



DEPARTMENT OF LAW

HRS530 Maritime Environmental Law, 15 credits

Havsmiljö rätt, 15 högskolepoäng

Second Cycle

Confirmation

This course syllabus was confirmed by Department of Law on 2014-03-14 and was last revised on 2018-10-05 to be valid from 2018-10-05, autumn semester of 2018.

Field of education: Law 100%

Department: Department of Law

Position in the educational system

The course Maritime Environmental Law is an optional course for the completion of the Master degree in Law. It is given during the seventh semester within the framework of the Master programme. It is also open for visiting foreign students participating in international exchange programmes.

Main field of studies

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Specialization

A1N, Second cycle, has only first-cycle course/s as entry requirements

Entry requirements

Students following a Swedish law programme leading up to a law degree must have passed courses adding up to 150 higher education credits from the first five semesters of the law programme.

Visiting foreign students are admitted to the course, after approval of the Director of Studies.

Learning outcomes

Students shall be able to demonstrate adequate comprehension of the development of the law and its substantive content focusing on legal problems relating to ship-source marine pollution as well as other forms of marine pollution, the laws of salvage and towage, the legal framework for preventing or managing conflicts relating to the use of ocean space, as well as the fundamental principles for marine natural resource use and conservation (here referred to as “maritime environmental law”). The students are also expected to show an advanced level of proficiency, both orally and in writing, in explaining and discussing the acquired information from different perspectives.

After completion of the course the student is expected:

Knowledge and understanding

- to have an advanced understanding of the sources of law relevant to maritime environmental protection in international and EU law.
- to have a good understanding of the organisations and institutional structures underpinning development and application of maritime environmental law at international and EU level and their interaction.
- to be aware of the major historical events that have triggered developments in the field of maritime environmental law as well as the major interests and groups of actors shaping this development.

Competence and skills

- to be able to identify, explain and discuss maritime environmental law issues from regional and international perspectives, including their ecological, social and economic implications.
- to be able to critically analyze and compare international conventions and other international legal instruments as well as EU legal acts governing maritime environmental law.
- to be able to apply concepts and principles of maritime environmental law to specific problems.
- to be able to carry out independent research on a chosen subject by integrating and analyzing information and materials and arriving at solutions to stated problems.
- to be able to present in a good way results and findings of research in written and oral form.

Judgement and approach

- to have a critical understanding of the characteristics of maritime environmental law, including interests and actors.
- to relate the particularities of maritime environmental law to the major ecological, social and economic dimensions of sustainable development as applied in a maritime context.

The course is sustainability-focused, which means that at least one of the learning outcomes clearly shows that the course content meets at least one of the University of Gothenburg's confirmed sustainability criteria. The content also constitutes the course's main focus.

Course content

The course covers a range of topics relating to the marine environment with a main focus on ship source pollution.

Unlike other branches of maritime law, maritime environmental law is of relatively recent vintage. Much of the legal development relating to environmental effects of shipping took place in the years following the Torrey Canyon disaster in 1967. Subsequently the purview of maritime environmental law has gradually broadened to encompass any aspects of sustainable development of the marine environment. A rapid growth of partially competing claims on the sea and its resources has necessitated more focus on resource conservation and sustainable use of ocean space. While shipping remains a very important ocean-based sector, with around 90 percent of all international trade in goods involving shipping, there is increasing competition from e.g. ocean-based energy generation and distribution, aquaculture, maritime protected areas, and recreational uses. Not only does this cause competition for space, it can also increase the likelihood of accidents. The seas are also changing, partly slowly and due to natural variations, but increasingly also dramatically as a consequence of direct (e.g. overfishing) and indirect (e.g. climate change) human impacts. Technological development also gradually changes the nature of maritime activities, such as shipping and resource exploitation. This puts the existing governance structures, including the UN Convention on the Law of the Sea, the International Maritime Organization and regional or subject-specific maritime treaty regimes to the test and also requires the development of new legal and governance models for utilization and preservation of the marine environment.

At the core of the course is the environmental impacts caused by ship operations, including regular operations as well as accidents. Shipping is also placed in a broader framework of the substantive and institutional arrangements dedicated to the

sustainable utilization of oceans and marine resources. The course covers topics such as

- sources of marine pollution;
- principles of marine environmental protection and sustainable development in a maritime context;
- state responsibility for harm to the marine environment;
- private law-based responsibility and compensation regimes for ship source pollution;
- the law of salvage, towage and pilotage;
- maritime spatial planning.

In addition to international public law and (convention based) private law regimes, the role of the European Union in marine environmental governance is also analysed.

Form of teaching

The teaching at the course comprises lectures and seminars.

Language of instruction: English

Assessment

Student performance will be assessed by the following methods:

individual oral presentations through group work at a seminar
a home examination

an essay of approximately 15 pages in conjunction with an oral defense.

A student must pass each component separately to obtain a pass grade for the course.

Assessed Seminars (3x10) marks: In the assessed seminars the students must be able to make individual oral presentations through group work, this is to show evidence that the student having sound knowledge and understanding of the specifically allocated task.

Take Home Examination (30 marks): The examination will consist of objective knowledge based questions, essay-type questions and problem solving exercises.

Essay Examination (40 marks): This component will consist of an essay, written on a topic chosen in consultation with the course examiner and must be approximately 15 pages in length. The essay will be assessed in conjunction with an oral defense in which the student will be academically challenged by a fellow student (referred to as opponent), other members of the class and the examiner(s). Furthermore, each student will be required to act as an opponent for another fellow student which will be taken

into account for assessment purposes.

If a student fails twice on the examination, he or she is allowed to apply for a new examination with the Director of studies.

Grades

The grading scale comprises: Passed with Distinction (AB), Passed with Credit (BA), Pass (B) and Fail (U).

Swedish official grading system	Swedish grades	ECTS	Definition	
AB (Med beröm godkänd)	AB	A	Excellent	
	AB	B	Very good	
Ba (Icke utan beröm godkänd)	BA	C	Good	
B (Godkänd)	B	D	Satisfactory	
	B	E	Sufficient	
U (Underkänd)	U	F	Fail	

Course evaluation

The Department of Law is obliged to evaluate the courses delivered. This is done by an appraisal in accordance with general instructions within the Department. Each and every course appraisal is scrutinized by the Board of Education within the Department. A student assisting in the collection of an appraisal will get remuneration according to standard tariff.

Additional information

Further study directions will be provided at the course introduction. The course will be delivered for the first time in spring 2014.