



Styre: Fakultetsstyret ved Det juridiske fakultet
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NEDLEGGING AV JUS293-2-A LAW OF THE SEA AND ITS USES OG OPPRETTING AV JUS2316 LAW OF THE SEA AND ITS USES OG 3516 LAW OF THE SEA AND ITS USES

Bakgrunn

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Ignacio Herrera Anchustegui har utarbeidd dei to emneskildringane som ligg ved

Som vedlegg følgjer saka slik ho vart presentert for studietvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

Handsaming i studietvalet

Studietvalet handsama saka i sitt møte den 26.01.2023 og oversendte saka til fakultetsstyret med følgjande uttale:

«Studietvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS293-2-A Law of the Sea and its Uses etter studieåret 2022/2023 og i staden oppretta JUS2316 Law of the Sea and its Uses og JUS3516 Law of the Sea and its Uses som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.»

På denne bakgrunn blir det sett fram følgjande:

forslag til vedtak:

1. JUS293-2-A Law of the Sea and its Uses blir lagt ned etter studieåret 2022/2023.
2. Emna JUS2316 Law of the Sea and its Uses og JUS3516 Law of the Sea and its Uses blir oppretta og skal undervisast første gong haustsemesteret 2023
3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS293-2-A Law of the Sea and its Uses etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3516 Law of the Sea and its Uses.

4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS293-2-A Law of the Sea and its Uses i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig
dekan

Øystein L. Iversen
fakultetsdirektør

30.01.2023
INTØ

Vedlegg:

1. Sak 3/23-9 til Studieutvalet
2. Emneskildring JUS2316 Law of the Sea and its Uses
3. Emneskildring JUS3516 Law of the Sea and its Uses

Nedlegging av JUS293-2-A Law of the Sea and its Uses og oppretting av JUS2316 Law of the Sea and its Uses og 3516 Law of the Sea and its Uses

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialeemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Ignacio Herrera Anchustegui har utarbeidd dei to emneskildringane som ligg ved. Skilnadene mellom bacheloremnet og masteremnet er markert med raud skrift i masteremnet.

Mål og innhald er i hovudsak likt i dei to emna, men som tillegg i masteremnet vil studentane også få kunnskap om regulering av havområde utanfor nasjonal lovgjeving og ein introduksjon til gruvedrift på djuphavbotn. Forventa læringsutbyte er justert ut frå dette og tilpassa høvesvis studentar på 3. studieår (bachelornivå) og studentar på 5. studieår (masternivå).

Ut over dei 10 + 2 forelesingane som engelske val- og spesialeemne i tråd med den nye modellen vil ha til rådighet, ønskjer emneansvarleg å tilby éi (eventuelt to) ekstra samlingar som del av undervisninga. Emneansvarleg er gjort kjend med at undervisning ut over det som er normert for engelskspråklege val- og spesialeemne ikkje kan godskrivas i undervisningsrekneskapen.

Emnet på bachelornivå har ingen obligatoriske arbeidskrav, mens i emnet på masternivå er det obligatorisk med ein presentasjon i gruppe. Vurderingsforma i begge emna er ein kombinasjon av heimeeksamen og firetimars heimeeksamen, men ordlengda på heimeeksamen er ulik for dei to nivåa. Medan studentar på bachelornivå skal skriva maks 2000 ord, skal studentar på masternivå skriva minimum 2500, maksimum 3000 ord.

Litteraturlistene for dei to emna er ikkje klare enno, men emneansvarleg er gjort kjend med tilrådingane om mengd litteratur¹, og vil utarbeida litteraturlister i tråd med dette og leggja desse fram for SU i tide til fristen for publisering av litteraturlister for haustsemesteret 2024.

Overgangsordning og tal på eksamensforsøk

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretninger og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS293-2-A etter haustsemesteret 2024, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3509 Law of the sea and its uses.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i

antallet vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS293-2-A og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

SU uttalar:

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS293-2-A Law of the Sea and its Uses etter studieåret 2022/2023 og i staden oppretta JUS2316 aw of the Sea and its Uses og 3516 aw of the Sea and its Uses som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

Vedlegg: Emneskildringar

JUS2316 Law of the Sea and its Uses

Bachelor level (Autumn 2023)

Ignacio Herrera Anchustegui

Course Name

Law of the Sea and its Uses

Course Teacher and Coordinator

Ignacio Herrera Anchustegui

ECTS Credits

10

Level of Study

Bachelor

Full-time/Part-time

Full-time

Teaching Semester

Autumn

Place of Instruction

Faculty of Law, University of Bergen

Objectives and Content

The Law of the Sea and its Uses: Maritime Spatial Planning & Strategies elective course seeks to provide the law students with expertise concerning the applicable rules governing the different uses of the sea from a sustainable development and multidisciplinary perspective. Coordination and an integrated approach to the management and use of sea areas and activities conducted in them through regulation are paramount for humankind, marine life, and the planet's survivability.

Students will learn what rules govern different marine areas, vertically and horizontally, and its uses. Among these, they will study the different global, regional and national legal and policy instruments, such as maritime spatial planning strategies, designed to ensure that the interests of all stakeholders and affected interests - including the environment - are taken into account and respected. Furthermore, students will learn how to recognize, address and evaluate conflicts arising from different interests, as well as understand and be able to navigate the complex jurisdictional and institutional matters arising from these activities from a national but also regional and global perspective.

The course objective and learning outcomes shall be met through a lecture plan that aims to provide students with a thorough and holistic approach to the governance of the sea and its uses. To this effect, this course has been designed combining different legal sub-disciplines connected to the regulation of the sea and activities that take place in it, as well as with some special natural science sessions dealing with `technical¿ aspects of some of the legal contents discussed.

The course will concentrate on the following marine and maritime topics:

- Introduction to Law of the Sea and UNCLOS
- Rules related to the exploitation of natural living and non-living offshore resources
- The Blue Economy
- Marine Environmental protection tools
- Maritime Spatial planning tools in the EU and Norway
- EU Common fisheries policy
- Introduction to offshore energy

Learning outcomes

The general learning outcome of the course is to provide students with legal knowledge and legal tools related to the regulation of the sea and its uses. The skills and expertise learnt in this course may also be exported to other areas. The course and its learning outcomes are envisaged to be of relevance for future lawyers wanting to work in fields such as international relations (public international law), maritime industries (fisheries, energy, transport, mining, tourism), public offices dealing with sea and land planning (administrative law), as well as environmental and energy lawyers.

In particular, the course has as its learning outcomes:

- Familiarize with regimes applicable to the sea under the Public International Law as a common resource of humankind
- Gain knowledge on the different instruments that have been developed to ensure the sustainable use of the sea as the primary regulatory frameworks on which complex and economically vital industries are built (fisheries, energy, maritime transport)
- Analyze the main instruments for the governance of the oceans adopted in the EU and the EEA
- Recognize, understand and address the different conflicts that arise from the governance of the sea and the activities which take place on it from a jurisdictional and sectoral perspective
- Generate skills regarding the application of methods different from legal dogmatics
- Learn to operationalize the law in areas in which other sciences, such as biology, geophysics, or meteorology, have a pivotal role. This is fundamental for a modern legal world influenced by 'law and other disciplines' perspectives, such as law and new technologies or law and the environment, for example.
- Develop interdisciplinary skills and when dealing with complex legal matters
- Serve as a tool for further career development and ignite interest concerning environmental, spatial planning, international and regional as well as energy law

The course will provide the students with different tools and skills connected to the regulation of the sea and its uses and which are transferable to other fields of the law.

In addition to the impartment and sharing of knowledge, an aspect that will be emphasized within the course is the aim to provide students with skills to develop critical thinking and problem-oriented analysis of the law. Of particular relevance is the issue of identifying overlapping areas of legal application, jurisdictional issues as well as different legal systems. Also, and based on the evaluation structure, it will train students in legal drafting and research, serving as a preparation for their master's thesis, for example. Furthermore, the interdisciplinary nature of the course also will teach students both analytical and communicative skills regarding the interaction of law and other disciplines - legal analysis of texts based on hard-sciences thinking and communicate legal complex matters to a non-legal audience.

Students are expected to be able to identify and correctly apply the different legislation applicable to sea regulation and its uses. Additionally, the course will contribute to the understanding of interdisciplinary disciplines in which law plays a part. Critical reflection on the understanding of the law coupled with its link to environmental and technical issues is expected to be developed among students.

Students will also have developed certain skills and general competence, including:

- The ability to understand and engage with doctrinal, policy, and theoretical sources of different types, and to use those sources to present scholarly arguments in the fields covered by the course;
- The ability to apply academic knowledge and relevant work to practical and theoretical problems in the fields of marine/maritime spaces regulation, and to make well-founded choices between different legal and policy alternatives;
- The ability to find, evaluate, and refer to information and scholarly ideas and to present them in an appropriate written manner;
- The ability to engage in debates and write reasoned responses to questions on legal and policy issues in the field of sea utilization;
- The ability to analyze and answer practical legal problems in the marine/maritime sectors

Required previous knowledge

Two years of law studies.

Recommended previous knowledge

Good level of English language.

Credit Reduction due to Course Overlap

Combined with JUS293-2-A Law of the Sea and its Uses or JUS3516 Law of the Sea and its Uses this course will generate no new credits.

The course is designed to be complemented and combines successfully with:

- JUS2310/JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets
- JUS2311/JUS3511 International Climate Law

Access to the Course

The course is available for students:

- Admitted to the five-year master programme in law;
- Granted admission to elective courses at the Faculty of Law;
- Exchange students at the Faculty of Law.

The pre-requirements may still limit certain students' access to the course.

Teaching and learning methods

Lectures, group workshops, and possibilities to participate in specialized seminars/conferences.

Ten (10) lectures, one additional seminar/workshop (1). Total eleven sessions (11).

Compulsory Assignments and Attendance

None

Forms of Assessment

The exam consists of two parts:

- Home exam: during the course the students shall write a paper of maximum 2,000 words on a subject provided by the course supervisor. The home exam constitutes 40% of the final grade.
- School exam: Four-hour digital examination. The school exam constitutes 60% of the final grade.
www.uib.no/en/education/87471/digital-examination

Exam language:

Question paper: English

Answer paper: English

Examination Support Material

Support materials allowed during school exam

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

Special regulations about dictionaries

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

Grading Scale

A - E for passed, F for failed

Course Evaluation

According to the administrative arrangements for course evaluation at the Faculty of Law

JUS3516 Law of the Sea and its Uses

Master's level (Autumn 2023)

Ignacio Herrera Anchustegui

Course Name

Law of the Sea and its Uses

Course Teacher and Coordinator

Ignacio Herrera Anchustegui

ECTS Credits

10

Level of Study

Master

Full-time/Part-time

Full-time

Teaching Semester

Autumn

Place of Instruction

Faculty of Law, University of Bergen

Objectives and Content

The Law of the Sea and its Uses: Maritime Spatial Planning & Strategies elective course seeks to provide the law students with expertise concerning the applicable rules governing the different uses of the sea from a sustainable development and multidisciplinary perspective. Coordination and an integrated approach to the management and use of sea areas and activities conducted in them through regulation are paramount for humankind, marine life, and the planet's survivability.

Students will learn what rules govern different marine areas, vertically and horizontally, and its uses. Among these, they will study the different global, regional and national legal and policy instruments, such as maritime spatial planning strategies, designed to ensure that the interests of all stakeholders and affected interests - including the environment - are taken into account and respected. Furthermore, students will learn how to recognize, address and evaluate conflicts arising from different interests, as well as understand and be able to navigate the complex jurisdictional and institutional matters arising from these activities from a national but also regional and global perspective.

The course objective and learning outcomes shall be met through a lecture plan that aims to provide students with a thorough and holistic approach to the governance of the sea and its uses. To this effect, this course has been designed combining different legal sub-disciplines connected to the regulation of the sea and activities that take place in it, as well as with some special natural science sessions dealing with technical aspects of some of the legal contents discussed.

The course will concentrate on the following marine and maritime topics:

- Introduction to Law of the Sea and UNCLOS
- Rules related to the exploitation of natural living and non-living offshore resources
- Regulation of sea spaces on areas beyond national jurisdiction
- The Blue Economy
- Marine Environmental protection tools
- Maritime Spatial planning tools in the EU and Norway
- EU Common fisheries policy
- Introduction to offshore energy
- Introduction to deep seabed mining

Learning outcomes

The general learning outcome of the course is to provide students with legal knowledge and legal tools related to the regulation of the sea and its uses. The skills and expertise learnt in this course may also be exported to other areas. The course and its learning outcomes are envisaged to be of relevance for future lawyers wanting to work in fields such as international relations (public international law), maritime industries (fisheries, energy, transport, mining, tourism), public offices dealing with sea and land planning (administrative law), as well as environmental and energy lawyers.

In particular, the course has as its learning outcomes:

- Have solid understanding of the regimes applicable to the sea under the Public International Law as a common resource of humankind
- Study critically the different instruments that have been developed to ensure the sustainable use of the sea as the primary regulatory frameworks on which complex and economically vital industries are built (fisheries, energy, maritime transport)
- Analyze the main instruments for the governance of the oceans adopted in the EU and the EEA
- Recognize, understand and address the different conflicts that arise from the governance of the sea and the activities which take place on it from a jurisdictional and sectoral perspective
- Critically discuss the implications of policy/legal solutions in relation to its environmental and eco-systems
- Generate skills regarding the application of methods different from legal dogmatics
- Learn to operationalize the law in areas in which other sciences, such as biology, geophysics, or meteorology, have a pivotal role. This is fundamental for a modern legal world influenced by 'law and other disciplines' perspectives, such as law and new technologies or law and the environment, for example.
- Develop interdisciplinary skills and apply them when dealing with complex legal matters
- Be able to present scientific and legal information to a live audience in a structured, logical and planned manner
- Serve as a tool for further career development and ignite interest concerning environmental, spatial planning, international and regional as well as energy law

The course will provide the students with different tools and skills connected to the regulation of the sea and its uses and which are transferable to other fields of the law.

In addition to the impartment and sharing of knowledge, an aspect that will be emphasized within the course is the aim to provide students with skills to develop critical thinking and problem-oriented analysis of the law. Of particular relevance is the issue of identifying overlapping areas of legal application, jurisdictional issues as well as different legal systems. Also, and based on the evaluation structure, it will train students in legal drafting and research, serving as a preparation for

their master's thesis, for example. Furthermore, the interdisciplinary nature of the course also will teach students both analytical and communicative skills regarding the interaction of law and other disciplines - legal analysis of texts based on hard-sciences thinking and communicate legal complex matters to a non-legal audience.

Students are expected to be able to identify and correctly apply the different legislation applicable to sea regulation and its uses. Additionally, the course will contribute to the understanding of interdisciplinary disciplines in which law plays a part. Critical reflection on the understanding of the law coupled with its link to environmental and technical issues is expected to be developed among students.

Students will also have developed certain skills and general competence, including:

- The ability to understand and engage with doctrinal, policy, and theoretical sources of different types, and to use those sources to present scholarly arguments in the fields covered by the course;
- The ability to apply academic knowledge and relevant work to practical and theoretical problems in the fields of marine/maritime spaces regulation, and to make well-founded choices between different legal and policy alternatives;
- The ability to find, evaluate, and refer to information and scholarly ideas and to present them in an appropriate written manner;
- The ability to engage in debates and write reasoned responses to questions on legal and policy issues in the field of sea utilization;
- The ability to analyze and answer practical legal problems in the marine/maritime sectors

Required previous knowledge

Three years of law studies.

For students in the master's programme in sustainability: Three years of university studies.

Required previous knowledge

Good level of English.

Credit Reduction due to Course Overlap

Combined with JUS293-2-A Law of the Sea and its Uses or JUS2316 Law of the Sea and its Uses this course will generate no new credits.

The course is designed to be complemented and combines successfully with:

- JUS2310/JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets
- JUS2311/JUS3511 International Climate Law

Access to the Course

The course is available for students:

- admitted to the five-year master programme in Law;
- **admitted to the two-year master programme in Law**
- admitted to the master's programme in sustainability
- granted additional right to study following completed Master in Law degree at UiB
- granted admission to elective courses at the Faculty of Law;
- exchange students at the Faculty of Law.

The pre-requirements may still limit certain students' access to the course.

Teaching and learning methods

Lectures, **student group presentations**, and possibilities to participate in specialized seminars/conferences.

Eleven (11) lectures, one group presentation (1), and one interdisciplinary seminar (1). Total **thirteen sessions (13)**.

Compulsory Assignments and Attendance

Group presentation.

Forms of Assessment

The exam consists of two parts:

- Home exam: during the course the students shall write a paper of **minimum 2,500 and maximum 3,000** words on a subject provided by the course supervisor. The home exam constitutes 40% of the final grade.
- School exam: Four-hour digital examination. The school exam constitutes 60% of the final grade.

www.uib.no/en/education/87471/digital-examination

Exam language:

Question paper: English

Answer paper: English

Examination Support Material

Support materials allowed during school exam

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

Special regulations about dictionaries

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

Grading Scale

A - E for passed, F for failed

Course Evaluation

According to the administrative arrangements for course evaluation at the Faculty of Law