

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 fall term.

Admission requirements

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

The course is mandatory for students on the NOMPEL programme.

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Course content

The primary focus of the course is the protection of the marine environment and marine ecosystems.

The course provides an overview over the interaction between international law of the sea and environmental law and offers in-depth studies on the conservation and management of marine living resources.

The management and conservation of living marine resources is closely interlinked with the sovereignty or sovereign rights of States over the natural resources in areas under their national jurisdiction, and their freedom of fishing in adjacent areas of the high seas. The introduction to the international law of the sea therefore provides a general overview of the different maritime zones.

The rights and freedom of States are to be exercised within conservation and management obligations, which have developed following recognition that harvesting living marine resources affects the marine environment. The 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.

The course will have a regional focus, providing students a special insight in the legal frameworks applicable in the North-east Atlantic/Arctic Ocean. The Arctic region is environmentally vulnerable and is thus greatly affected by climate change. Climate change threatens biodiversity in areas within and beyond national jurisdiction, and affects marine ecosystems and living marine resources, such as their migratory patterns.

~~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:

- An introduction to international law of the sea with a general overview of the different maritime zones (internal waters, territorial sea, archipelagic waters, contiguous zone, exclusive economic zone (EEZ), continental shelf, high seas and the Area).
- 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
- The interaction between the law of the sea and relevant concepts and principles of international environmental law with relevant general principles of international environmental law. This includes the precautionary approach, the ecosystem approach, sustainable development, environmental impact assessment and marine protected areas.
- 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
- 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.
- Legal developments concerning marine genetic resources and marine biodiversity in areas beyond national jurisdiction (the BBNJ process).
- Challenges for international legal governance of the oceans in the context of climate change. In particular, the course looks into aspects of climate change in relation to the management of fisheries; mitigation of climate change and ocean acidification. 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 various maritime zones and their legal status
- Advanced knowledge on the general principles of international environmental law, their relevance and scope of application in the 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 UN Convention on the Law of the Sea 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 a regional ~~and national~~ level in North-east Atlantic/Arctic Ocean
- ~~Advanced Specialized~~ knowledge on the legal developments concerning conservation of marine genetic resources and marine biological diversity in areas beyond national jurisdiction ~~including marine protected areas (the 'BBNJ process')~~
- Specialized knowledge on the role of the UN Convention on the Law of the Sea vis-à-vis the UN climate change regime for mitigating climate change and ocean acidification
- ~~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 emerging in relation 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 on 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. During the seminars, the students can be requested to give short oral presentations on a given topic, and to submit short written assignments. In addition, students can also be requested to present a given topic.

Students are ~~encouraged~~ expected to participate actively during the lectures and seminars. Students ~~are expected to be~~ must 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

Work requirement:

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. The theme of the research paper will be provided by the Faculty.

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

- The students' ability to find relevant literature and discuss one or more legal research questions, applying a sound methodological approach
- ~~Identification, formulation and discussion of legal research questions~~
- The students' ability to use legal sources critically and independently
- ~~Critical and independent use of legal sources~~
- The students' ability to structure, present and communicate legal arguments in a clear and precise manner
- ~~Presentation and communication of legal arguments in a clear and precise manner~~

Students failing the research paper are entitled to a second attempt.

Assessment:

The course is assessed through a ~~6-six~~ hours closed book written school exam. The exam may include theoretical and/or scenario questions.

The exam counts for 100% of the course grade.

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.35.

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 student's examination supports (treaty collection and dictionary) prior to the examination.

~~Students who fail their examination are entitled to re-sit the examination, cf. Regulations for examinations at the University of Tromsø Sec.22.~~

Recommended reading/syllabus

Leganto.

Date of examination

The exam is held at the end of the semester.

Schedule

See timeplan.uit.no