

INTERNATIONAL LAW and LEGISLATIVE COMPLIANCE FOR MARINERS – COURSE OUTLINE

Text: Epps, International Law (5th ed. 2014)

1. Nature and Scope of International Law

- (a) History and Development of International Law
- (b) Municipal versus International law
 - i) Monist / Dualist approach
 - ii) U.S. application of international law

Readings: Chapter I

2. Sources and Evidence of International Law

- (a) Customs, Treaties, Judicial decisions, Writers
- (b) General principles of law, U.N. Resolutions

Readings: Chapter I

3. Introduction to Maritime Law

- (a) History and development of maritime legal concepts
- (b) Legal remedies available to seamen
- (c) A brief overview of salvage law and vessel arrest

Readings: Handout

4. Title to Territory

- (a) Acquisition and loss of territory
- (b) Discovery, occupation, conquest
- (c) Cession, prescription
- (d) Celestial bodies and space

Readings: Chapter II

5. Sovereign States in International Law

- (a) Recognition of States and Governments
 - Effects of recognition and non-recognition
- (b) Diplomatic Functions
- (c) Duties of States
- (d) Loss of International Personality

Readings: Chapter VII

6. International Organizations

- (a) Legal Personality and Immunities
- (b) United Nations
 - i) Structure and functions
- (c) European Union
 - i) Structure and functions
 - iii) European Community Law
- (d) Non-Governmental Organizations

Readings: Chapter VII

7. Law of Individuals and Corporations

- (a) Individuals
 - i) Citizens and nationals
 - ii) Acquisition and loss of citizenship
 - iv) Dual citizens
- (b) Aliens
 - i) Rights of aliens
 - ii) Alien Tort Claims Act
 - iii) State Responsibility for Injury to Aliens
 - iv) Immigration and Refugees
- (c) Laws Governing Nationality – Individual and Corporate
 - i) U.S. v. Germany
 - ii) Nottebohm Case
- (d) Statelessness

Readings: Handouts

8. Extraterritorial Jurisdiction

- (a) Jurisdictional Principles
- (b) Permissible Bases of Jurisdiction Under International Law
- (c) Extradition
- (d) Diplomatic and Consular Immunity
- (e) Sovereign Immunity – Absolute or Restrictive
- (f) Act of State Doctrine

Readings: Chapter IV

9. Diplomatic Relations

- (a) Diplomatic and Consular Functions
- (b) Diplomatic and Consular Immunities
- (c) State Immunity
- (d) Foreign Sovereign Immunities Act
- (e) Act of State Doctrine

Readings: Chapter IV

10. The Law of the Sea

- (a) Territorial Waters
 - i) Innocent passage
 - ii) Entry in distress
- (b) Maritime Jurisdiction
 - i) Exercise of authority by the flag state of the vessel
 - ii) Exercise of authority by the state over foreign vessels
 - iii) Exercise of state authority outside territorial waters
- (c) International Straits
- (d) High Seas
 - i) Law of the Sea Treaty
 - ii) Exclusive Economic Zone

Readings: Chapter V

11. **National and International Legislative Compliance for Mariners**
- (a) International Convention for the Prevention of Pollution from Ships
Annex I – Annex VI
 - (b) U.S. Clean Water Act
 - (c) Oil Pollution Act of 1990
 - (d) International Convention for the Safety of Life at Sea
 - (e) International Safety Management Code
 - (f) Working conditions for seamen under the International Maritime Labor Convention standards

Handouts

12. **Foreign Relations Law of the U.S.**
- (a) Separation of Powers
 - (b) Federal – State Relations in Int. Law
 - (c) Int. Law and Treaties in U.S. Law

Readings: Handout

13. **Application of International Law**
- (a) International
 - i) International Court of Justice
 - ii) Arbitration
 - (b) National Courts
 - i) Act of State Doctrine
 - ii) Resolving conflicts between international law and municipal law
 - iii) Constitutional Supremacy

Readings: Chapter IX

14. **International Criminal Law**
- (a) International Crimes
 - (b) International Criminal Tribunals
 - (c) International Criminal Court

Readings: Chapter IX

EXAMS: Subject to time constraints, Two to three exams will be administered during the course of the semester in addition to the final exam. Students who absent themselves from an exam with a valid reason and prior approval of the instructor will be allowed to take a makeup exam. All others who miss an exam will receive a zero for that exam.

ATTENDANCE: This is an STCW designated course and therefore attendance is mandatory. All unexcused absences beyond three (3) will result in dismissal from the course.

GRADE: As an STCW designated course, the minimum passing grade is 70.

TEXTBOOK: All students are required to have the textbook for this course.

OFFICE HOURS: Office hours are posted on the Social Science Department bulletin board and on my office door, KZ 123. I urge you to utilize this time if you encounter difficulties with this material. Do not wait until the morning of the exam to ask questions.

CLASSES: You are strongly urged to take notes and ask questions during class. A consistent failure on your part to be prepared for class will be grounds for adjustment of your final grade based on lack of participation.

ARRIVAL OF THE PROFESSOR: Unless you are notified otherwise in advance or in the case of a sudden illness or accident, I will be in attendance at all classes. There may be occasions when I will be running late for class. It is customary to allow a Professor a 15 minute grace period.

COURSE OBJECTIVES: Upon completion of this course, the student should have acquired a basic grasp of the history and development of international law, methods of dispute resolution for international matters, protection of nationals and current immigration problems, an understanding of contemporary international events and a basic knowledge of relevant maritime conventions.

SYLLABUS CHANGES: The instructor reserves the right to make changes to this syllabus and will notify the students as soon as possible of these changes, if any.