

Dennehy

Fall 2022

Massachusetts Maritime Academy

SS 4123: International Law & Legislative Compliance for Mariners

Instructor: John A. Dennehy, PhD, JD

Class Hours: Tuesday and Thursday, 8:00-9:15, or 9:30-10:45

Office Hours: Kurz 229, Tuesday and Thursday, 11:00-12:15, Wednesday, 11:00-1:00, and by appointment. I have also created an Office Hours session in (via Zoom) on Blackboard where I can meet with students at a mutually convenient time. Students can also communicate with me via email at: JDennehy@maritime.edu

Course Description:

This course explores the basic foundations of International Law: its nature, history, theoretical underpinnings and the players who 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 basic requirements in training , certification & watchkeeping for seafarers on the international level (STCW); International Convention for the Safety of Life at Sea (SOLAS); International Convention for the Prevention of Pollution from Ships (MARPOL); Maritime Labor Convention (MLC) 2006). We'll also discuss the significance of international organizations such as the United Nations (UN), International Maritime Organization (IMO) and the International Labor Organization (ILO). We will finish up with a discussion of International Human Rights, International Environmental Law and International Criminal Law. At all times, students should demonstrate constant adherence to the highest ideals of academic honesty.

Civility & Classroom Behavior

Class discussion is a crucial component of this course. All members of this class, including the instructor, will grant others respect, even when discussing challenging subjects. In this course, the aim of our inquiries is critical understanding, even while topics may be controversial. You will be expected to participate in all class discussions while demonstrating maturity and civility.

Classroom Technology

Students are allowed to use laptops to take notes during lectures. Any students who are using their laptops for any reason other than note-taking or other class-related approved activity, will have this privilege revoked. Additionally, students may not use cellphones during class for any reason, except when given approval by the instructor. During quizzes and exams, cellphones will be collected and handed back at the completion of the test. Unless allowed by an academic accommodation, earbuds are not to be used during class. Under no circumstances will students be allowed to record lectures and/or class discussions.

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, as well as national (US) 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 (US) 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.

Course Requirements and Grade Computation:

Classroom (20%) Attendance is mandatory. Students are expected to be in class and on time, whether attending in person or via Zoom. They are further expected to complete all assigned readings and be prepared to discuss them in class. All students will also be expected to contribute to all class discussions. Students with three unexcused absences shall receive a failing grade for the course.

Project No. 1 (15%)

Midterm examination (20%)

Project No. 2 (15%)

Final examination (30%) Date, time and place to be announced.

ALERT: IF A STUDENT HAS THREE OR MORE UNEXCUSED ABSENCES, THEY WILL RECEIVE NO CREDIT FOR THIS COURSE AND A LETTER GRADE OF F.

Course Materials:

Murphy, Sean, *Principles of International Law* (Third Edition, 2018)
Handouts as distributed or assigned

Class Schedule and Assignments:

Week One:

September 6- September 8

- Introduction
- Foundations of International Law (**Murphy, Ch. 1**)

Week Two:

September 13 - September 15

Actors of International Law (**Murphy, Ch. 2**)

1. states
2. international organizations
3. non-governmental organizations
4. natural persons and groups
5. legal persons (corporations)

Discussion

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)

Discussion

Week Three:

September 20 - September 22

International Law Creation, part II and Int'l Dispute Resolution
(**Murphy, Ch. 4**)

1. negotiation, notification & consultation
2. mediation & conciliation
3. arbitration
4. World Court
5. other international courts
6. national courts

Video - *USS Vincennes* (complex bilateral negotiations)

Discussion

Week Four:

September 27 – September 29 -

Int'l Law Compliance and Coercion (**Murphy, Ch. 5**)

1. compliance
2. non-forcible and forcible coercion of states
3. non-forcible and forcible coercion of persons

Discussion

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

Week Five:

October 4 – October 6 -

Project No. 1: individual presentations

Week Six:

October 11 – October 13 -

no class on Tuesday/ Monday schedule

Foreign Relations Law of the US (**Murphy, Ch. 7**)

1. separation of powers
2. federal-state relations
3. int'l law as a part of U.S. law

Discussion

Week Seven:

October 18 – October 20 -

Tuesday: Review for mid-term examination

Thursday: mid-term examination

Week Eight:

October 25 - October 27 -

Intro. to Maritime Law & Law of the Sea (**Murphy, Ch. 11**)

General Average

Marine Salvage

(handouts)

Week Nine:

November 1 - November 3 -

Int'l Laws Relating to Piracy (**handouts**)

International Maritime Organization (IMO)

- Safety of Life at Sea (SOLAS)/ (**handouts**)

Int'l Convention for the Safety of Life at Sea (SOLAS)

Week Ten:

November 8 – November 10 -

Standards of Training, Certification & Watchkeeping (STCW)/
(handouts)

Protection and Preservation of the Marine Environment/
(handouts)

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. U.S. Code of Federal Regulations (CFR)

Video - MARPOL

Week Eleven:

November 15 – November 17 -

Rights of Seamen/ Jones Act (**handouts**)
Maritime Labor Convention (MLC) 2006 and
International Labor Organization (ILO)
Video: MLC (2006)

Week Twelve:

November 22 – November 24 -

Project No. 2: individual presentations
Thanksgiving break/No Classes

Week Thirteen:

November 29 - December 1 -

Project No. 2: individual presentations
Human Rights (**Murphy, Ch. 10, pages 389-422, 432-447**)

Week Fourteen:

December 6– December 8 -

Int'l Environmental Law (**Murphy, Ch. 12, pgs
489-502, 511-525**)
In'l Criminal Law (**Murphy, Ch. 13, pgs 527-548**)

Week Fifteen:

December 13 -

Review for final exam

FINAL EXAMINATION: DATE, TIME AND PLACE TO BE ANNOUNCED