

## **JUR-3623 Protection of Marine Environment with focus on Marine Living Resources Law**

### **Syllabus and recommended reading, fall 2020**

#### Syllabus:

#### **Theme 1: International Marine Environmental Law (30447 pages)**

James Harrison, *Saving the Oceans Through Law: The International Legal Framework for the Protection of the Marine Environment*, OUP 2017:

- Chapter 2: The United Nations Convention on the Law of the Sea and the Protection and Preservation of the Marine Environment, 17- 42 (25 p)
- Chapter 3: Mainstreaming Marine Biological Diversity Conservation in the Law of the Sea, 43-63 (20 p)
- Chapter 4: Land- Based Sources of Marine Pollution, 64-91 (27 p)
- Chapter 6: Marine Environmental Threats from Shipping, 114-166 (52)
- Chapter 10: Towards Integrated Management of the Oceans at the International Level, 275-300 (25 p)
- Chapter 11: The Role of International Law in Saving the Oceans and Future Challenges for the Legal Framework, 301-309 (8 p)

Gerd Winter, “International Principles of Marine Environmental Protection“, in M. Salomon, T. Markus (eds.), *Handbook on Marine Environment Protection*, Springer 2018, 585-605 (20 p)

Erika J Techera and Natalie Klein, *International Law of Sharks: Obstacles, Options and Opportunities*, Brill 2017

- Chapter 4: Species-based Measures, 88-113 (25 p)
- Chapter 5: Spatial and Area Measures, 114-142 (28 p)

Cameron S. G. Jefferies, *Marine Mammal Conservation and the Law of the Sea*, Oxford University Press 2016:

- Chapter 2: The Current Marine Mammal Regulatory Landscape, 33-88 (55 p)

Julien Rochette, Raphaël Billé, Erik J. Molenaar, Petra Drankier, Lucien Chabason, “Regional oceans governance mechanisms: A review”, *Marine Policy* 60 (2015) 9–19 (10 p)

Meagan Wong, “The Convention for the Protection of the Marine Environment of the North-East Atlantic (the ‘OSPAR Convention’) (and Annexes I, II, III, IV)” in Michael Faure (ed),

Elgar *Encyclopaedia of environmental law: volume V*, Edward Elgar 2017, 189-198, (9 p)  
DOI:<https://doi.org/10.4337/9781783477210>

## **Theme 2 Sustainable use of living marine resources (327 pages)**

James Harrison, *Saving the Oceans through Law: The International Legal Framework for the Protection of the Marine Environment*, OUP 2017:

- Chapter 7: Fishing and Conservation of Marine Living Resources, 166-208 (42 p)

Ricard Caddell and Erik J. Molenaar (Eds); *Strengthening International Fisheries Law in an Era of Changing Oceans*, Hart 2018:

- Erik J Molenaar and Richard Caddell, “International Fisheries Law: Achievements, Limitations and Challenges”, 30-40 (10 p)
- Erik J Molenaar, “Participation in Regional Fisheries Management Organizations”, 144-171 (27 p)
- Richard Caddell, “International Fisheries Law and Interaction with Global Regimes and Processes”, 172-208 (36 p)
- Simon Marsden, “Environmental Assessment and International Fisheries Law”, 270-303 (33 p)
- Karen N. Scott, “Bycatch Mitigation and the Protection of Associated Species”, 209-235 (26 p)
- Daniel C. Dunn, Guillermo Ortuño Crespo and Richard Caddell, “Area-Based Fishery Management”, 236-269 (33 p)
- Rosemary Rafuse, “Addressing Climate Change Impacts in Regional Fisheries Management Organizations”, 304-330 (26 p)
- Eva van der Marel, “Problems and Progress in Combatting IUU fishing”, 355-388 (33 p)

Richard Caddell, “Precautionary Management and the Development of Future Fishing Opportunities: The International Regulation of New and Exploratory Fisheries”, *The International Journal of Marine and Coastal Law* 33 (2018), 199–260 (61 p)

## **Theme 3 BBNJ (475)**

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 (243 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)

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 (~~65~~ pages)

#### **Theme 4 Oceans and climate change (3~~56~~ pages)**

James Harrison, "Saving the Oceans Through Law: The International Legal Framework for the Protection of the Marine Environment", Kapitel 9: Addressing the Marine Environmental Impacts of Climate Change and Ocean Acidification, 246-274 (2~~89~~ p)

Kerstin Güssow, "Ocean Iron Fertilization: Why Further Research is Needed", 34 *Marine Policy* 2010, pp. 911-918 (7 pages).

#### **Theme 5: Implementation in North-East Atlantic and Arctic (2~~6152~~)**

~~Hans Christian Bugge: *Environmental Law in Norway*, Woulters Kluwer, 2014 (21p):~~

- ~~• General information~~
  - ~~○ Chapter 1 General information, 17-27~~
- ~~• Part II Nature Conservation and Management~~
  - ~~○ Chapter 6 Fish Resources, 227-238~~

Hans Christian Bugge: *Environmental Law in Norway*, Woulters Kluwer, 2018 (22p):

- General introduction
  - Chapter 1 General information, 17- 28
- Part II Nature Conservation and Management
  - Chapter 6 Fish Resources, 236-247

Tore Henriksen: "The Greening of Norwegian Fisheries Legislation", *Arctic Review on Law and Politics*, vol. 1, 1/2010 p. 131–157 (26 p).

Irene 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) 120–147 (27 p)

Elise Johansen, "Norway's Integrated Ocean Management: A Need for Stronger Protection of the Environment?" *Ocean Yearbook* 32: 239–264 (25 p)

Ingvild Ulrikke Jakobsen, Integrated Ocean Management in the Arctic: Comparative Analyses of the Implementation and Use of Marine Protected Areas in Canada and Norway, *Ocean Yearbook* 32: 206–238 (3~~23~~ p)

Jill Wake~~fieldland~~: *Reforming the Common Fishery Policy*, Edward Elgar 2016 (51p.)

- Chapter 3. The Reform of the Common Fishery Policy, 51-102

Jill Wakefield: “The Ecosystem Approach and the Common Fisheries Policy” *The Ecosystem Approach in Ocean Planning and Governance. Perspectives from Europe and Beyond*, Publications on Ocean Development, vol. 87, p. 287-316 (29 p)

Valentin Schatz, Alexander Proelss and Nengye 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* 34 (2019) 195–244 (49 p)

Total number of pages: 974

Recommended additional reading:

Malcolm Shaw, *International Law* 8th edition, Cambridge University Press 2017:

- Chapter 10 The Law of the Sea, 410-481 (71 p)

IUCN, Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas

Erik J Molenaar, “The Arctic, the Arctic Council and the Law of the Sea” in Robert C. Beckman et al (eds) *Governance of Arctic Shipping. Balancing Rights and Interests of User States and Coastal States*, Brill 2017, 24-67 (43 p)

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)

Hans Christian Bugge: *Environmental Law in Norway*, Wouters Kluwer, 2011

Hans Christian Bugge: *Environmental Law in Norway*, Wouters Kluwer, 2014

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)

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)

Richard Caddell, “International Law and the Protection of Migratory Wildlife: An Appraisal of Twenty-Five Years of the Bonn Convention”, 16 *Colo. J. Int'l Envtl. L. & Pol'y* 113-156 (2005) (43 p)

