

DETAILED LL.M. PROGRAMME STRUCTURE

As approved by the Academic Committee of the Governing Board on 1st December 2003

1. INTRODUCTORY COURSES

1.1. INTRODUCTION TO SHIPS AND SHIPPING

- 1.1.1. Major Categories of Ships
- 1.1.2. Shipping and International Trade
- 1.1.3. Types of Shipping
- 1.1.4. Operation and Management of Ships

1.2. TECHNICAL ASPECTS OF SHIPPING

- 1.2.1. Physical Attributes of a Ship
- 1.2.2. Basics of Navigation and Ship Handling
- 1.2.3. Cargo and Cargo Handling

1.3. THE ECONOMIC ASPECTS OF SHIPPING

- 1.3.1. The Role of Shipping in International Trade
- 1.3.2. Liner and Tramp Trade
- 1.3.3. The Liner Conference System
- 1.3.4. The U.N. Convention on the Code of Conduct for Liner Conferences
- 1.3.5. The Economic Impact of Open Registry Systems
- 1.3.6. Regional Approaches to Shipping Law

1.4. INTRODUCTION TO PUBLIC INTERNATIONAL LAW

- 1.4.1. Nature and Origin of Public International Law
- 1.4.2. Sources of Public International Law
 - 1.4.2.1. Customary International Law
 - 1.4.2.2. International Conventions and Other Treaties
 - 1.4.2.3. General Principles of International Law
 - 1.4.2.4. Judicial Decisions and the Legal Writings
 - 1.4.2.5. Codification through Conventions
 - 1.4.2.6. Relationship between Customary Law of the Sea and the Conventions on the Law of the Sea
- 1.4.3. Role of "Soft Law" in International Law
- 1.4.4. International Law and Municipal Law
- 1.4.5. The Subjects of Public International Law and International Personality
- 1.4.6. Basis of Jurisdiction
- 1.4.7. State Responsibility
- 1.4.8. The Law of Treaties

1.5. THE LAW OF INTERNATIONAL INSTITUTIONS

- 1.5.1. United Nations
 - 1.5.1.1. International Organizations
 - 1.5.1.1.1. Origins of International Organizations
 - 1.5.1.1.2. Characteristics of International Organizations
 - 1.5.1.1.3. Status of International Organizations in International Law
 - 1.5.1.1.4. The Creation of International Organizations
 - 1.5.1.2. Types of International Organizations
 - 1.5.1.2.1. Universal International Organizations
 - 1.5.1.2.2. Regional/Continental Organizations
 - 1.5.1.2.3. Special Purpose International Organizations
 - 1.5.1.3. The United Nations (UN) System
- 1.5.2. Specialized Agencies, in particular: IMO
 - 1.5.2.1. The International Maritime Organization

- 1.5.2.1.1. History, Aims and Functions;
- 1.5.2.1.2. Structure of IMO;
- 1.5.2.1.3. Committees of IMO;
- 1.5.2.1.4. IMO as a Law-Making Body;
- 1.5.2.1.5. The Process of Development of an IMO Convention
- 1.5.2.2. Other Agencies and Bodies
 - 1.5.2.2.1. UNEP, UNESCO (IOC), UNCTAD, ICAO, ILO, Uncitral
 - 1.5.2.2.2. U.N. Division for Ocean Affairs and the Law of the Sea
- 1.5.3. Role of Non-Governmental Organizations
 - 1.5.3.1. CMI

1.6. INTRODUCTION TO SHIPPING LAW

- 1.6.1. Historical Development of Maritime Law
- 1.6.2. Characteristics of Maritime Law and Main Differences between the Major Legal Systems
- 1.6.3. Regional Maritime Law, including EU Shipping Law
- 1.6.4. Regulatory Maritime Law: International Conventions
- 1.6.5. Admiralty and Shipping Practice
- 1.6.6. Statutory Law on Shipping
- 1.6.7. Law of Contracts
- 1.6.8. Law of Torts/Delict
- 1.6.9. Introduction to Commercial Maritime Law and Corporate Law
- 1.6.10. Property Law
- 1.6.11. Judicial Remedies in Maritime Law
- 1.6.12. Shipping Institutions

2. INTERNATIONAL LAW OF THE SEA

- 2.1.1. Law of the Sea: Historical Background
- 2.1.2. General Introduction and Elements of the Law of the Sea- First United Nations Conference on the Law of the Sea, (UNCLOS I) and Second United Nations Conference on the Law of the Sea, (UNCLOS II) Third United Nations Conference on the Law of the Sea, (UNCLOS III) 1958 United Nations Conventions on the Law of the Sea 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) Customary Law
- 2.1.3. Baselines
- 2.1.4. Internal Waters and Territorial Sea
- 2.1.5. International Straits
- 2.1.6. Archipelagoes
- 2.1.7. Contiguous Zone
- 2.1.8. Continental Shelf
- 2.1.9. Exclusive Economic Zone
- 2.1.10. Fisheries:
 - 2.1.10.1. 1958 Geneva Convention on Fishing and the Conservation of the Living Resources of the Sea UNCLOS (1982) Parts V and VIII- 1995 Agreement for the Implementation of the provisions of the UN Convention on the Law of the Sea relating to the conservation and management of Straddling Fish Stocks and Highly Migratory Fish Stocks
- 2.1.11. Land-Locked States and Geographically Disadvantaged States
- 2.1.12. The High Seas Legal Status and Freedoms:
 - 2.1.12.1. Nationality of Ships
 - 2.1.12.2. Unauthorised Broadcasting
 - 2.1.12.3. Hot Pursuit
 - 2.1.12.4. Miscellaneous Issues in the Customary Law of the Sea and the UNCLOS 1982
- 2.1.13. Regime of Islands
- 2.1.14. Enclosed and Semi-enclosed Seas
- 2.1.15. Deep Seabed
 - 2.1.15.1. Background
 - 2.1.15.2. Customary Law: Declaration of Principles Governing the Deep Seabed
 - 2.1.15.3. The Machinery: the International Seabed Authority
 - 2.1.15.4. The Regime

- 2.1.15.5. 1994 Agreement relating to the Implementation of Part XI of the UN Convention on the Law of the Sea
- 2.1.16. Marine Scientific Research
- 2.1.17. Development and Transfer of Marine Technology
- 2.1.18. Settlement of Disputes; Law of the Sea Tribunal

3. INTERNATIONAL MARINE ENVIRONMENTAL LAW

- 3.1. Background: Historical Perspective
- 3.2. United Nations Conference on the Human Environment (UNCHE)
- 3.3. Definitions of "Pollution" and "Conservation"
- 3.4. UNEP and its Regional Seas Programme
- 3.5. Ad-hoc Conventions on Prevention of Marine Pollution from all Sources
- 3.6. Role of IMO: International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, 1973 Protocol
- 3.7. UNCLOS Part XII - Protection and Preservation of the Marine Environment: Allocation of Responsibilities to IMO
- 3.8. State Responsibility
- 3.9. Inter-Relationship between Prevention of Pollution of the Marine Environment and Protection and Conservation of the Living Resources of the Sea: Recent Conventions and Protocols
- 3.10. Regulatory Conventions
 - 3.10.1. International Convention for the Prevention of Pollution from Ships, 1973 and Protocol of 1978 Relating to the International Convention (MARPOL 73/78), 1997 Protocol
 - 3.10.2. International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, 1996 Protocol
 - 3.10.3. International Convention on Oil Pollution, Preparedness, Response and Co-operation, 1990, 2000 OPRC/HNS Protocol
 - 3.10.4. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposals, 1989
- 3.11. Penal Law Relating to Marine Pollution: Applications of Mens Rea,
- 3.12. Liability and Compensation
 - 3.12.1. Law of Nuisance, Trespass and Negligence in reference to Marine Pollution
 - 3.12.2. Doctrine of Strict Liability
 - 3.12.3. International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969, 1992 Protocol; International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (IOPCF) 1992; 2003 Supplementary Fund Protocol
 - 3.12.4. 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea
 - 3.12.5. United States Oil Pollution Act, 1990
 - 3.12.6. International Convention on Civil Liability for Bunker Oil Pollution Damage 2001
 - 3.12.7. Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal, 1999

4. INTERNATIONAL MARITIME SECURITY LAW

- 4.1. Piracy
- 4.2. Unlawful Acts against the Safety of Navigation
 - 4.2.1. ISPS Code
- 4.3. Maritime and Port Safety Regimes
- 4.4. Human Dimension:
 - 4.4.1. Stowaways
 - 4.4.2. Human Trafficking

5. SHIPPING LAW

5.1. NATIONALITY, REGISTRATION AND OWNERSHIP OF SHIPS

- 5.1.1. Nationality of Ships
- 5.1.2. Vessel Registration
- 5.1.3. National Character and Flag
- 5.1.4. Registration and Ownership of Ships
 - 5.1.4.1. United Nations Convention on Conditions for Registration of Ships 1986

5.2. PROPRIETARY INTERESTS IN SHIPS - A COMPARATIVE ANALYSIS

- 5.2.1. Sales and Shipbuilding Contracts of Ships
 - 5.2.1.1. Sale of Goods Legislation
 - 5.2.1.2. Title and ownership
 - 5.2.1.3. Transfers and Transmissions
 - 5.2.1.4. Shares in Ships
 - 5.2.1.5. Commercial Practices
- 5.2.2. Ships Mortgages and Hypothecs
- 5.2.3. Maritime Liens and Privileges
 - 5.2.3.1. International Conventions on Maritime Liens and Mortgages: 1926, 1967 and 1993

5.3. ENFORCEMENT OF MARITIME CLAIMS

- 5.3.1. Arrest of Ships
- 5.3.2. In Rem and In Personam Proceedings
- 5.3.3. Jurisdiction
- 5.3.4. Mareva Injunctions, Attachment
- 5.3.5. The 1952 Arrest Convention
- 5.3.6. Maritime Arbitration

5.4. CARRIAGE OF GOODS BY SEA

- 5.4.1. The Conventions relating to International Carriage of Goods by Sea (Hague Rules, Hague-Visby Rules and Hamburg Rules);
- 5.4.2. The Basic Obligations of the Shipper and Carrier under the Contract of Carriage of Goods by Sea;
- 5.4.3. Transport Documents and Electronic Commerce (Bills of Lading, Sea Waybills; Delivery Orders, Through Bills of Lading, Multimodal Transport Documents);
- 5.4.4. Liability of the Carrier;
- 5.4.5. Claims and Actions;
- 5.4.6. Charterparties: Different Types of Charterparties; Rights and Obligations of the Parties Involved; Bills of Lading Issued under a Time or Voyage Charter Party.

5.5. CARRIAGE OF PASSENGERS AND THEIR LUGGAGE

- 5.5.1. Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL), 2002 (PAL)
- 5.5.2. Public transport (the common carrier) and private transport
- 5.5.3. Liability of the carrier for death and personal injury for loss of or damage to luggage and for delay in the transport
- 5.5.4. Transport documents
- 5.5.5. Claims and actions

5.6. MARITIME LABOUR LAW

- 5.6.1. Status of the Captain and the Crew
- 5.6.2. Manning and Certification
 - 5.6.2.1. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1995
 - 5.6.2.2. International Labour Organization (ILO) Conventions 147, 73, 5
- 5.6.3. Engagement, Discharge, Welfare of Seamen and Repatriation
 - 5.6.3.1. ILO Conventions 55, 56, 130, 22, 23, 98
- 5.6.4. Discipline

- 5.6.5. Abandonment of Seafarers
- 5.6.6. Ship Owner Responsibility for Injury and Death Claims

5.7. LAW OF MARITIME SAFETY

- 5.7.1. Ship Safety
 - 5.7.1.1. International Convention for the Safety of Life at Sea 1974 (SOLAS) as amended
 - 5.7.1.2. International Convention on Loadlines, 1966
 - 5.7.1.3. Classification Societies
- 5.7.2. Cargo Safety
 - 5.7.2.1. Dangerous Goods Regulations under SOLAS (CDG)
 - 5.7.2.2. International Maritime Dangerous Goods (IMDG) Code
- 5.7.3. Occupational Safety
 - 5.7.3.1. Safe Manning
 - 5.7.3.2. Crew Accommodation Regulations
 - 5.7.3.3. ILO Conventions 92, 134
- 5.7.4. Seaworthiness
 - 5.7.4.1. Statutory Seaworthiness
 - 5.7.4.2. Unsafe Ships, Unseaworthy Ships
- 5.7.5. Navigational Safety
 - 5.7.5.1. SOLAS Chapter V
 - 5.7.5.2. Safety of Navigation
 - 5.7.5.3. Aids to Navigation and Navigational Aids
 - 5.7.5.4. Nautical Publications
 - 5.7.5.5. International Code of Signals
 - 5.7.5.6. Distress and Urgency Signals International Convention on Maritime Search and Rescue, 1979 (SAR)
- 5.7.6. ISM Code
- 5.7.7. Port State Control

5.8. LAW OF MARINE COLLISIONS

- 5.8.1. Basis of Collision Liability
 - 5.8.1.1. Brussels Collision Convention, 1910
- 5.8.2. Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS)
- 5.8.3. Case Law on Collisions
- 5.8.4. Apportionment of Fault in Collision Cases
- 5.8.5. Vessel Traffic Scheme

5.9. LAW OF SALVAGE AND WRECK

- 5.9.1. Statutory Provisions on Wrecks and Salvage
- 5.9.2. Principles of the Law of Salvage
- 5.9.3. Lloyds Open Form of Salvage Agreement
- 5.9.4. International Convention on Salvage, 1989

5.10. LAW OF GENERAL AVERAGE

- 5.10.1. Historical Background
- 5.10.2. York-Antwerp Rules
- 5.10.3. Cases on General Average
- 5.10.4. Inter-Relationship between General Average, Marine Insurance and Salvage

5.11. LAW OF TOWAGE

- 5.11.1. Towage or Salvage?
- 5.11.2. Towage Contracts
- 5.11.3. Implied Terms
- 5.11.4. Third Party Liabilities

5.12. LAW OF MARINE PILOTAGE

- 5.12.1. Legal Status of a Pilot
- 5.12.2. Liability of a Pilot
- 5.12.3. Liability of Pilotage Authorities
- 5.12.4. Pilotage and Port Authorities
- 5.12.5. Compulsory Pilotage

5.13. GLOBAL LIMITATION OF LIABILITY

- 5.13.1. Concept of Global Limitation of Liability in Maritime Law
- 5.13.2. Conventions on Limitation of Liability for Maritime Claims 1924, 1957 and 1976; 1996 Protocol to the 1976 Convention
- 5.13.3. Calculation of Limitation Funds
- 5.13.4. Administration of Funds/Assessment of Claims and Distribution of Funds
- 5.13.5. Legal Effect of the Establishment of a Fund

5.14. LAW OF MARINE INSURANCE

- 5.14.1. Historical Development
- 5.14.2. Insurable Interest and Subject-Matter
- 5.14.3. Basic Principles
- 5.14.4. Hull Insurance
- 5.14.5. Cargo Insurance
- 5.14.6. Liability Insurance
- 5.14.7. War Risk
- 5.14.8. Marine Insurance Legislation
- 5.14.9. UNCTAD Standard Clause

5.15. PRIVATE INTERNATIONAL LAW

- 5.15.1. General Conflict of Laws Theory

6. MARITIME LEGISLATION

6.1. GENERAL:

- 6.1.1. The Legislative Process
- 6.1.2. Forms of Legislation
- 6.1.3. Types of Statutes
- 6.1.4. Anatomy of a Statute
- 6.1.5. The Drafting Process
- 6.1.6. Rules of Statutory Interpretation
- 6.1.7. Delegatory Legislation
- 6.1.8. Relationship between International Law and Municipal Law
- 6.1.9. Uniformity and interpretation

6.2. MARITIME:

- 6.2.1. Types of Maritime Legislation
- 6.2.2. Subject Matter of Maritime Legislation
- 6.2.3. Options for Developing Maritime Legislation
- 6.2.4. Nature of International Maritime Conventions
- 6.2.5. Methods of Implementation of International Maritime Conventions
- 6.2.6. Incorporation of Maritime Conventions into National Legislation
- 6.2.7. Drafting Exercises