

**Massachusetts Maritime Academy
SS 4123 24: International Law/Legislative Compliance for Mariners**

Instructor: John A. Dennehy, PhD, JD

Class Hours: T Th 10:00-11:15, 12:30- 1:45, or 2:00-3:15

Office Hours: Kurz 239, T TH 9:00-10:00, 11:30-12:30, and by appointment.

**Students can also communicate with me via e-mail at
JDennehy@maritime.edu.**

Course Description:

This course explores the basic foundations of International Law: its nature, history, theoretical underpinnings, and the players that make it all happen (states, international organizations, non-governmental groups, corporations, etc.). In addition, because the Law of the Sea is a specialized area of International Law, much of this course will be devoted to the laws and regulations as they apply to the merchant mariner, including the International Convention for the Prevention of Pollution from Ships (MARPOL); International Convention for the Safety of Life at Sea (SOLAS); International Safety Management (ISM Code; Oil Pollution Act of 1990 (OPA 90) and the US Code of Federal Regulations (CFR). Finally, this course will explore the basic requirements in training, certification and watchkeeping for seafarers on an international level. At all times, students should demonstrate constant adherence to the highest ideals of academic honesty.

Course Learning Objectives:

After completing this course, Cadets should have:

1. An understanding of the history, development and scope of International Law; knowledge of how International Law is created, interpreted and enforced; and a clear understanding of how international disputes are resolved;
2. A basic working knowledge of the relevant IMO conventions concerning safety of life at sea, security and protection of the marine environment; and an understanding of related international maritime conventions and recommendations, and national legislation.

Course Learning Outcomes:

1. Students should have a thorough understanding of how international law is created, interpreted and enforced; and a clear understanding of how international disputes are resolved.

2. Students should have a thorough understanding of international agreements and theories and practices of states within the international community.
3. Students should have a thorough understanding of how international law applies to marine professionals.
4. Students should have a thorough understanding of relevant IMO conventions, related international maritime conventions, as well as national legislation.

Social Science Learning Outcomes:

1. Higher order thinking: Students should be able to perform higher order thinking skills to include both critical and insightful thinking. They should be able to apply the elements of reasoning and be able to use criteria and content in order to make decisions, analyze arguments, imagine solutions to problems and create original and unique scholarship.
2. Communication Competence: Students should be able to write, read, speak and listen effectively and be able to express and process ideas clearly and succinctly. They should be able to create essays and complex answers to problems using these skills. They should demonstrate constant adherence to the highest ideals of academic honesty.
3. Contextual Awareness: Students should be able to demonstrate an understanding of various social, historical and cultural contexts in order to operate within a dynamic world and workplace. These skills should help the students navigate a workplace which is increasingly complex, socially and professionally.
4. Scholastic self confidence: Students should be able to arrive at a position using academically valid skills and criteria they then should be able to confidently defend and support their position through knowledge and communication skills.
5. Broadened world perspective: Students should be able to understand their own and America's place in the wider world and appreciate the social, economic, political, historical and legal realities which define their global realities.

Grade Computation:

Classroom (20%) Attendance is mandatory. Students are expected to be in class and on time. They should complete all assigned readings and be ready to discuss them in class. All students will be expected to contribute to all class discussions.

Quizzes/Assignments (40%) There will be at least four quizzes and/or class projects that will test your understanding of lectures and reading material.

Midterm (20%) To be held in class on Tuesday, th.

Final Exam (20%) Time and place to be announced.

Course Materials:

Murphy, Sean, *Principles of International Law* (Second Edition, 2012)

Handouts as distributed or assigned

Weekly Schedule and Assignments:

- Th September 8 - Introduction
- T September 13 - Nature and Scope of International Law **(Murphy, Ch. 1)**
- Tn September 15 - Actors in International Law **(Murphy, Ch. 2)**
1. states
 2. international organizations
 3. non-governmental organizations
 4. natural persons and groups
 5. legal persons (corporations)
- T September 20 - International Law Creation **(Murphy, Ch. 3)**
1. treaties
 2. customary international law
 3. general principles of law
 4. Courts and scholars
 5. law-making international organizations
 6. non-legally binding norms (soft law)
- Th September 22 - International Law Creation, part II and Int'l Law Interpretation & Dispute Resolution **(Murphy, Ch. 4)**
1. negotiation, notification & consultation
 2. mediation & conciliation
 3. arbitration
 4. World Court
 5. other international courts
 6. national courts
- T September 27 - **Quiz No. 1**/Discussion
- Th September 29 - Int'l Law Compliance and Enforcement **(Murphy, Ch. 5)**
1. compliance
 2. non-forcible and forcible coercion of states
 3. non-forcible and forcible coercion of persons
- T October 4 - Rules on State Responsibility **(Murphy, Ch. 6)**
1. general principles of responsibility
 2. attribution of conduct to a state
 3. duties of breaching state
 4. rights of an injured state
- Th October 6 - Foreign Relations Law of the US **(Murphy, Ch. 7)**
1. separation of powers
 2. federal-state relations
 3. international law as a part of U.S. law

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| T | October 11 | - Video/Review |
| Th | October 13 | - Mid-term examination |
| T | October 18 | - Intro. to Maritime Law & Law of the Sea (Murphy, Ch. 11) |
| Th | October 20 | - Carriage of Goods/Bills of Lading/Charter Parties
(handouts) |
| T | October 25 | - Marine Salvage/General Average (handouts) |
| Th | October 27 | - Personal Injury: Maintenance and Cure & Longshoreman Act
The Jones Act (handouts) |
| T | November 1 | - Int'l Laws Relating to Piracy (Video: Maersk Alabama) |
| Th | November 3 | - International Maritime Organization (IMO) |
| T | November 8 | - Quiz No. 2/ Maritime Labor Convention (MLC) 2006 and
ILO, Rights of Seamen |
| Th | November 10 | - Friday schedule/ No class |
| T | November 15 | - Standards of Training, Certification & Watchkeeping |
| Th | November 17 | - Writing assignment/STCW |
| T | November 22 | - Protection and Preservation of the Marine Environment
1. Int'l Convention for the Prevention of Pollution from
Ships (MARPOL)
2. Convention on the Prevention of Marine Pollution by
Dumping of Waste
3. US Code of Federal Regulations (CFR)
i. Clean Water Act
ii. Nat'l Pollutant Disch. Elim. Systems (NPDES)
iii. Oil Pollution Act of 1990 (OPA 90)
iv. Nat'l Invasive Species Act 1996 |
| Th | November 24 | - Writing assignment/MARPOL/documentary |
| T | November 29 | - Safety of Life at Sea (handouts)
Int'l Convention for the Safety of Life at Sea (SOLAS)
Projects/SOLAS |
| Th | December 1 | - Human Rights (Murphy, Ch. 10, pages 333-356) |
| T | December 6 | - Int'l Environmental Law (Murphy, Ch. 12, pages
415-428, 438-450) |
| Th | December 8 | - In'l Criminal Law (Murphy, Ch. 13, pgs 453-468) |
| T | December 13 | - Discussion: US role in the international community |
| Th | December 15 | - Review |

FINAL EXAMINATION: DATE, TIME AND PLACE TO BE ANNOUNCED