

EVIDENCE BASED LAW OF THE OCEANS

At the University of Bergen, legal scholars works with scientists from disciplines like natural and social science, economics and humanities in developing instruments for sustainable governance of oceans.

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ABSTRACT

The legal research in ocean and marine resources law at the Faculty of Law at the University of Bergen is aimed at developing models for national and international regulatory and institutional frameworks for sustainable development.

Increasing competition for marine areas and resources is creating conflicts and threats to ecosystems and biodiversity. In order to contribute to an evidence based legal regime for marine areas and resources, a broad multi-disciplinary cooperation is to be established, involving also natural science, social science, economics and humanities. The legal regime governing oceans and marine resources is crucial for achieving global goals for economic, social and ecological development. The effects of climate change are creating new challenges in the Arctic as well as in the Pacific.

An education program in marine legal studies is also being developed.

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GOVERNANCE SYSTEMS FOR OCEANS AND MARINE ECOSYSTEMS

Institutional development for sustainable development

As the utilization of marine areas and resources becomes more intensive and diversified, the legal and political governance has to develop into a holistic and integrated system of norms, regulating human behavior in relation to oceans and marine ecosystems. Incentives and opportunities for sustainable use have to be developed in addition to "command and control" rules.

The effects of climate change will require development of new legal and political approaches.

Instruments to avoid externalization of environmental costs and securing benefits for actors who are improving the environmental standard, is important examples of necessary institutional changes.

Evidence based governance

Legal regulation of such complex and transitory systems such as the oceans and the marine ecosystems, require deep understanding of natural science and also economic, cultural and psychological aspects of the interaction between man and ocean.

The University of Bergen and the marine cluster in Bergen possesses one of the most potent marine research environments in the world. A multidisciplinary cooperation is being developed in order to lay the basis for an evidence based approach also to the legal problems.

Access to marine resources

Regulation of access to marine resources by concessions or property systems (e.g. fishing quotas) in order to avoid resource depletion and "tragedy of the commons", is an important but difficult task.

Marine management plans and marine spatial planning

The North East Atlantic is an intensively used and mostly well regulated marine region. Fisheries, petroleum activity, energy production, shipping and tourism are competing for space and resources. Marine management plans and marine spatial planning promoting an ecosystem based approach are important tools for governance.

Legal research on the possibilities and the legal limitations for development of the management systems is an important task.

Free and regulated shipping

Shipping is a cornerstone of a globalized economy, as well as an important prerequisite for projection of power. Regulation of shipping is necessary to protect economic activities and the environment. One current hot spot is the Arctic, where the retreat of the ice makes shipping possible in a particularly hazardous area where the ecosystem affected by operational and accidental pollution is also particularly vulnerable.



Administering a global commons – The International Seabed Authority

Mineral extraction activities in the international seabed area are at the cutting edge of possible new uses of the ocean. The International Seabed Authority is charged with organizing and controlling mineral extraction in areas beyond national jurisdiction, as well as protecting the marine environment of the deep seabed. The information about the life on the seabed and possible effects from mineral activity at great depths is limited.

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