LAW OF MARINE ENVIRONMENTAL PROTECTION
(LAWS 2125)

COURSE THEME FOR FALL 2015:
IMPACTS OF SEA LEVEL RISE & CLIMATE CHANGE ON THE MARINE ENVIRONMENT

Course Instructor: Dr. Tony George Puthucherril

Tuesdays, 4.30-6.20, Room 308 (Weldon Law Building)

Course Description

The term marine environment has generally been understood to include saline and tidal influenced waters, the seabed, its subsoil, aquatic systems, and all marine wildlife. It also includes coastal areas and related ecosystems. The coastal and marine environment is one of the most important ecosystems as it performs several key functions — regulating the climate, sequestering carbon dioxide, and sustaining essential biological processes. As well, with close to a quarter of the world’s population living in coastal and adjacent areas and millions depending on coastal and marine ecosystems and resources for their livelihood and sustenance, the health of the marine and coastal environment is critical. Despite the imperative that these ecosystems be protected and conserved and their use and exploitation be sustainably patterned, the marine environment faces several severe threats and is fast deteriorating. For instance, due to the various sea-based activities like oil and gas exploration, dredging and extraction of sand, gravel and other minerals, shipping, over exploitation of fish stocks and tourism the structure and functions of oceanic waters is fast changing. As the health of the coastal and marine environment mirrors the impacts of activities carried out on land, increasing levels of coastal urbanization, destruction of wetlands, mangroves, and the draining of salt marshes, the building of new infrastructure without consideration of environmental consequences accelerate the rate of degradation. As well, land-based activities generate a range of solid wastes, sewage and other harmful pollutants that are carried by rivers and water bodies, and are eventually dumped into the oceans. The massive presence of such harmful substances has led to eutrophication, algal blooms and dead zones.

In sum, coastal and marine ecosystems are degrading rapidly. With climate change and sea level rise, it is expected that these will profoundly accelerate the already degrading marine and coastal ecosystems and resources, to ultimately affect coastal communities whose survival depends upon the health of these ecosystems. Already, in several parts of the world, coastal communities are being forced to re-locate because of SLR and other climate change impacts. Small Island developing states are badly being affected and there is the possibility that entire nations may go under the sea.
The primary objective of this course is to provide an understanding of these developments and the current state of the law dealing with protection of the marine and coastal environment and to evaluate its capacity to respond to these challenges. Even though the examination is primarily of the international law, the principles in Canadian law and that of other legal systems will also be looked into where required. As the focus of this seminar course varies from year to year, this year greater emphasis is provided to the problems posed by sea level rise and climate change on the marine and coastal environment.

Course materials

This course will not use a single casebook or textbook. Essential course readings are listed below. Some readings will be posted on the Blackboard Learn (BbLearn or OWL) for download whereas others have to be retrieved by students either from the internet (URLs provided) or from the library (periodical literature). Power point slides will be posted on the Blackboard Learn.

Student assessment

See the guidelines for the assessment of research paper set out in the School Calendar. The breakdown will be as follows:

Research paper (70%)
Presentation of paper in class (20%)
Class participation (10%)

Submission of Major Papers - Policy on Use of Originality Checking Software

Major papers must be submitted on hard copy. Students should hand papers in to the reception desk and ensure they are date and time stamped.

Please note students are also required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

a) submit copies of multiple drafts demonstrating development of their work
b) submit copies of sources
c) submit an annotated bibliography
Plagiarism

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the http://academicintegrity.dal.ca/ website, and the Law School policy on plagiarism, available online at http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Assistance with writing

Dalhousie offers a number of support services that assist students in their development of academic competencies. The Writing Centre, for instance, works to develop writing skills that meet university expectations in one-on-one sessions, in small groups, and in classes.

Contact information:
Dalhousie Writing Centre
Website: www.writingcentre.dal.ca
(for appointments write to writingcentre@dal.ca or call 494-1963)

Students with special needs/requests for accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made to Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.
Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at
494-2836, or they may contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information.

**MODULES**

1) **SEPTEMBER 15, 2015 - INTRODUCTION TO THE COURSE & UNDERSTANDING THE BROAD CANVAS**

Readings


2) **SEPTEMBER 22, 2015 - INTERNATIONAL LAW, THE PRINCIPLE OF PRECAUTION AND PROTECTION OF THE MARINE ENVIRONMENT**

Readings


3) **SEPTEMBER 29, 2015 - REGULATING LAND BASED SOURCES OF MARINE & COASTAL POLLUTION**

Readings


4) **OCTOBER 6, 2015 - SHIPPING & MARINE POLLUTION – (VEssel BASED SOURCES OF MARINE POLLUTION, BALLAST WATER MANAGEMENT AND SHIP RECYCLING)**

Readings


5) OCTOBER 13, 2015 - **THE PROBLEM OF OCEAN DUMPING**

*Readings*


6) OCTOBER 20, 2015 – **PROTECTING MARINE BIODIVERSITY**

*Readings*

Establishing an Ecologically Coherent Network of Maine Protected Areas in English Waters: What Does the Designation of Marine Conservation Zones under the Marine and Coastal Access Act 2009 Add In the Picture?” 15 Envtl. L. Rev. 104 2013 (pp. 2-8).


7) OCTOBER 27, 2015 - **LAW RELATING TO PROTECTION OF THE POLAR ENVIRONMENTS**
8) November 3, 2015 - **Climate Change, SLR and Protection of the Marine Environment – Impact on Coastal Communities, Coastal Areas, & Maritime Territories & Coastal Resources and Ecosystems**

Readings


9) November 10, 2015 - **Specific Tools to Protect the Marine Environment – Importance of Coastal & Marine Climate Change Adaptation Integrated Coastal Zone Management**

Readings


10) November 17, 2015 **Emerging Challenges**

Readings


11) November 24, 2015 **Student Presentations**
12) DECEMBER 1, 2015 STUDENT PRESENTATIONS

Other Readings


Possible Research Topics for the Major Paper

1. The Ship Recycling Convention: A Roadmap to Sustainable Ship Recycling?
2. Ballast Water Convention: A viable legal pathway to control the spread of Invasives?
3. The Ramsar Convention and its relevance to the protection of coastal wetlands
4. Land-Based Sources of Marine Pollution: Are we in Need of an International Convention to ensure effective implementation?
5. Management of Marine Protected Areas and Involvement of local communities
6. Understanding the problem of Sea Level Rise and what role can law play to moderate impacts?
7. Disappearing Small Island Developing States and the UNCLOS
8. The concept of ICZM: Do we need a Law to implement ICZM?
9. The concept of Particularly Sensitive Sea Areas
10. Removal of shipwrecks and their environmental consequences
11. Lessons learned from the Deepwater Horizon spill
12. Protecting mangroves: legal strategies
13. Aquatic Invasive Species and the Law
15. Coastal vs. Flag State Jurisdiction and Protection of the Marine Environment
16. Regulating the Carriage of Dangerous Goods By Sea
17. Bunker Oil Pollution Damage and the Law
18. Protecting Mangroves
19. Ocean Fertilization and the Law
20. Dumping radioactive and hazardous substances into the oceans and their legal regulation
21. Maritime Security and Environmental Concerns
22. Is a Regional Approach a better way to securing a clean and healthy marine environment?
23. Protecting the Arctic Environment: Law & Policy