

JUR-3052 Protection of the Marine Environment by International Law

Note: Note: Items in red color are to be removed from syllabus, items in green color are to be added to the syllabus, items in black color are to remain in the syllabus.

The students are required to buy, or otherwise have access to:

- Philippe Sands/Jacqueline Peel, Principles of International Environmental Law (4th ed.), 2018

International environmental law in context:

- Alan Boyle, "Relationship between International Environmental Law and Other Branches of International Law" in Oxford Handbook of International Environmental Law, Daniel Bodansky et al (eds.), (Oxford University Press, 2007), pp. 125-146 (21 pages)
- Catherine Redgwell, "International Environmental Law", in Malcolm D. Evans (ed.), International Law (Oxford University Press, 2014), pp. 688-726 (38 pages)
- Philippe Sands and Jacqueline Peel (eds.), Principles of International Environmental Law (4th ed.) (Cambridge University Press, 2018), Chapter 6: pp. 197-251 (54 pages)

Protection and preservation of the marine environment (overview):

- Doris König, "Marine Environment, International Protection", in R. Wolfrum (ed.), Max Planck Encyclopedia of Public International Law (Oxford University Press, 2012), available in print and as an online resource (20 pages)
- Donald R. Rothwell and Tim Stephens, "Chapter 15: Marine Environmental Protection", in The International Law of the Sea (2nd ed.) (Hart Publishing, 2016), pp. 338-382 (45 pages)

Pollution of the marine environment:

- Thomas A. Mensah, "Marine Pollution from Ships, Prevention of and Responses to", in R. Wolfrum (ed.), Max Planck Encyclopedia of Public International Law (Oxford University Press, 2012), available in print and as an online resource (15 pages)
- Elizabeth Kirk, Science and the International Regulation of Marine Pollution, in: D. R. Rothwell, A. G. Oude Elferink, K. N. Scott and T. Stephens, The Oxford Handbook of the Law of the Sea (Oxford University Press, 2015), pp. 516-535 (19 pages)
- Alexander Gillespie, "The Precautionary Principle in the 21st Century: A Case Study of Noise Pollution in the Ocean", 22 International Journal of Marine and Coastal Law (2007) pp. 61-87 (15 pages)

Non-living resources:

- Marissa Smith, "The Deepwater Horizon Disaster: An Examination of the Spill's Impact on the Gap in International Regulation of Oil Pollution From Fixed Platforms", 25 Emory International Law Review 2011, pp. 1477-1516 (38 pages)
- Aline Jaeckel, An Environmental Management Strategy for the International Seabed Authority: The Legal Basis, 30 International Journal of Marine and Coastal Law (2015), pp. 93-119 (26 pages)
- Tullio Scovazzi, The Exploitation of Resources of the Deep-Seabed and the Protection of the Environment, 57 German Yearbook of International Law (2014), pp. 181-207 (26 pages)

Living resources:

- Nele Matz-Lück and Johannes Fuchs, "Marine Living Resources", in: D. R. Rothwell, A. G. Oude Elferink, K. N. Scott and T. Stephens (eds.), in The Oxford Handbook of the Law of the Sea (Oxford University Press, 2015), pp. 491-515 (24 pages)
- Ronald Barston, "The Law of the Sea and Regional Fisheries Organisations", 14 International Journal of Marine and Coastal Law 1999, pp. 333-352 (19 pages)
- Yoshifumi Tanaka, "The Changing Approaches to Conservation of Marine Living Resources in International Law", 71 Heidelberg Journal of International Law 2011, pp. 291-330 (38 pages)
- Nigel Bankes, The Conservation and Utilization of Marine Mammals in the Arctic Region, in Erik J. Molenaar, Alex G. Oude Elferink and Donald R. Rothwell (eds.), The Law of the Sea and the Polar Regions: Interactions between Global and Regional Regimes (Martinus Nijhoff Publishers, 2013), pp. 293-321 (29 pages)
- Thomas Ebben, The Implementation of the Precautionary Approach in International Fishery Law: a Move Towards "Green" Fishery, 15 New Zealand Journal of Environmental Law 2011, pp. 113-146 (33 pages)
- Kaare Bangert, "Fish Stocks", in R. Wolfrum (ed.), Max Planck Encyclopedia of Public International Law (Oxford University Press, 2012), available in print and as an online resource (13 pages)
- Erik J. Molenaar, "International Regulation of Central Arctic Ocean Fisheries", in M.H. Nordquist, J.N. Moore and R. Long (eds.), Challenges of the Changing Arctic. Continental Shelf, Navigation, and Fisheries (Brill Nijhoff, 2016), pp. 429-463 (35 pages)
- V. Schatz, A. Proelss, and N. Liu, "The 2018 Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean: A Critical Analysis", *The International Journal of Marine and Coastal Law*, Vol. 34(2), 29 April 2019, pp. 195-244, 49 pages, (available online).
- Jürgen Friedrich, "Legal Challenges of Nonbinding Instruments: the Case of the FAO Code of Conduct for Responsible Fisheries", 9 German Law Journal 2008, pp. 1539-1564 (25 pages)

Genetic resources and marine biodiversity in areas beyond national jurisdiction:

- Robin Warner, Conserving Marine Biodiversity in Areas Beyond National Jurisdiction: Co-Evolution and Interaction with the Law of the Sea, in D. R. Rothwell, A. G. Oude Elferink, K. N. Scott and T. Stephens (eds.), The Oxford Handbook of the Law of the Sea (Oxford University Press, 2015), pp. 752-776 (23 pages)

- Arianna Broggiato, "Fair and equitable sharing of benefits from the utilization of marine genetic resources in areas beyond national jurisdiction: bridging the gaps between science and policy", 44 Marine Policy 2014, pp. 176-185 (9 pages)
- Joanna Mossop, "Marine Bioprospecting", in D. R. Rothwell, A. G. Oude Elferink, K. N. Scott and T. Stephens (eds.), The Oxford Handbook of the Law of the Sea (Oxford University Press, 2015), pp. 825-842 (17 pages)
- Karen Scott, "Conservation on the High Seas: Developing the Concept of the High Seas Marine Protected Areas", 29 International Journal of Marine and Coastal Law 2012, pp. 849-857 (8 pages)
- Nele Matz-Lück and Johannes Fuchs, "The impact of OSPAR on protected area management beyond national jurisdiction: Effective regional cooperation or a network of paper parks?", 49 Marine Policy 2014, pp. 155-166 (11 pages)
- Robert Blasiak and Nobuyuki Yagi, "Shaping an international agreement on marine biodiversity beyond areas of national jurisdiction: Lessons from high seas fisheries", 71 Marine Policy (2016), pp. 210-216 (5 pages)

Climate change in the context of the marine environment:

- Rosemary Rayfuse, "Climate Change and the Law of the Sea," in Rosemary Rayfuse and Shirley V. Scott (eds.), International law in the Era of Climate Change (Edward Edgar Publishing Limited, 2012), pp. 147-174 (28 pages)
- Alan Boyle, "Climate Change, Ocean Governance and UNCLOS", in J. Barret and D. Barnes, Law of the Sea: UNLCOS as a Living Treaty (BICIL, 2016), pp. 211-230 (19 pages)
- Kerstin Güssow, "Ocean Iron Fertilization: Why Further Research is Needed", 34 Marine Policy 2010, pp. 911-918 (7 pages)

International jurisprudence on marine environmental issues:

- Tim Stephens, "The Limits of International Adjudication in International Environmental Law: Another Perspective on the Southern Bluefin Tuna Case", 19 International Journal of Marine and Coastal Law 2004, pp. 177-197 (20 pages)
- Laura Pineschi, "The Duty of Environmental Impact Assessment in the First ITLOS Chamber's Advisory Opinion: Towards the Supremacy of the General Rule to Protect and Preserve the Marine Environment as a Common Value?", in N. Broschiero (ed.), International Courts and the Development of International Law (Asser Press, 2013), pp. 425-439 (14 pages)
- Michael Johnson, "The Consequences of the ICJ Decision in the Whaling Case for Antarctica and the Antarctic Treaty System", Yearbook of Polar Law (2015), pp. 168-187 (19 pages)
- Yuval Shani, "The First MOX Plant Award: the Need to Harmonize Competing Environmental Regimes and Dispute Settlement Procedures", 17 Leiden Journal of International Law 2004, pp. 815-827 (11 pages)
- Tom Ruys and Anemoon Soete, "Creeping` Advisory Jurisdiction of International Courts and Tribunals: The Case of the International Tribunal for the Law of the Sea", 29 Leiden Journal of International Law 2016, 155-176 (20 pages)
- Lan N. Nguyen, The Chagos Marine Protected Area Arbitration: Has the Scope of LOSC Compulsary Jurisdiction Been Clarified?, 31 The International Journal of Marine and Coastal Law 2016, pp. 120-143 (22 pages)

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