

JUR-3623 Protection of Marine Environment with focus on Marine Living Resources Law – 15 ECTS

The course is administered by

Faculty of Law

Place of study

Tromsø

Type of course

Master level. The course is given during spring and fall term.

In the fall term, only students admitted to the Joint Nordic Master's Programme in Environmental Law (NOMPEL) may register for the exam of this course.

Admission requirements

The course is mandatory for students on the NOMPEL programme.

During spring term, students on the Integrated master's degree programme in law may choose this course as a partial fulfillment of the requirements for the elective part of the programme's fifth year, cf. Programme Specification for the Master's Degree in Jurisprudence at the University of Tromsø (Studieplan for graden Master i rettsvitenskap ved Universitetet i Tromsø), Sec. 4.

Followed by necessary application and admission process, other students (such as exchange students) may also choose this course, cf. Regulations for the Elective Component in the Master's Degree Programme in Jurisprudence (Reglement for den valgfrie delen av masterstudiet i rettsvitenskap) (Regulation).

Students must be at the master's level and should have a basic knowledge of public international law and/or of EU law and international environmental law.

Students who do not have admission to the Master of Law-studies at the Faculty of Law must contact the Faculty for information about required qualifications and application process for this course.

Course contents

The course offers a broad introduction to international law on conservation and management of marine living marine resources, after which the students will gain specialized insight into the legal framework applicable at regional and national level. The course will have an arctic approach. The point of departure is the sovereignty or sovereign rights of states over natural resources in areas under their national jurisdiction and their freedom of fishing in adjacent areas of the high seas. These rights and freedom are to be exercised within conservation and management obligations, which have developed following recognition that harvesting living marine resources affects the marine environment. Conservation of living marine resources is part of the obligation of protection of the marine environment, as reflected by the jurisprudence of international courts and tribunals. Climate change is affecting marine ecosystems and the living marine resources, such as the change of migratory patterns.

The course covers the following topics:

- The general obligations under the UN Convention on the Law of the Sea and customary international law to protect and preserve the marine environment, and the interaction with relevant

general principles of international environmental law. This includes the precautionary approach, the ecosystem approach, sustainable development, environmental impact assessment and marine protected area

- Global and regional legal frameworks for the sustainable use of marine living resources with a focus on international law governing sustainable fisheries in areas under national jurisdiction and beyond and marine mammals, including the role of indigenous peoples
- Legal developments concerning marine genetic resources and marine biodiversity in areas beyond national jurisdiction
- Overview on the challenges for international legal governance of the oceans in the context of climate change
- Implementation of the legal obligations for sustainable use of living marine resources, by regional fisheries bodies and national jurisdictions in the North-east Atlantic/Arctic Ocean

Objective of the course

Knowledge:

Having passed the exam, the student shall have acquired:

- Advanced knowledge on the general principles of international environmental law as applicable in the context of the conservation of the marine environment and the sustainable use of its resources
- Advanced knowledge on the legal regime under the LOSC for the protection of the marine environment
- Advanced knowledge on the different legal frameworks governing the conservation and sustainable use of marine living resources
- Advanced knowledge of implementation of international law on living marine resources at regional and national level in North-east Atlantic/Arctic Ocean
- Advanced knowledge on the legal development concerning marine genetic resources and marine biological diversity in areas beyond national jurisdiction including marine protected areas
- Specialized knowledge on the different legal issues in the context of human uses of the marine living resources related to climate change

Skills:

Having passed the exam the student is able to:

- use different sources of information to structure and formulate scholarly and practical arguments and to critically discuss a problem from different perspectives
- apply legal methodology to analyze a question of international environmental law in the marine context
- identify and analyze questions of a theoretical and practical nature concerning the applicability of principles of international environmental law to the protection and preservation of the marine environment
- identify and critically interpret the relevant sources of law for different aspects of marine environmental protection
- identify and analyze critically the structural and issue-specific shortcomings of the current legal frameworks
- contextualize new challenges to the existing legal frameworks

General competence:

Having passed the exam, the student:

- can apply and transfer the acquired knowledge to new legal questions and scenarios
- can communicate effectively, both orally and in writing about legal questions concerning the protection of the marine environment
- knows how to engage in a scholarly legal argument both in discussions and in written form
- knows how to find relevant academic sources and engages in independent desktop research
- knows how to formulate relevant research questions, structures and writes a scholarly paper and complies with standards of academic integrity
- is able to demonstrate the ability to cooperate and effectively work as part of a team
- master the English language and international legal terminology

Language of instruction

English

Teaching methods

This course uses interactive and dynamic teaching methods. The course will consist out of both lectures and seminars comprising a total of 30 hours. Guest lectures may be included as an addition. The seminars are primarily based on a set of problem-based practical cases. In addition, students can also be requested to present a given topic.

Students are encouraged to participate actively during the lectures and seminars. Students are expected to be prepared for lectures and seminars by studying the corresponding literature of the curriculum. Students should study independently in periods when there are no lectures or seminars.

Assessment

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

Students are allowed to bring into the examination room a specific treaty collection identified in advance by the Faculty of Law. The treaty collection may only contain underlining etc. in accordance with the Faculty's regulations on that matter. Students may also bring a dictionary, as long as it merely provides translations and no definitions. The Faculty must approve each students examination supports (treaty collection and dictionary) prior to the examination.

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

The students admitted to the NOMPEL programme are required to hand in a research paper and have it accepted as adequate before they can take the exam. The research paper shall not exceed 10 pages.

In assessing whether the research paper is approved, the following criteria will be used:

- Identification, formulation and discussion of legal research questions
- Critical and independent use of legal sources
- Presentation and communication of legal arguments in a clear and precise manner
- Knowledge within a particular topic within the course content

The evaluation of whether the research paper is approved, is based on an overall assessment of these criteria.

Date of examination

The exam is held at the end of the semester.

Schedule

See timeplan.uit.no

Recommended reading/syllabus