

JASN04, Marine Environmental Law, 15 högskolepoäng

Marine Environmental Law, 15 credits

Avancerad nivå / Second Cycle

Fastställande

Kursplanen är fastställd av Juridiska fakultetsstyrelsens utbildningsnämnd 2008-03-18 att gälla från och med 2012-03-07, vårterminen 2012.

Allmänna uppgifter

The course Marine Environmental Law is a compulsory course within the Master's Programme in Maritime Law at the Faculty of Law. The course is open for students within the programme leading to a Swedish professional degree Master of Laws within the specialization in Maritime Law.

The course is also open to international students participating in exchange programmes with the Faculty of Law. Lectures and course material are in English. The course is scheduled to require 10 weeks of full time studies.

Huvudområde

Sjörätt

Fördjupning

A1F, Avancerad nivå, har kurs/er på avancerad nivå som förkunskapskrav

Kursens mål

To pass the examination, the student shall be able to demonstrate knowledge and competences as below:

Knowledge and understanding

The student must be able to demonstrate knowledge and comprehension of marine environmental law including:

- the content of Part XII of UNCLOS and the Intervention Convention which was adopted in response to the *Torrey Canyon* incident of 1967
- the major regulatory conventions which are MARPOL, OPRC, London Dumping, Basel and Hong Kong
- all private law conventions on liability and compensation including their respective limitation regimes which are CLC, FUND, HNS and Bunkers

- the law of marine salvage including customary law principles, salvor's negligence, standard form salvage agreements (LOF and SCOPIC) and the Salvage Convention, 1989
- the law of towage and pilotage as they relate to salvage and marine environmental law.

Skills and abilities

The student must be able to demonstrate oral and written competence to:

- critically analyze international conventions and other treaty instruments governing marine environmental law
- apply concepts and principles of marine environmental law to specific problems involving the doctrine of state responsibility and liability and compensation relating to ship source pollution damage
- carry out comparative analysis of interrelated regulatory conventions such as MARPOL, Basel and Hong Kong
- carry out independent research on a chosen subject by integrating and analyzing information and materials and arriving at solutions to stated problems
- present results and findings of research in essays incorporated in a take-home examination
- examine, explain and discuss shipping law issues from national, and international perspectives.

Judgment and approach

Marine environmental law is of relatively recent vintage unlike other branches of maritime law. Much of the development of marine environmental law took place in the years following the *Torrey Canyon* disaster in 1967. The course will be delivered in three phases embracing the public international, regulatory and penal law and the private law. The 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 and its correlation with the laws of salvage and towage. Also, the student is expected to show an advanced level of proficiency, both orally and in writing, in explaining and discussing the acquired information from different perspectives.

Kursens innehåll

The course covers a wide range of topics. The principal object is to introduce to students the spectrum of marine pollution conventions ranging from public international law to regulatory and penal law through to private maritime law addressing liability and compensation issues. It also extends to the law of marine salvage which is presented in a comprehensive manner together with the laws of towage and pilotage, all of which are closely related to marine environmental law.

As marine environmental law is largely convention based, and there are numerous international conventions that govern the entire field. The major conventions will be dealt with in detail, including UNCLOS Part XII which provides the framework, Intervention, MARPOL, Basel, London Dumping, OPRC, CLC, FUND, HNS and Bunkers. The role of IMO in the development of these conventions will be discussed which will include a thorough appreciation of the technical aspects contained in the regulatory conventions.

Kursens genomförande

Teaching is provided in the form of lectures and seminars including group exercises. Knowledge, comprehension and competences are attained by attendance at lectures, participation in seminars and individual study of prescribed course literature.

Student performance is assessed by the following methods:

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

Kursens examination

Prov/moment för denna kurs finns i en bilaga i slutet av dokumentet.

Betyg

Betygsskalan omfattar betygsgraderna Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd.

One of the following grades is given: Pass with Distinction (AB), Pass with Credit (BA), Pass (B) or Fail (U).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

The examination is divided into two components, namely, an assessed seminar presentation and a take-home examination. A student must pass each component separately to obtain a pass grade for the course.

Assessed Seminar

To pass the assessed seminar the students must be able to make individual oral presentations through group work to show evidence of sound knowledge and understanding of the specifically allocated task. A student who fails will be required to submit a short paper of 4/5 pages on the allocated topic showing an adequate level

of proficiency.

To obtain a B grade the student must be able to show an ability to reflect on theoretical and practical applications of legal issues relating to the subject of marine environmental law.

To obtain a BA grade the student must be able to show a high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of marine environmental law.

To obtain an AB grade the student must be able to show a very high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of marine environmental law.

Take Home Examination

This component consists of a take-home examination of prescribed duration which will consist of a combination of short essay-type questions and problem-solving exercises.

To obtain a B grade the student must be able to show an ability to reflect on theoretical and practical applications of legal issues relating to the subject of marine environmental law.

To obtain a BA grade the student must be able to show a high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of marine environmental law.

To obtain an AB grade the student must be able to show a very high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of marine environmental law.

Förkunskapskrav

Passed examinations in courses corresponding to the first term of the Master's Programme in Maritime Law.

Övrigt

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Prov/moment för kursen JASN04, Marine Environmental Law

Gäller från V08

0801 Marine Environmental Law, 15,0 hp

Betygsskala: Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd