

JUR 3053 Recommended reading/syllabus

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.

General

- K.N. Scott and D.L. Vanderzwaag, "Polar Oceans and the Law of the Sea", in D.R. Rothwell, A.G. Oude Elferink, K.N. Scott and T. Stephens (eds.), *The Oxford Handbook of The Law of the Sea*, Oxford University Press 2015, pp. 724-751, 28 pages (in compendium available online).
- R. Rayfuse, "Melting Moments: The Future of Polar Oceans Governance in a Warming World" 16 *Review of European Community and International Environmental Law*, 2007, pp. 196-216; 21 pages (Available online).
- E.J. Molenaar, A.G. Oude Elferink, and D.R. Rothwell (eds), "Interactions between Global and Regional Regimes: Trends and Prospects", in *The Law of the Sea and Polar Regions: Interactions between Global and Regional Regimes*, (Martinus Nijhoff Publishers), 2013 pp. 389-417, 29 pages, (available online).
- R. Beckman, "UNLCOS Dispute Settlement Regime and Arctic Legal Issues", in: M.H. Nordquist, J.N. Moore and R. Long (eds), *Challenges of the Changing Arctic*, Brill Nijhoff 2016, pp. 573-592, 19 pages, (available online).

Maritime zones

- R.R. Churchill, "Claims to Maritime Zones in the Arctic - Law of the Sea Normality or Polar Peculiarity", in: Oude Elferink and Rothwell, 2001, pp. 105-124; 20 pages (In compendium).
- T. Henriksen and G. Ulfstein, "Maritime Delimitation in the Arctic: The Barents Sea Treaty", 42 *Ocean Development & International Law*, 2011, pp. 1-21, 21 pages, (Available online).
- A.G. Oude Elferink, "The Continental Shelf in the Polar Regions: Cold War or Black-Letter Law", 40 *Netherlands Yearbook of International Law*, 2009, pp. 121-181, 62 pages, (Available online).
- A.G. Oude Elferink, "The Delimitation of the Continental Shelf beyond 200 nautical miles in the Arctic Ocean: Recent Developments, Applicable Law and Possible Outcomes" in: M.H. Nordquist, J.N. Moore and R. Long (eds), *Challenges of the Changing Arctic*, Brill Nijhoff 2016, pp. 53-80, 28 pages, (in compendium available online).

Environmental protection

- D.R. Rothwell, "Global environmental protection instruments and the polar marine environment", in D. Vidas (ed.), *Protecting the Polar Marine Environment. Law and Policy for Pollution Prevention*, (Cambridge University Press: Cambridge, 2000), pp. 57-77; 21 pages (available online).
- R. Rayfuse, "Protecting Marine Biodiversity in Polar Areas beyond National Jurisdiction", 17 *Review of European Community and International Environmental Law*, 2008, pp 3-13; 11 pages (Available online).
- V. De Lucia, "The Arctic Environment and the BBNJ Negotiations: Special Rules for Special Circumstances?", *Marine Policy*, Vol. 86, December 2017, pp. 234-240, 6 pages, (available online).
- J. Guifang and Y. Long, "The Changing Arctic and an Adaptive Approach to the Protection of Arctic Marine Ecosystems", in: M.H. Nordquist, J.N. Moore and R. Long (eds), *Challenges of the Changing Arctic*, Brill Nijhoff 2016, pp. 326-362, 40 pages, (available online).
- S. Stoessel, E. Tedsen, S. Cavalieri, and A. Riedel, "Environmental Governance in the Marine Arctic", in Tedsen E., Cavalieri S., Kraemer R. (eds) *Arctic Marine Governance*. Springer, Berlin, Heidelberg, 2014, pp. 45-69, 24 pages, (available online).
- I.U. Jakobsen, "Extractive Industries in Arctic: The International Legal Framework for the Protection of the Environment", *Nordic Environmental Law Journal* 2014 1, pp 39-52, 14 pages, (Available online).
- I.U. Jakobsen, "MPAS under the Arctic Council", in I.U. Jakobsen, *Marine Protected Areas in International Law*, Queen Mary Studies in International Law, 2016, pp. 233-243, 10 pages, (available online).

Arctic shipping

- D. McRae, "The Negotiation of Article 234", in F. Griffiths (ed.) *Politics of the Northwest Passage* (Kingston and Montreal, McGill-Queen's University Press: 1987), pp. 98-114; 27 pages (In compendium).
- A. de Mestral, "Article 234 of the United Nations Convention on the Law of the Sea: Its Origins and Its Future", in S. Lalonde and T.L. McDorman (eds) *International Law and Politics of the Arctic Ocean: Essays in Honor of Donald Pharand*, Brill, 2015, pp. 109-124, 15 pages, (available online).
- T. McDorman "A Note on the Potential Conflicting Treaty Rights and Obligations between the IMO's Polar Code and Article 234 of the Law of the Sea Convention" in S. Lalonde and T.L. McDorman (eds) *International Law and Politics of the Arctic Ocean: Essays in Honor of Donald Pharand*, Brill, 2015, pp. 141-159, 18 pages, (available online).

- K. Bartenstein, "Between the Polar Code and Article 234: The Balance in Canada's Shipping Safety and Pollution Prevention Regulations", *Ocean Development & International Law*, Vol. 50(4), 2019, pp. 335-362, 27 pages, (available online).
- K. Bartenstein, "The "Arctic Exception" in the Law of the Sea Convention: A Contribution to Safer Navigation in the Northwest Passage?", *Ocean Development & International Law*, 2011, pp. 22-52, 30 pages, (available online).
- J.J. Solski, "Russia" in R. Beckman, T. Henriksen, E.J. Molenaar, K. Dalaker Kraabel and J.A. Roach (eds), *Governance of Arctic Shipping – Balancing Rights and Interests of Arctic States and User States* (Brill/Nijhoff: 2017), pp. 173-216, 43 pages, (available online).
- Chircop, "The Growth of International Shipping in the Arctic: Is a Regulatory Review Timely?", *24 International Journal of Marine and Coastal Law*, 2009, pp. 355-380; 26 pages (Available online).
- T. Henriksen, "Protecting polar environments: coherency in regulating Arctic shipping" in R. Rayfuse (ed.), *Research Handbook on International Marine Environmental Law*, Edward Elgar, 2015, pp. 363-384, 21 pages, (available online).

Arctic fisheries

- E.J. Molenaar, "Participation in the Central Arctic Ocean Fisheries Agreement", in A. Shibata et al (eds) *Emerging Legal Orders in the Arctic: The Role of Non-Arctic Actors* (Routledge: forthcoming in 2019); 37 pages (in compendium).
- 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).
- I. Dahl, "Maritime Delimitation in the Arctic: Implications for Fisheries Jurisdiction and Cooperation in the Barents Sea", *The International Journal of Marine and Coastal Law*, 30, 2015, pp. 120-147, 20 pages, (available online).
- E.J. Molenaar, "Fisheries Regulation in the Maritime Zones of Svalbard", *27 International Journal of Marine and Coastal Law* (2012) pp. 3-58, 56 pages, (Available online).

Svalbard

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

- D. Anderson, "The Status under International Law of the Maritime Areas around Svalbard", 40 *Ocean Development & International Law*, 2009, pp. 373-384; 12 pages (Available online).
- C.A. Fleischer, *The New International Law of the Sea and Svalbard*, paper presented at The Norwegian Academy of Science and Letters 150th Anniversary Symposium, January 25, 2007; 15 pages (<http://www.dnva.no/binfil/download.php?tid=27095>).
- T. Pedersen and T. Henriksen, "Svalbard's Maritime Zones: The End of Legal Uncertainty?", 24 *International Journal of Marine and Coastal Law*, 2009, pp. 141-161, 22 pages, (available online).
- P. Th. Ørebech, "The Geographic Scope of the Svalbard Treaty and Norwegian Sovereignty: historic – or evolutionary – interpretation?", *Croatian Yearbook of European Law & Policy*, Vol.13, 2017, pp. 53-86, 33 pages, (available online).

Arctic Council

- E.T. Bloom, "Establishment of the Arctic Council", 93 *American Journal of International Law*, 1999, pp. 712-722; 11 pages (Available online).
- E.J. Molenaar, "Current and Prospective Roles of the Arctic Council System within the Context of the Law of the Sea", 27 *International Journal of Marine and Coastal Law* (2012) pp. 553-595, 43 pages (Available online).
- K. Bartenstein, "The Arctic Region Council Revisited: Inspiring Future Development of the Arctic Council", in S. Lalonde and T.L. McDorman (eds) *International Law and Politics of the Arctic Ocean: Essays in Honor of Donald Pharand*, Brill, 2015, pp. 55-75, 20 pages, (available online).
- E.J. Molenaar, "The Arctic, the Arctic Council, and the Law of the Sea" in R. Beckman, T. Henriksen, K. Dalaker Kraabel, E.J. Molenaar and J.A. Roach (eds) *Governance of Arctic Shipping. Balancing Rights and Interests of Arctic States and User States* (Brill/Nijhoff: 2017), pp. 24-67, 43 pages, (available online).

Reform of the Arctic Regime

- T. Koivurova, "Alternatives for an Arctic Treaty - Evaluation and a New Proposal", 17 *Review of European Community and International Environmental Law*, 2008, pp. 14-26; 13 pages (Available online).
- O.S. Stokke, "Protecting the Arctic Environment: The Interplay of Global and Regional Regimes", 1 *Yearbook of Polar Law*, 2009, pp. 349-371; 23 pages (In compendium).

- O.R. Young, "If an Arctic Ocean Treaty is Not the Solution, What is the Alternative?", 47 *Polar Record*, 2011, pp. 327-334, 18 pages, (available online).
- B. Baker and B. Yeager, "Coordinated Ocean Stewardship in the Arctic: Needs, Challenges and Possible Models for an Arctic Ocean Coordinating Agreement", *Transnational Environmental Law*, 4:2, 2015, pp. 359-394, 35 pages, (available online).
- C.R. Rossi, "The Club Within the Club: The Challenge of a Soft Law Framework in a Global Arctic Context", *The Polar Journal*, 2015, Vol. 5(1), pp. 8-34, 26 pages, (available online).

Arctic indigenous peoples

- E. Asbjorn, "Indigenous Self-Government in the Arctic and their Right to Land and Natural Resources", *Yearbook of Polar Law*, 2009, pp. 245-281, 37 pages, (In compendium available online).
- D.S. Dorrough, "The Rights, Interests and Role of the Arctic Council Permanent Participants, in R. Beckman, T. Henriksen, E.J. Molenaar, K. Dalaker Kraabel and J.A. Roach (eds), *Governance of Arctic Shipping – Balancing Rights and Interests of Arctic States and User States* (Brill/Nijhoff: 2017), pp. 68-103, 35 pages, (available online).

Total 828 pages.

Total 819 pages.