommodates the rights of indigenous people to harvest marine resources.
2. *Community-based management*: An assessment on whether community-based management in fisheries, contribute to ecological sustainable development in fisheries.

*Task IV.5: The legal framework for commercial exploitation of living marine resources and aquaculture*

This task aims at investigating at how access to marine living resources is regulated, by using comparative studies, particularly on the use of ITQ and other types of quota arrangements. Further, the task will address the question on whether a property characterization of the right to harvest contributes to or detract from ideas of sustainable and equitable utilization.

*Task IV.6: The developing international regime for Arctic Ocean fisheries*

This task will examine developments among Arctic Ocean coastal states and other states and entities on the need and options for new international instruments and national legislation on Arctic Ocean fisheries.

## **V. Marine Environmental Protection**

*WP-leader: Associate professor Ingvild U. Jakobsen; UiT*

*Centre staff:* Nele Matz, Ingvild U. Jakobsen, Irene Dahl, Øystein Jensen, Marianna Melentyeva, Vito de Lucia and Kristoffer Svendsen

*Cooperating researchers:* Associate professor Yoshifumi Tanaka, University of Copenhagen Senior lecturer David Leary, University of Technology, Sydney, Lecturer James Harrison, University of Edinburgh, UK Professor Ann Powers, Pace University, USA, Professor Richard Ottinger, Pace University and Professor Elizabeth Burleson, Pace University

The WP addresses issues raised in section 3 on integration and precaution and the Arctic. Analyses of the legal obligations are not enough. An important part of the tasks focus on the implementation of international law at national level and their enforcement, highlighting the need for *ensuring implementation and compliance*. The WP has links to tasks in the other work packages as protection of the marine environment must be balanced against all interests and maritime activities. The overall goal of the work package is to analyse the legal regime for marine environmental protection with a particular emphasis on the marine environment



and ecosystems in the Arctic. The tasks spans from theoretical analyses to application of these to concrete situations.

*Task V.1: Different types of norms in international marine environmental law*

The growing awareness of the need to develop norms to protect the marine environment together with the need to balance environmental, social and economic considerations, have resulted in the adoption of broad and vague principles, and obligations and soft law instruments. In this task the goal is to examine different types of norms in international marine environmental law, and analyse their normative structure, content and effectiveness as legal governance tools. It will also examine how new environmental norms can be formulated and structured so as to improve compliance and protection of the marine environment and ecosystems. This also includes analyses of environmental quality objectives or standards, a legal tool in modern environmental law. The task will include a currently on-going PhD project investigating the legal philosophical implications of the emergence of the ecosystem approach in international environmental law.

*Task V.2: The challenges of integrated coastal and ocean management*

The task concern the legal regime for integrated coastal and ocean management and the implementation of this new approach in the marine Arctic. A central question is whether the law provides for ecosystem based management or, more specifically how integration may be achieved across the jurisdictional and sectorial limits provided by the Law of the Sea? The task consists of three elements:

1. *Conflicting uses of the oceans.* With many activities taking place in the oceans with increased intensity in this part of the task there will be an investigation on how conflicting uses of the oceans can be resolved under existing legal instruments, e.g. through the use of different legal tools such as quality standards, and marine protected areas and marine spatial planning.
2. *Arctic and integrated coastal and ocean management:* Here the work carried out by the relevant institutions in the Arctic region OSPAR and the Arctic Council in the implementation of environmental obligations and in particular the process of taking measures for integrated ocean management will be investigated. Also the role of EU, both as a legal and political player in the Arctic, will be part of the studies. Analyses of the relevant EU legislation such as the Marine Strategic Framework Directive will be included, and its relationship with the Water Framework Directive. Finally, studies of national law in the Arctic states will be undertaken with a particular focus on the coastal states (Norway, Russia, Denmark, USA and Canada) and how they regulate human activities in the maritime zones under their jurisdiction.
3. *Norwegian Integrated Plans of Management:* Here the relationship with sectorial and cross-sectorial legislation and the need for judicialisation of the plans or part of them will be investigated. The analyses will be based on comparative studies of similar integrated ecosystem based management plans in other countries.

*Task V.3: The added value of the obligation on conservation and sustainable use of biodiversity to the obligation to protect and preserve the marine environment*

The task will address the question on what the obligations under the CBD to ensure conservation and sustainable use of biological diversity will add to the obligations of the states to protect and preserve the marine environment and conserve living resources under the Law of the Sea. What significance do the new obligations have for the interpretation and

application of the obligations under the Law of the Sea? Are there new or innovative ways to make use of the guiding principles of the CBD in the light of the explicit preference of the Law of the Sea over the CBD?

#### *Task V.4: Arctic marine pollution*

The task involves the assessment of the different legal regime(s) for marine pollution of the Arctic from e.g. land-based activities, accidental pollution from vessels as well as pollution from sea bed activities. The task is twofold:

1. *Preventing land-based pollution and pollution from seabed activities:* Increased economic activities in the Arctic and sub-arctic may entail threats to the marine environment. In the first part of the task the international obligations, particularly as set out in UNCLOS and detailed in OSPAR and other regional seas agreements will be investigated and assessed whether they provide adequate regulations for the Arctic.
2. *Liability for marine pollution:* In the second part an investigation of the liability schemes at international level for oil industry, ship owner, flag state and coastal state in Arctic at international and national level will be conducted. In the 2010 delimitation treaty between Russia and Norway, the two states have agreed to cooperate on the management of hydrocarbon resources that extends across the delimitation line. There is a need for knowledge on Russian legislation on environmental risk, assessment of environmental damage, liability and compensation for such damage. The task includes an on-going PhD project on the comparison of Norwegian and Russian tort legislation on environmental damages from oil and gas activities.

#### *Task V.5: The marine environment and climate change: Prevention and mitigation*

The task includes analyses of states' obligation under Law of the Sea, other MEAs as well as the IMO in respect of geo-engineering (CO<sub>2</sub> sequestration) and measures to promote environmental \_resilience' (e.g. by the use of the MPA).

## **4. Management**

The Centre is set up with an effective and decentralized management structure based on delegated responsibilities and continuous evaluation of partners' performance. The management system will provide full transparency and control of the entire project in terms of time, resources and cost tracking. Management and Dissemination tasks (see below) will be organized as work packages.

The Centre will be an integrated part of the Faculty of Law at the University of Tromsø. The Centre and the majority of its researchers, in total 35 senior and junior researchers will be co-located with the Faculty of the Law. The Centre will be organized under the Board of the Faculty. The Principal Investigator (PI) has the overall responsibility for the scientific, administrative, personnel and financial management tasks of the Centre. The PI reports to the Board of the Faculty which is formally responsible for passing its budget and hiring its staff in compliance with University regulations and the contract with the K.G.Jebesen Foundation. There will be a leader of each of the five scientific work packages (WP leader), which are identified in section 3. The WP leader is responsible for managing the execution of the WP and shall report directly to the PI.

The office provides the necessary support for day-by-day management and administration of the Centre, led by an Office Manager employed in a 100% position. The Office Manager reports to the PI and takes charge of supporting and providing assistance to the PI, the WP leaders the Scientific Advisory Board and the researchers associated to the Centre. The Centre administration's tasks include accounting and financial reporting, recruitment of scientific staff and other personnel administration, organizing conferences and



meetings, facilitate for guest researchers and mobility, planning of courses, maintaining and developing web pages. The office will draw on the resources of the Faculty administration when necessary to fulfil its responsibilities. It will be supplemented by extra resources in peak periods (e.g. in organizing conferences), including the use of the PhD students, as part of their administrative tasks.

*Task A.1: Monitoring the progress and revising the strategy of the Centre*

It is vital for the Centre to meet the scientific goals and sub-goals are met within the timeframe set. Further, it is essential that decisions can be made rapidly and flexibly to drive forward successful breakthroughs and research lines, while redirecting and refocusing resources from areas that are less productive. The Centre has set up two procedures to provide for this:

1. The Leader Group Meeting (LGM) is set up to support the PI in governing the progress (scientific and management) of the project. The LGM consisting of the PI and the leaders of the scientific work packages will meet twice a year to assess the progress, put together an annual progress report and adopt recommendations.
2. The Scientific Advisory Board (SAB), consultant body for the scientific management of the Centre is set up to advise the PI on important issues of scientific content. The SAB will assess the annual progress report and the quality of research out-put to provide recommendations for the priorities for the coming year. The SAB will meet annually and will be composed of at least four outstanding scientists with relevant experience and representatives from industry and/or public authorities. Professor Ted McDorman, University of Victoria, Canada has already accepted an invitation to sit on the board. Other candidates will be duly nominated and appointed.

*Task A.2: Recruitment and hiring*

The Centre aims at recruiting highly qualified candidates to the 17 PhDs and 2 postdoc positions. The active participation of the Centre in teaching and training at the Faculty (task 4 below) will create opportunities recruiting outstanding researchers from Norwegian law faculties (including the LLM programme in Tromsø). The candidates will also be recruited through international announcements. Some of these may be offered permanent positions at the Faculty providing for the maintaining of the activity after the project period and ensure continued high quality on research and teaching.

The Centre academic staff recruited from the Faculty consists of 6 women and 10 men. It is committed to the gender equality work at the University of Tromsø. Recent research has shown that gender balance has a positive effect on the quality of scientific production and creates conditions for the formulation of novel research questions. The gender policy of the University is grounded in the *genSET Recommendations for Action on the Gender Dimension in Science* ([genderinscience.org](http://genderinscience.org)). Women are traditionally underrepresented in the field and so sex and gender methodologies will be actively applied in the assessment of candidates for PhD and postdoc positions. The gender balance among the senior researchers will be redressed through an extra adjunct professor/senior researcher (Nele Matz-Lück, cf. *genSET* recommendation 3). The use of broader announcement protocols is known to be an effective measure for increasing the gender balance in the pool of applicants. In advertising positions, care will be taken to ensure that job criteria are objective and transparent, applications from women/men will be actively solicited, and will be re-advertised if applicants from the underrepresented gender are not represented in the first round (*genSET* Recommendation 11). Further, the Centre will make use of the University's mentor scheme for female postdocs to facilitate for qualification for professorship.

#### *Task A.3: Facilitating for future Law of the Sea research in Tromsø*

A substantial part of the academic staff of the Ocean Law Centre have permanent positions at the Faculty and will be involved in research within this subject area after the project period. The permanent faculty will be supplemented by some of the Centre PhD and post doc candidates. Based on the university's experience in phasing out other centres, there is a reasonable expectation of additional recruitment positions at the end of the project period.

Further, the Centre will pursue sources of external funding to ensure the maintenance of research at a high level in the years following 2018. There is increased focus on the oceans and the Arctic in research programs. This is likely to be the situation during the first 6 years of the Centre. It will be an important task for the PI and the Office manager to identify and apply for external funding. The Centre will work closely with the University's Department on Research and Development on this. Further, the PI will use his contacts with RCN and businesses to lobby for programmes. The PI will also, as the Norwegian member of the Cost Action MARSAFENET, use this network to establish consortia for EU applications and as a platform for lobbying the Commission to develop and shape appropriate programmes. The Centre or the Faculty will therefore be in a good position to influence research programmes and to apply for funding both from international (EU Horizon 2020) and national (RCN) sources.

#### *Task A.4: Education and training*

The activities of the Centre will also include education and training by promoting recruitment of researchers and by increasing the level of knowledge on Law of the Sea within relevant sectors such as shipping, and the petroleum and fishing industries. These sectors are undergoing rapid change and will need the best available knowledge in the coming years. The Centre faculty will be involved in courses both at undergraduate and post graduate level. It will be responsible for the design and implementation of courses of the Master of Laws Programme in Law of the Sea. Further, the academic staff at the Ocean Law Centre will teach on the mandatory courses (international public law, environmental law and EEA law) and on the optional courses (Fisheries Law, Law of the Sea, and Energy Law) of the 5 year Master's Degree Programme in Law. This involvement may provide cross-pollination between the subjects and will benefit the research community of the Faculty as such and prevent its fragmentation. Visiting researchers from leading institutions will be actively used as guest lecturers, through seminars and conferences open to students.

The Faculty takes considerable pride in the close supervision it provides for both masters and PhD students and the Centre will further develop and perfect this practice. The budget of the Centre includes funding of master's thesis projects. These master students will be affiliated with the Centre and participate in its activities (research meetings, workshops and conferences). These students will gain first-hand research experience and their theses will make a visible contribution towards the Centre's output.

The active participation of the Ocean Centre staff will give teaching at the Faculty of Law a strong research-oriented profile. This will also make it easier to update courses and course content to take on board the latest developments and keep the University at the forefront of institutions offering instruction in this field.

All these efforts are likely to provide added value in form of an increased number of well qualified and motivated candidates for PhD positions both at the Centre and at the Faculty of Law.

The academic staff of the Centre will include 17 PhD students. Supervision of the PhD theses will be provided by members of the academic staff of the relevant WP and co-supervision by senior researchers from other institutions affiliated with the Centre. In addition to participating in research projects they are required to complete the Faculty's PhD

programme. The PhD programme necessarily has to be amended to accommodate for the special obligations of these students. These include dedicated courses on *inter alia* methodology in an interdisciplinary context, to be held at the summer schools.

The Centre will offer supplementary and continuing training opportunities for lawyers and other professionals with relevant background from industry, NGOs and governmental institutions. The teaching at the optional courses and the LLM programme referred to above will be sought adapted to part-time studies. The Centre will organize a summer school of two-three weeks intensive courses where Centre academic staff and visiting researchers will teach lawyers and other professionals. These summer schools will be anchored in given themes, e.g. the Arctic.

#### *Task A.5: National and international network activities*

In order to achieve its scientific ambitions a goal of the Centre is to facilitate for cooperation at national and international level.

The FNI researchers, located at Lysaker near Oslo, will undertake research under the different scientific work packages and be a part of the Centre academic staff. Different measures is planned to ensure good communication with the Centre in Tromsø. It will primarily be done by establishing different meeting points at work package and Centre level. Regularly meetings will be held to facilitate exchange of knowledge and coordination between researchers and projects through physical and/or electronic meetings. The operating costs in the budget of the work packages include travelling between Lysaker and Tromsø. The workshops to be held regularly will also provide for communication between the Centre staff. Some senior researchers from other countries will be employed as adjunct professors (Alex Oude Elferink, Erik Molenaar, Nigel Bankes and Nele Matz-Lück) or have their positions expanded. It will enable them to undertake research at the Centre in parts of the year. This will promote a good working environment at the Centre.

The Centre will also facilitate for a national network of ocean law researchers. It will establish cooperation with the research group on Natural resource law, Environmental law and Development law at the University of Bergen and the research groups on international relations and natural resources law at the University of Oslo. The ambition is to establish joint research projects to be funded by the Centre or through external funding. The Centre will initiate a meeting with the leaders of these research groups to identify overlapping interests. The research groups and their members will be invited to actively participate in Centre academic activities. The Centre will facilitate for such participation through (partial) funding of travel and research stays in Tromsø and for participation of its members at seminars hosted by these research groups.

The Centre will facilitate international cooperation through guest researcher and mobility programs. The active participation by international partners in the Centre research projects and its other activities (teaching, summer schools, workshops and conferences) is to be facilitated through opportunities for staying at the Centre as guest researcher program (normally 2-3 months duration). The Centre will also strive to include other relevant international researchers in the guest researcher program. The mobility programme will provide Centre academic staff the opportunity to travel abroad for research stays or present research results at cooperating institutions.

## **6. Dissemination and communication**

The goal of the work package is to ensure dissemination of the results, activities, events and achieved milestones to the scholarly community, collaborators, lead users and other external stakeholders and the general public, as well as facilitate for the best possible working culture within the project group.



#### *Task B.1: Internal dissemination and communication*

In order to best facilitate communication between the researchers the Centre will organize frequent/monthly meetings involving the whole academic staff where on-going research and planned projects are presented, discussed and coordinated. Meetings at WP level will also be held. It is referred to the means to ensure communication with the FNI researchers in the Management WP/task 4. Regular face-to-face meetings are important for smooth collaboration. Other researchers will be invited.

The Centre will facilitate for seminars initiated, organized and held solely by the PhD students of the Centre, and other affiliated PhD students. The Centre will establish a draft paper series to promote the pre-publication on on-going research by its staff and affiliates, to open for comments and feedback from colleagues. The Centre will announce all successes, big or small, through the Centre's blog / wiki page. It may include presenting successful defense of thesis, acceptance of articles for publications or of conference abstracts and presentations at conferences. The Centre aims in this way to make individual contributions visible and thereby support a culture conducive to outstanding production.

#### *Task B.2: Scientific dissemination and communication*

Scholarly publication will be central in the Centre's activities. We aim to place articles with major international peer-reviewed journals specializing in the Law of the Sea such as *International Journal on Marine and Coastal Law* and *Ocean Development & International Law* as well as more general venues covering human rights or general international law. The Centre aims to guest edit a thematic issue of a major journal, for example arising out of one of the Centre's workshops.

Centre policy will be to support and further develop the principles adopted by the University on Open Access, which is an important tool in cultivating good relations across national boundaries in the High North and Arctic. The Centre will cooperate with the University Library, which is in forefront at national and European level on Open Access on developing its open access policy. The planned transfer of the *Arctic Review on Law and Policy* to Open Access will be important for the Centre. A significant part of the Centre's scholarly output will be monographs, placed for example with Martinus Nijhoff Series on International Maritime Boundaries and Ocean Development.

Active presence and presentation of research results at national and international seminars and conferences will be expected, encouraged, and generously facilitated. The Centre will organize a number of workshops, seminars and conferences, which will also include lead users. In addition the Centre will work to become a partner in existing conferences such as the annual Arctic Frontiers conference held in Tromsø, which has become one of the most important forums for bringing together scientists and policy-makers. Towards the end of the project period larger thematic conferences will be organized to present the results of some of the Centre's major themes (e.g. the Arctic and the Law of the Sea in a fragmented legal world).

#### *Task B.3: Dissemination and communication with lead users and other external stakeholders and the general public*

The Centre aims to be the knowledge resource of first resort for private industry and public and non-governmental organizations, the media, both nationally and internationally. The Centre will actively participate in public debate through popular scholarly presentation in different media, from feature articles in local and national press in Norway (Aftenposten) to the use of UiT magazine Labyrint and forskning.no as well as in the countries of participating partners (e.g. Russia, Canada and Netherlands). The ambition is that all results of Centre

research shall be popularised and presented through appropriate channels, including its webpages. In addition, the Centre will organize outreach seminars for external stakeholders such as the fishing industry and public authorities. These seminars will also be used to identify research questions to be addressed by the Centre. We aim to carry out at least one such outreach event each year.

#### *Task B.4: Use of electronic/social media*

The Centre will use electronic media actively for dissemination and communication to the different use groups. A separate webpage will be operational from the opening of the Centre. It will include basic information about the Centre and its policy documents, project reports, minutes of meetings of SAB, faculty bios and research profiles. Vacant positions will be posted on the webpages. Here one will also find for presentation of on-going research and of research results. Draft papers will be available on intranet available for Centre affiliates. Information for prospective visiting researchers (e.g. housing, taxes, work permits) will also be presented. An event diary (on up-coming workshops and conferences) will assist in communicating with potential cooperating partners.

## **6. Deliverables, budget, added-value and Gantt chart**

### **6.1 Deliverables over the six-year period and beyond**

- Train 17 PhD-students and 2 postdocs
- Qualify 2 – 3 outstanding researchers for permanent faculty positions
- Publish 60 peer-reviewed papers in international journals, 20 monographs and 3 anthologies
- 4 media items per year, TV- and radio interviews, newspapers, articles etc.
- Organize 2 international conferences and 10 workshops
- Organize 2 summer schools
- Initiate 6 outreach events for business and external stakeholders
- Proactive in national and EU programme development

### **6.2 Budget**

The K. G. Jebsen budget template is attached to the application. In addition we enclose more detailed breakdowns showing the allocation of funds by work package (WP) as well as the allocation sought from each funding source along with a specification of the intended use.

### **6.3 Added value**

The Centre will be a permanent focal point in the network of researchers and practitioners with a common interest in the development and application of the Law of the Sea with the aim of facilitating and promoting the sustainable development and peaceful utilization of the seas and oceans in the 21<sup>st</sup> Century. The Centre will be a major facilitator of cross-sectorial exchange of knowledge between academia, industry and government at the national, Nordic and international levels, an engine for the recruitment of outstanding researchers to a field undergoing rapid expansion in response to global challenges, and a long term knowledge resource for collaborating international research groups. The activities of the Centre will create a lasting and positive impact on policy development, particularly in Norway and the High North.

## 6.4 Gantt Chart

Project Gantt Chart: Activities (Shading), Milestones (●) and deliverables (◆)

Only major milestones (hiring of phds), and deliverables (progress meetings, workshops, conferences) shown.

WP	Task	2013		2014		2015		2016		2017		2018		2019		2020		2021	
		1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
A	Project Management																		
A.1	Progress monitoring		◆		◆		◆		◆		◆		◆						
A.2	Recruitment/hiring	●		●●		●		●●		●●		◆		◆		◆		◆	
A.3	Facilitating the future																		
A.4	Education and training		●		●◆		●◆		●◆		●◆		●◆		●◆		●◆		●◆
A.5	Network activities																		
I	Fundamental Challenges																		
I.1	Development of the Law of the Sea			● <sub>A2</sub>								◆ <sub>A2</sub>							
I.2	Law of the Sea and International Law																		
II	Maritime Boundaries																		
II.1	Climate change																		
II.2	Limits of the continental shelf			●◆ <sub>A2</sub>															
II.3	Development of case Law																		
II.4	Delimitation and cooperation			● <sub>A2</sub>								◆ <sub>A2</sub>							
II.5	Implementation of UNCLOS art. 82																		
III	Navigation																		
III.1	Arctic Shipping	●● <sub>A2</sub>								◆◆ <sub>A2</sub>									
III.2	Flag State compliance					● <sub>A2</sub>								◆ <sub>A2</sub>					
III.3	Norwegian implementation of IMO and EU																		
III.4	Maritime security and enforcement at sea							● <sub>A2</sub>								◆ <sub>A2</sub>			
IV	Marine Resources																		
IV.1	Rights and Obligations			● <sub>A2</sub>				◆ <sub>A2</sub>				◆ <sub>A2</sub>							
IV.2	Biological Resources					◆ <sub>A2</sub>													
IV.3	Ecosystem Approach									● <sub>A2</sub>								◆ <sub>A2</sub>	
IV.4	International law and indigenous peoples					● <sub>A2</sub>								◆ <sub>A2</sub>					
IV.5	Legal framework for commercial exploitation																		
IV.6	Arctic ocean fisheries																		
V	Marine Environment Protection																		
V.1	Normative diversity						● <sub>A2</sub>												
V.2	Challenges of integrated oceans management			● <sub>A2</sub>		◆ <sub>A2</sub>		● <sub>A2</sub>				◆ <sub>A2</sub>							
V.3	Conservation, sustainability and biodiversity																		
V.4	Arctic Marine Pollution					◆ <sub>A2</sub>		● <sub>A2</sub>								◆ <sub>A2</sub>			
V.5	Marine environment and climate change																		
B	Dissemination																		
B.1	Internal dissemination																		
B.2	Scientific dissemination and communication		◆		◆		◆		◆		◆ <sub>1</sub>		◆ <sub>1</sub>						
B.3	Outreach			◆		◆		◆		◆		◆		◆					
B.4	Electronic media																		



## Budget - detailed

K.G.Jebsen Centre of Ocean Law

### Total

Centre Leader Professor Tore Henriksen

	2013	2014	2015	2016	2017	2018	2019	Total
SKGJ	1 190 417	5 390 667	6 339 916	7 791 000	7 969 000	5 632 000	1 687 000	36 000 000
Faculty of Law	5 502 000	12 882 000	12 620 000	11 785 000	12 606 000	10 365 000	6 559 000	72 319 000
University of Tromsø	96 000	1 121 000	1 926 000	2 590 000	1 758 000	1 824 000	775 000	10 090 000
Tromsø forskningsstiftelse	120 000	220 000	340 000	140 000	140 000	20 000		980 000
Research Council of Norway	3 016 583	2 912 333	1 604 084	1 287 000				8 820 000
Faculty of Social Sciences	320 000	320 000	712 384	320 000				1 672 384
Troms County Council	600 000	600 000						1 200 000
Fram Centre	273 000	396 000	150 000					819 000
<b>Total Centre</b>	<b>11 118 000</b>	<b>23 842 000</b>	<b>23 692 384</b>	<b>23 913 000</b>	<b>22 473 000</b>	<b>17 841 000</b>	<b>9 021 000</b>	<b>131 900 384</b>

	K. G. Jebsen Foundation (SKGJ)	2013	2014	2015	2016	2017	2018	2019	Total
<b>WP I</b>	Leader, FNI	61 000	123 000	123 000	123 000	123 000	123 000	62 000	738 000
	Senior researcher, FNI	184 000	369 000	369 000	369 000	369 000	369 000	185 000	2 214 000
	Senior researcher, FNI	61 000	246 000	246 000	246 000	246 000	246 000	185 000	1 476 000
<b>WP II</b>	Leader	48 000	100 000	104 000	108 000	112 000	117 000	61 000	650 000
	Senior researcher	48 000	200 000	208 000	216 000	224 000	234 000	170 000	1 300 000
	Researcher, FNI	51 000	204 000	204 000	204 000	204 000	204 000	153 000	1 224 000
	Phd.-student		637 000	663 000	689 000	717 000			2 706 000
<b>WP III</b>	Researcher, FNI	173 417	167 667	160 916	306 000	306 000	306 000		1 420 000
	Phd.-student			663 000	689 000	717 000	745 000		2 814 000
<b>WP IV</b>	Phd.-student		637 000	663 000	689 000	717 000			2 706 000
<b>WP V</b>	Phd.-student		637 000	663 000	689 000	717 000			2 706 000
	Postdoctor				996 000	1 036 000	1 077 000		3 109 000
	Senior researcher, FNI	123 000	123 000	123 000	123 000	123 000	123 000		738 000
	Researcher, FNI		129 000	129 000	129 000	129 000	129 000	129 000	774 000
	Senior researcher				216 000				216 000
<b>A</b>	Centre management 100 %	216 000	673 000	699 000	727 000	757 000	787 000	517 000	4 376 000
	Summer school		223 000		100 000				323 000

		2013	2014	2015	2016	2017	2018	2019	Total
	Guest researchers		222 000	222 000	222 000	222 000	222 000		1 110 000
	Mobility			400 000	200 000	200 000	100 000		900 000
	Other Operating expenses	225 000	450 000	450 000	450 000	450 000	450 000	225 000	2 700 000
<b>B</b>	International conference					300 000	300 000		600 000
	International workshops		200 000	200 000	200 000	200 000			800 000
	Proof reading/publi. Costs		50 000	50 000	100 000	100 000	100 000		400 000
	<b>Total SKGJ</b>	<b>1 190 417</b>	<b>5 390 667</b>	<b>6 339 916</b>	<b>7 791 000</b>	<b>7 969 000</b>	<b>5 632 000</b>	<b>1 687 000</b>	<b>36 000 000</b>

	University of Tromsø	2013	2014	2015	2016	2017	2018	2019	Total
	<b>Faculty of Law</b>								
<b>WP I</b>	Adjunct Professor			208 000					208 000
	Phd.-student		637 000	663 000	689 000	717 000			2 706 000
	Senior researcher				176 000	184 000	192 000		552 000
	Overhead		320 000	374 000	428 000	374 000	54 000		1 550 000
<b>WP II</b>	Overhead	296 000	721 000	721 000	721 000	401 000	81 000	55 000	2 996 000
<b>WP III</b>	Leader	48 000	100 000	104 000	108 000	112 000	117 000	61 000	650 000
	Senior researcher	79 000	246 000	255 000					580 000
	Adjunct Professor	48 000	200 000	208 000	264 000	224 000			944 000
	Senior researcher			255 000					255 000
	Senior researcher	79 000	246 000	255 000		276 000	288 000	158 000	1 302 000
	Senior researcher		246 000	255 000					501 000
	Overhead	400 000	644 000	1 045 000	1 055 000	802 000	748 000	388 000	5 082 000
<b>WP IV</b>	Leader	48 000	100 000	104 000	108 000	112 000	117 000	61 000	650 000
	Ongoing Ph.d.-project	13 000	37 000	553 000					603 000
	Adjunct Professor	96 000	200 000	96 000	216 000	224 000	234 000		1 066 000
	Ongoing Ph.d.-project	613 000	637 000						1 250 000
	Phd.-student					717 000	745 000	775 000	2 237 000
	Senior researcher	79 000	492 000	510 000	528 000	552 000	576 000	458 000	3 195 000
	Senior researcher	158 000	492 000	510 000	528 000	552 000	576 000	316 000	3 132 000
	Senior researcher	79 000	158 000	255 000					492 000
	Senior researcher		82 000	85 000	88 000	92 000	96 000	100 000	543 000
	Adjunct Professor						234 000	122 000	356 000

		2013	2014	2015	2016	2017	2018	2019	Total
	Overhead	788 000	1 444 000	1 394 000	1 070 000	1 390 000	1 124 000	631 000	7 841 000
<b>WP V</b>	Leader	40 000	82 000	85 000	88 000	92 000	96 000	100 000	583 000
	Senior researcher	79 000	492 000	413 000	264 000	276 000	288 000		1 812 000
	Ongoing Ph.d.-project	614 000	637 000	55 000					1 306 000
	Phd.-student				689 000	717 000	745 000	775 000	2 926 000
	Researcher			255 000	264 000	276 000			795 000
	Overhead	1 027 000	1 500 000	779 000	1 230 000	1 203 000	802 000	334 000	6 875 000
<b>A</b>	PI	413 000	1 290 000	1 341 000	1 395 000	1 451 000	1 509 000	992 000	8 391 000
	Faculty administration	108 000	337 000	350 000	364 000	378 000	393 000	258 000	2 188 000
	Teaching Adjunct Professors	96 000	400 000	416 000	432 000	448 000	468 000	339 000	2 599 000
	Annum	66 000	414 000	348 000	352 000	308 000	154 000	143 000	1 785 000
	Overhead	235 000	728 000	728 000	728 000	728 000	728 000	493 000	4 368 000
	<b>Total Faculty of Law</b>	<b>5 502 000</b>	<b>12 882 000</b>	<b>12 620 000</b>	<b>11 785 000</b>	<b>12 606 000</b>	<b>10 365 000</b>	<b>6 559 000</b>	<b>72 319 000</b>
	<b>University of Tromsø</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
<b>WP I</b>	Adjunct Professor				216 000				216 000
<b>WP II</b>	Postdoctor		921 000	958 000	996 000				2 875 000
<b>WP III</b>	Phd.-student				689 000	717 000	745 000	775 000	2 926 000
<b>WP IV</b>	Phd.-student			664 000	689 000	717 000	745 000		2 815 000
<b>WP V</b>	Adjunct Professor	96 000	200 000	304 000		224 000	234 000		1 058 000
<b>B</b>	Conference					100 000	100 000		200 000
	<b>Total University of Tromsø</b>	<b>96 000</b>	<b>1 121 000</b>	<b>1 926 000</b>	<b>2 590 000</b>	<b>1 758 000</b>	<b>1 824 000</b>	<b>775 000</b>	<b>10 090 000</b>
	<b>Faculty of Social Sciences</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
<b>WP III</b>	Senior researcher			392 384					392 384
	Overhead	320 000	320 000	320 000	320 000				1 280 000
	<b>Total Faculty of Social Sciences</b>	<b>320 000</b>	<b>320 000</b>	<b>712 384</b>	<b>320 000</b>				<b>1 672 384</b>
	<b>Total University of Tromsø</b>	<b>5 918 000</b>	<b>14 323 000</b>	<b>15 258 384</b>	<b>14 695 000</b>	<b>14 364 000</b>	<b>12 189 000</b>	<b>7 334 000</b>	<b>84 081 384</b>

	<b>Research Council of Norway</b>	2013	2014	2015	2016	2017	2018	2019	Total
<b>WP II</b>	Ongoing Ph.d.-project	512 000							512 000

		2013	2014	2015	2016	2017	2018	2019	Total
<b>WP III</b>	Ph.d.-student	613 000	637 000	663 000	689 000				2 602 000
	Ph.d.-student	531 000	552 000	575 000	598 000				2 256 000
	Researcher, FNI	132 583	138 333	145 084					416 000
<b>WP V</b>	Ongoing Ph.d.-project	614 000	637 000	221 000					1 472 000
	Ongoing Ph.d.-project	614 000	584 000						1 198 000
<b>A</b>	Mobility		364 000						364 000
	<b>Total RCN</b>	<b>3 016 583</b>	<b>2 912 333</b>	<b>1 604 084</b>	<b>1 287 000</b>				<b>8 820 000</b>

	<b>Fram Centre</b>	2013	2014	2015	2016	2017	2018	2019	Total
<b>A</b>	Guest researchers	123 000	246 000						369 000
<b>B</b>	Workshops	150 000	150 000	150 000					450 000
	<b>Total Fram Centre</b>	<b>273 000</b>	<b>396 000</b>	<b>150 000</b>					<b>819 000</b>

	<b>Troms County Council</b>	2013	2014	2015	2016	2017	2018	2019	Total
<b>WP IV</b>	Ph.d.-student	600 000	600 000						1 200 000

	<b>Tromsø forskningsstiftelse</b>	2013	2014	2015	2016	2017	2018	2019	Total
<b>A</b>	Master scholarships	100 000	200 000	300 000	100 000	100 000			800 000
	National network	20 000	20 000	40 000	40 000	40 000	20 000		180 000
	<b>Total Tromsø forskningsstiftelse</b>	<b>120 000</b>	<b>220 000</b>	<b>340 000</b>	<b>140 000</b>	<b>140 000</b>	<b>20 000</b>		<b>980 000</b>
	<b>Total Centre</b>	<b>11 118 000</b>	<b>23 842 000</b>	<b>23 692 384</b>	<b>23 913 000</b>	<b>22 473 000</b>	<b>17 841 000</b>	<b>9 021 000</b>	<b>131 900 384</b>

## Overall Budget

## EXPENSES (in 1000 NOK)

Cost category	2013	2014	2015	2016	2017	2018	2019	Total
<b>Personnell</b>								
PI*	521	1 610	1 661	1 715	1 771	1 829	1 204	10 311
Senior staff	2 378	7 022	8 233	6 412	6 558	6 364	3 189	40 156
Post docs	-	1 241	1 278	2 632	1 356	1 397	-	7 904
PhD students	7 234	10 366	9 011	9 999	9 333	5 325	3 285	54 553
Other	524	1 510	1 649	1 491	1 535	1 480	975	9 164
Total personnel:	10 657	21 749	21 832	22 249	20 553	16 395	8 653	122 088
<b>Other costs:</b>								
Equipment	-	-	-	-	-	-	-	-
Consumables	-	-	-	-	-	-	-	-
Travel	-	586	622	422	422	322	-	2 374
Publications, etc.	-	50	50	100	100	100	-	400
Other	461	1 457	1 188	1 142	1 398	1 024	368	7 038
Total other costs	461	2 093	1 860	1 664	1 920	1 446	368	9 812
<b>Subcontracting costs</b>	-	-	-	-	-	-	-	-
<b>Total costs of project</b>	11 118	23 842	23 692	23 913	22 473	17 841	9 021	131 900

## SPECIFICATIONS related to the above cost table

<b>Indirect costs:</b> please specify all indirect costs included in the table above (overheads)								
Overhead - personell	3 066	5 677	5 361	5 552	4 898	3 537	1 074	29 165
Overhead - other costs	-	-	-	-	-	-	-	-
Sum overhead	3 066	5 677	5 361	5 552	4 898	3 537	1 074	29 165
In % of total costs	28 %	24 %	23 %	23 %	22 %	20 %	12 %	22 %

<b>PI involvement</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
% of working time	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %

For the above cost table, please indicate the % of working time the PI dedicates to the project

\*Please note that the PI is expected to devote a significant % of total working time to the project.

## Budget - SKGJ

### EXPENSES (in 1000 NOK)

Cost category	2013	2014	2015	2016	2017	2018	2019	Total
<b>Personnell</b>								
PI								-
Senior staff	749	1 662	1 667	2 040	1 836	1 851	945	10 750
Post docs				996	1 036	1 077		3 109
PhD students		1 911	2 652	2 756	2 868	745		10 932
Other	216	673	699	727	757	787	517	4 376
Total personnel:	965	4 246	5 018	6 519	6 497	4 460	1 462	29 167
<b>Other costs:</b>								
Equipment								-
Consumables								-
Travel		222	622	422	422	322		2 010
Publications, etc.		50	50	100	100	100		400
Other	225	873	650	750	950	750	225	4 423
Total other costs	225	1 145	1 322	1 272	1 472	1 172	225	6 833
<b>Subcontracting costs</b>								-
<b>Total costs of project</b>	1 190	5 391	6 340	7 791	7 969	5 632	1 687	36 000



## Budget - University

### EXPENSES (in 1000 NOK)

Cost category	2013	2014	2015	2016	2017	2018	2019	Total
<b>Personnell</b>								
PI	521	1 610	1 661	1 715	1 771	1 829	1 204	10 311
Senior staff	1 373	4 976	6 421	4 372	4 722	4 513	2 244	28 621
Post docs		1 241	1 278	1 636	320	320		4 795
PhD students	3 750	5 445	4 900	5 956	6 465	4 580	3 285	34 381
Other	208	637	650	664	678	693	458	3 988
Total personnel:	5 852	13 909	14 910	14 343	13 956	11 935	7 191	82 096
<b>Other costs:</b>								
Equipment								-
Consumables								-
Travel								-
Publications, etc.								-
Other	66	414	348	352	408	254	143	1 985
Total other costs	66	414	348	352	408	254	143	1 985
<b>Subcontracting costs</b>								-
<b>Total costs of project</b>	<b>5 918</b>	<b>14 323</b>	<b>15 258</b>	<b>14 695</b>	<b>14 364</b>	<b>12 189</b>	<b>7 334</b>	<b>84 081</b>

### SPECIFICATIONS related to the above cost table

<b>Indirect costs:</b> please specify all indirect costs included in the table above (overheads)								
Overhead - personell	3 066	5 677	5 361	5 552	4 898	3 537	1 074	29 165
Overhead - other costs								-
Sum overhead	3 066	5 677	5 361	5 552	4 898	3 537	1 074	29 165
In % of total costs	52 %	40 %	35 %	38 %	34 %	29 %	15 %	35 %

**EXPENSES (in 1000 NOK)**

Cost category	2013	2014	2015	2016	2017	2018	2019	Total
<b>Personnell</b>								
PI								-
Senior staff	256	384	145					785
Post docs								-
PhD students	3 484	3 010	1 459	1 287				9 240
Other	100	200	300	100	100			800
Total personnel:	3 840	3 594	1 904	1 387	100	-	-	10 825
<b>Other costs:</b>								
Equipment								-
Consumables								-
Travel		364						364
Publications, etc.								-
Other	170	170	190	40	40	20		630
Total other costs	170	534	190	40	40	20	-	994
<b>Subcontracting costs</b>								-
<b>Total costs of project</b>	4 010	4 128	2 094	1 427	140	20	-	11 819

**SPECIFICATIONS** related to the above cost table

[illegible]

## KONSORTIEAVTALE

Mellom

Universitetet i Tromsø, org. nr 970 422 528  
ved Det juridiske fakultet

heretter benevnt Prosjektansvarlig

og

Fridtjof Nansens Institutt, org. nr. 944 137 238, Postboks 326, 1326 Lysaker

heretter benevnt Konsortiedeltakere

er det i dag inngått følgende avtale for “**K.G. Jebsen-senter for havrett**”

### 1. DEFINISJONER

**Bidragssyter:** Den eksterne finansieringskilden som bidrar med økonomisk støtte til prosjektet, her Stiftelsen Kristian Gerhard Jebsen (SKGJ).

**Immaterielle rettigheter:** Rettigheter til åndsverk og andre rettigheter etter åndsverkloven.

**Konsortiedeltaker:** Prosjektansvarlig og aktive samarbeidspartner(-e) som i henhold til konsortieavtalen bidrar med ressurser til Prosjektet.

**Prosjekt:** Den samlede forsknings-, utviklings- og/eller utredningsaktivitet som kontrakten omfatter og som er spesifisert i Prosjektbeskrivelse.

**Prosjektbakgrunn:** Den kunnskap, herunder immaterielle rettigheter, eller materielle bidrag *know how*, som en Konsortiedeltaker bringer inn i Prosjektet og som er nødvendige for å gjennomføre Prosjektet, fremgår av vedlegg nr. 2

**Prosjektbeskrivelse:** Beskrivelse av faglig gjennomføring av prosjektet samt beskrivelse av finansiell gjennomføring av prosjektet inkludert budsjett samt del-frister.

**Prosjektresultater:** Alle resultater, data, informasjon og fysiske gjenstander som er skapt eller oppnådd i forbindelse med Prosjektet, herunder Immaterielle rettigheter, uavhengig av om resultatene er beskyttet etter norsk eller utenlandsk lovgivning.

## **2. GJENNOMFØRING AV PROSJEKTET**

### **2.1 Beskrivelse og gjennomføring**

Denne konsortieavtalen regulerer organisering og gjennomføring av Prosjektet samt rettigheter og plikter mellom konsortiedeltakerne. Prosjektet er omtalt som "K. G. Jebsen-senter for havrett".

Konsortieavtalen omfatter dette underskrevne avtaledokument med 2 vedlegg.

Rammene for prosjektet, herunder betingelsene for støtte fra SKGJ, denne støttens omfang, prosjektets mål, prosjektbeskrivelse, finansieringsplan og rapporteringskrav, fremgår av Avtaledokument mellom SKGJ og prosjektansvarlig.

**Vedlegg 1:** Avtaledokument mellom SKGJ og prosjektansvarlig.

Ved eventuell motstrid mellom Avtaledokument og denne konsortieavtalen, skal Avtaledokumentet ha prioritet.

**Vedlegg 2:** Prosjektbeskrivelse med budsjett.

Prosjektet gjennomføres i samsvar med prosjektbeskrivelse.

### **2.2 Konsortiedeltakere og ledelse**

*Prosjektansvarlig*

Universitetet i Tromsø

org.nr. 970 422 528

*Konsortiedeltakere*

Fridtjof Nansens Institutt

org.nr. 944 137 238

Prosjektansvarlig skal sørge for at de intensjoner og planer som ligger til grunn for avtalen om Prosjektet blir innfridd, og at den virksomhet som fremgår av Prosjektbeskrivelsen og Fremdrifts- og finansieringsplanen blir realisert innenfor vedtatte økonomiske og tidsrammer. Prosjektansvarlig skal videre sikre at samspillet mellom konsortiedeltakerne fungerer godt.

Konsortiet skal ha en prosjektleder. Prosjektleder utpekes av Prosjektansvarlig. Prosjektleder har det daglige ansvaret for Prosjektet og rapporterer til Prosjektansvarlig.

Prosjektleder er professor Tore Henriksen, Det juridiske fakultet, Universitetet i Tromsø.

Konsortiedeltakeren skal utføre det forskningsarbeid som vedkommende har påtatt seg i henhold til prosjektbeskrivelsen og årlige arbeidsplaner som utarbeides og godkjennes av prosjektleder.

Prosjektet skal for øvrig gjennomføres i samsvar med denne avtalen, relevante kvalitetsstandarder, lover og annet offentlig regelverk samt god forskningspraksis.

### **2.3 Rapportering**

Konsortiedeltakere skal avgi skriftlige fremdriftsrapporter og sluttrapport i henhold til Prosjektbeskrivelsen, de årlige arbeidsplanene og Avtaledokumentet mellom SKGJ og prosjektansvarlig.

Konsortiedeltakere plikter også å delta og bidra til at prosjektevalueringene foregår på en faglig og forsvarlig måte.

Fremdriftsrapporter og sluttrapport skal foreligge på engelsk.

## **2.4 Endringer i Prosjektet**

Hver av partene kan foreslå endringer i denne Konsortieavtalen inkludert Prosjektets mål, omfang og retningslinjer på grunnlag av resultater eller andre forhold som endrer forutsetningene for Prosjektet. Endringene skal godkjennes av alle Konsortiedeltakere. Tillegg og endringer til Konsortieavtalen skal dateres, være skriftlige og skal vedlegges dette avtaledokumentet.

## **2.7 Prosjektets varighet og opphør**

Prosjektet starter 1.9.2013 og avsluttes 31.8.2019.

En Konsortiedeltaker kan anmode om å avvikle sin deltakelse i konsortiet, og ved dette frasi seg sine rettigheter og bli fritatt fra sine forpliktelser etter konsortieavtalen. Anmodningen må fremmes med minimum 6 måneders varsel til Prosjektansvarlig.

# **3. BIDRAGET**

Bidragssyter skal overføre midler i henhold til Prosjektbeskrivelse og Avtaledokument mellom SKGJ og prosjektansvarlig. Prosjektrammen angis uten merverdiavgift.

Konsortiedeltageren mottar totalt kr 8 584 000 til dekning av forskermånedssverk, i henhold til budsjett, se vedlegg 2, til finansiering av prosjektet. Finansiering fra andre kilder - som NFR – til prosjekter som er lagt inn i senterets arbeidsplaner, kommer i tillegg. Konsortiedeltageren skal utstede faktura til prosjektansvarlig to ganger per år, innen 1. februar og 1. august. Ressursbruk skal dokumenteres i form av timelister, og utbetaling skjer i henhold til godkjent fremdriftsrapport. Andre utgifter refunderes etter avtale med prosjektleder og i henhold til innsendte bilag.

Prosjektansvarlig skal utstede innbetalingsdokument til bidragssyter 1. april og 1. oktober. Bidragssyter skal betale innen 30 dager regnet fra dokumentets utstedelsesdato.

Bidragssyter og øvrige Konsortiedeltakere har rett til å kontrollere at de bevilgede midlene brukes i henhold til prosjektbeskrivelse, årsplaner og Avtaledokument mellom SKGJ og prosjektansvarlig.

# **4. RETTIGHETER TIL PROSJEKTBAGGRUNN OG PROSJEKTRESULTATER**

## **4.1 Prosjektbakgrunn**

Den Prosjektbakgrunn som anses relevant ved inngåelse av konsortieavtalen, fremgår av Vedlegg 2.



Ethvert resultat av Prosjektet som ikke er Prosjektbakgrunn i henhold til Vedlegg 2, og som heller ikke er godkjent av Prosjektansvarlig som Prosjektbakgrunn, har automatisk status som Prosjektresultat.

Eiendomsretten til Prosjektbakgrunn beholdes av den Konsortiedeltaker som brakte denne inn i Prosjektet.

## **4.2 Prosjektresultater**

### **4.2.1 Eierskap til prosjektresultater**

Hver Konsortiedeltaker får eiendomsrett til Prosjektresultat som er frembrakt av vedkommende deltaker, dennes ansatte eller leverandører. Prosjektansvarlig og konsortiedeltakere har immaterielle rettigheter til resultatene i henhold til lov om opphavsrett til åndsverk av 1961.

### **4.2.3 Bruksrett til prosjektresultater**

Konsortiedeltakerne skal under prosjektperioden ha vederlagsfri bruksrett til Prosjektresultater som er nødvendige for gjennomføringen av eget arbeid i Prosjektet.

Konsortiedeltakerne skal ha rett til vederlagsfri bruk av alle Prosjektresultatene til egne undervisnings- og forskningsformål.

Alle begjæringer om bruksrett til Prosjektresultater skal fremsettes skriftlig.

## **5. BRUKSRETTIGHETER FOR DELTAKERE SOM TILTRER ELLER FORLATER KONSORTIET**

### **5.1 Deltakere som tiltrer konsortiet**

Alle Prosjektresultater skapt før en ny parts tiltredelse, anses som Prosjektbakgrunn i forhold til den nye parten.

### **5.2 Deltakere som forlater konsortiet**

En part som frivillig forlater konsortiet skal beholde eiendomsrett til egne Prosjektresultater utviklet frem til fratredelsesdato.

En part som frivillig forlater konsortiet og med de andre partenes samtykke, skal beholde bruksrettigheter til Prosjektbakgrunn frem til fratredelsesdato.

Bruksrettigheter til en misligholdende part skal opphøre øyeblikkelig når den misligholdende parten mottar styrets formelle oppsigelse av deltakelse i Prosjektet.

Alle parter som forlater konsortiet skal fortsette å avgi bruksrettigheter til Prosjektbakgrunn i henhold til Konsortieavtalen, som om vedkommende hadde fortsatt å være part i hele Prosjektets varighet.

## **6. OFFENTLIGGJØRING**

Prosjektresultatene skal gjøres kjent så hurtig som mulig. Konsortiedeltakerne har rett til å publisere egne resultater fra delprosjekter.

## **8. ANSVAR**

### **8.1 Deltakernes ansvar for tap og skade**

Hver Konsortiedeltaker er selv ansvarlig for tap eller skade som oppstår som følge av Konsortiedeltakers handlinger.

### **8.2 Personalansvar og avtaler med ansatte**

Arbeidsgiveransvar og ansettelse skal normalt ikke endres for arbeidstakere som deltar i Prosjektet.

Konsortiedeltakerne forplikter seg til å inngå de avtaler med ansatte (herunder ansatte med dobbelt tilsettingsforhold), samarbeidspartnere, underleverandører og andre som er nødvendig for å oppfylle vedkommende Konsortiedeltakers forpliktelser etter denne avtale, herunder å sørge for nødvendig overføring av immaterielle rettigheter.

### **8.3 Mislighold**

Dersom en Konsortiedeltaker ikke utfører avtalt forskningsarbeid på en tilfredsstillende måte, kan Prosjektansvarlig beslutte at forskningsarbeidet helt eller delvis skal overføres til en annen Konsortiedeltaker på nærmere angitte vilkår. Slik overføring fritar ikke den aktuelle Konsortiedeltaker for dennes øvrige forpliktelser i henhold til vedlegg 2.

### **8.4 Bruk av resultater.**

Bruk av Prosjektresultater skjer på Konsortiedeltakeres eget ansvar og risiko.

Konsortiedeltakere har intet ansvar overfor hverandre for eventuelle følgeskader og konsekvenstap.

## **9. LOVVALG OG TVISTER**

Denne konsortieavtalen følger norsk rett. Tvister søkes løst gjennom forhandlinger eller frivillig mekling. Dersom dette ikke lykkes innen én måned etter at forhandlinger er begjært, kan tvisten bringes inn for Nord-Troms tingrett.

## **10. UNDERSKRIFT**

Denne kontrakt er underskrevet i to eksemplarer, ett til hver av partene.

Sted, dato

Sted, dato

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UiT ved det Juridiske fakultet

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Fridtjof Nansens Institutt

## **11. VEDLEGG**

Som del av denne kontrakt inngår følgende vedlegg:

Vedlegg 1: Avtaledokument mellom SKGJ og prosjektansvarlig.

Vedlegg 2: Prosjektbeskrivelse med budsjett for “K. G. Jebsen-senter for havrett.”

## NOTAT

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Til: Stiftelsen Kristian Gerhard Jebsen  
Fra: Avdeling for forskning og utviklingsarbeid  
Arkivref.:2012/3016 PBY000/473

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### Intensjonserklæring fra Universitetet i Tromsø

Ved en eventuell gjeninnføring av gaveforsterkningsordningen, så har Universitetet i Tromsø som intensjon at de midler som tildeles UiT på grunn av støtten til K.G. Jebsensenteret for havrett skal brukes i tråd med anbefalingene i Forskningsmeldingen. Spesielt ønsker vi å bygge opp under Forskningsmeldingens (St. meld. nr. 18 (2012-2013)) anbefaling om at gaveforsterkningsmidlene skal benyttes til grunnleggende langsiktig forskning, samtidig som institusjonene skal bidra til å etablere robuste miljøer som kan oppnå gode resultater.

Universitetet i Tromsø har derfor som intensjon at gaveforsterkningen knyttet til K. G. Jebsensenteret for havrett skal benyttes til å utvide senterets faglige profil og/eller for å støtte opp under fag som kan bidra til kunnskapsgrunnlaget for senterets aktivitet i vid forstand.

En slik intensjonserklæring gis med forbehold om at et endelig vedtak om prinsipper for bruk av gaveforsterkningsmidler får tilslutning i det nye Universitetsstyret.

Tromsø, 6.5.2013



Jarle Aarbakke  
rektor



Lasse Lønnum  
universitetsdirektør

