

# LSTD401

**STUDENT WARNING:** This course syllabus is from a previous semester archive and serves only as a preparatory reference. Please use this syllabus as a reference only until the professor opens the classroom and you have access to the updated course syllabus. Please do NOT purchase any books or start any work based on this syllabus; this syllabus may NOT be the one that your individual instructor uses for a course that has not yet started. If you need to verify course textbooks, please refer to the online course description through your student portal. This syllabus is proprietary material of APUS.

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## Course Summary

**Course :** LSTD401 **Title :** Maritime Law

**Length of Course :** 8

**Prerequisites :** N/A **Credit Hours :** 3

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## Description

**Course Description:** This course is a study of the primary international and domestic laws governing navigation, naval operations, and maritime law enforcement. Students will study various aspects of the international law of the sea, maritime jurisdiction, and other laws and treaties dealing with such topics as maritime safety and security, drug trafficking, fisheries management, marine environmental protection, and piracy.

### Course Scope:

Maritime/Admiralty Law is that body of laws which governs events and transactions which occur upon navigable waters, including oceans, gulf and inland waterways. More specifically, it addresses matters including marine navigation and commerce, shipping, maritime workers, and the transportation of passengers and goods by sea.

This course contains a broad review of both Maritime/Admiralty Law and the Law of the Sea, including those international and domestic laws applicable in a maritime setting which govern relationships between individuals and the state (public law) as well as individuals and/or groups (private law). Specifically, this course will survey the fundamental principles of maritime law with a broad review of civil and criminal law enforcement issues in a maritime context. Students will study various aspects of maritime jurisdiction and substantive law addressing such topics as the law of the sea, maritime law enforcement, maritime tort law, maritime commercial law, maritime liens, salvage, rights and obligations of port authorities and pilots, sovereign immunity, international maritime conventions, and piracy.

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## Objectives

After completing this course the Student will be able to:

- Analyze numerous substantive legal issues related to maritime law.
- Recount various international conventions relating to maritime safety and pollution.
- Differentiate between proper jurisdictional venues for assorted maritime actions.

- Identify legal issues and limitations related to a ship owner's liability and cargo claims.
  - Examine various forms of compensation available to seamen, other maritime workers and passengers.
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## Outline

### Week 1: Introduction to Maritime Law in the International Scene

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#### Reading

Your readings can be found in the lessons section under the Reading and Resources tab.

#### **Law of the Sea Convention (LOSC):**

Articles 1-16, 33, 46-50, 55-58, 76-81

#### **International Maritime Security Law eBook**

Chapter 1-2 p. 1-46

Read Week 1 Lesson (in the "Lessons" tab).

#### Learning Objectives

1. Review the concept of jurisdiction
2. Recognize the distinctions between public, private, international, and domestic law
3. Describe the historical development of the Law of the Sea.
4. Explain the significance of maritime zones and how they are measured.

#### Assignment

Post your response to the Forum question by Thursday and respond to at least two classmates by Sunday. I encourage you to post early and often!

### Week 2: Maritime Zones/Navigation

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#### Reading

#### **LOSC:**

Articles 17-26; 34-45; 51-54; 86-98

#### **NWIP 1-14M**

#### **International Maritime Security Law eBook**

Chapter 7-8, p. 185-242

Read Week 2 Lesson (in the "Lessons" tab).

#### Learning Objectives

1. Analyze the rights and duties of flag states and coastal states in the various maritime zones.

2. Explain the navigation and overflight regimes and their applicability.

Assignment

Post your response to the Forum question and reply to two classmates.

### **Week 3: EEZ**

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Reading

#### **LOSC:**

Hot pursuit (LOSC art.111);

Constructive presence (LOSC art.111.4) ;

Right of Visit (LOSC art. 110)

#### **International Maritime Security Law eBook**

Chapters 9-10, pp. 243-312

Read Week 3 Lesson (in the “Lessons” tab).

Learning Objectives

1. Discuss the use of straits and the evolution of legal doctrine concerning this issue.
2. Discuss the evolution of economic exclusive zones in international law.
3. Discuss the term Hot pursuit, Constructive presence and right of visit

Assignment

#### **THIS IS A TWO PART ASSIGNMENT:**

(1) Post your response to the Forum question and reply to two classmates.

(2) Brief the case of **United States v. Conroy** which can be found in the Assignment link in the classroom.

*\*For help on writing a case brief, see the resources in the Assignment link.*

### **Week 4: Maritime Security Laws**

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Reading

#### **International Maritime Security Law eBook**

Chapters 13-14, pp. 411-516

Read Week 4 Lesson (in the “Lessons” tab).

Learning Objectives

Identify the security threats for ships

Identify the Security threats for ports

Analyze the existing legal regimes dealing with these security threats.

Critique the existing legal discourse on the issue.

Assignment

THIS IS A TWO PART ASSIGNMENT

(1) Post your response to the Forum question and reply to two classmates.

(2) Prepare the white paper assignment.

### **Week 5: Migration and Safety**

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Reading

#### **International Maritime Security Law eBook**

Chapters 19, pp. 657-690

Read Week 5 Lesson (in the “Lessons” tab).

Learning Objectives

1. Analyze the concepts of Migration in Maritime Cases.
2. Articulate the protection offered to forced migrants in the sea
3. Describe and analyze the U.S policy.
4. Critique the existing legal discourse on the issue.

Assignment

Post your response to the Forum question and reply to two classmates.

### **Week 6: Piracy**

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Reading

#### **International Maritime Security Law eBook**

Chapters 20, pp. 691-738

Read Week 6 Lesson (in the “Lessons” tab).

Learning Objectives

1. Identify the current characteristics of the piracy problem.
2. Explain existing legal framework of combating piracy.
3. Critique the existing legal discourse on the issue

Assignment

Post your response to the Forum question and reply to two classmates.

### **Week 7: Human Rights**

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## Reading

Wilson Article, pp. 244-319

Read Week 7 Lesson (in the “Lessons” tab).

## Learning Objectives

1. Discuss the intersection of human rights and Maritime law.
2. Distinguish several unique challenges to protection of human rights in the context of Maritime law.
3. Identify remedies

## Assignment

### **THIS IS A TWO PART ASSIGNMENT:**

(1) Post your response to the Forum question and reply to two classmates.

(2) Brief the case of ***Stewart v. Dutra*** which can be found in the Assignment link in the classroom.

*\*For help on writing a case brief, see the links in the Assignment link and Lessons link.*

## **Week 8: Future Challenges**

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## Reading

Wilson Article, pp. 244-319

Read Week 8 Lesson (in the “Lessons” tab).

## Learning Objectives

1. Implement the principals of the human rights regime in the context of Maritime Security Law

## Assignment

## Final Paper

Your final paper is due by Sunday midnight.

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## **Evaluation**

There will be six weekly forums based on the readings. You are also required to submit two written case briefs and two papers for your course assignments. The instructions can be found in those sections of the course.

## **Grading:**

| <b>Name</b>  | <b>Grade %</b> |
|--------------|----------------|
| Forums       | 30.00 %        |
| Week 1 Forum | 5.00 %         |
| Week 2 Forum | 5.00 %         |
| Week 3 Forum | 5.00 %         |
| Week 5 Forum | 5.00 %         |

|                               |         |
|-------------------------------|---------|
| Week 6 Forum                  | 5.00 %  |
| Week 7 Forum                  | 5.00 %  |
| Papers                        | 50.00 % |
| Human Rights Video Assignment | 25.00 % |
| White Paper                   | 25.00 % |
| Case Briefs                   | 20.00 % |
| US v. Conroy                  | 10.00 % |
| Stewart v. Dutra              | 10.00 % |

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## Materials

**Book Title:** Various resources from the APUS Library are used. Please visit <http://apus.libguides.com/er.php> to locate the course eReserve.

**Author:** N/A

**Publication Info:** N/A

**ISBN:** N/A

**Book Title:** Bluebook: Uniform System of Citation, 20th ed. - available online through the APUS Online Library: <http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

**Author:** Harvard, Columbia Law Review

**Publication Info:** Harvard, Columbia Law Review

**ISBN:** 9780692400197

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**Required:** United Nations Convention on the Law of the Sea (1982):

<https://edge.apus.edu/access/content/group/security-and-global-studies-common/LSTD/LSTD401/Course%20Texts/United%20Nations%20Convention%20on%20the%20Law%20o>

Commander's Handbook on the Law of Naval Operations (NWIP 1-14M):

<https://edge.apus.edu/access/content/group/security-and-global-studies-common/LSTD/LSTD401/Course%20Texts/Commanders%20Handbook%20on%20the%20Law%20of%20I>

Admiralty and Maritime Law by Robert Force (Federal Judicial Center, 2004):

<https://edge.apus.edu/access/content/group/security-and-global-studies-common/LSTD/LSTD401/Course%20Texts/Admiralty%20and%20Maritime%20Law.pdf>

These texts are available through the Lessons Link in the classroom and by using the link above. They are also available in the APUS Research Database. Please report any issues to [ECM@apus.edu](mailto:ECM@apus.edu).

**Web Sites:** In addition to the required course texts, the following public domain web sites are useful.

Please abide by the university's academic honesty policy when using Internet sources as well.

Note web site addresses are subject to change.

| Site Name                    | Web Site URL/Address  |
|------------------------------|---|
| Oceans and Law of the Sea    | <a href="https://www.un.org/en/sections/issues-depth/oceans-and-law-sea/index.html">https://www.un.org/en/sections/issues-depth/oceans-and-law-sea/index.html</a>   |
| National Maritime Center     | <a href="https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center/">https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center/</a> |
| Compilation of Maritime Laws | <a href="https://www.hSDL.org/?abstract&amp;did=437684">https://www.hSDL.org/?abstract&amp;did=437684</a>   |

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## Course Guidelines

### Writing Expectations

All written submissions should be submitted in a font and page set-up that is readable and neat. They should use correct grammar and checked for spelling and other errors prior to submission. Specific details are provided in the assignment section as assignment formats vary. Uploaded documents in the assignment section should be in word (.doc, .docx) format. Faculty may require assignments be submitted to Turnitin.com. Turnitin.com will automatically analyze a paper and report instances of potential plagiarism or overuse of quotes for the student to edit before submitting it for a grade. The expectation is that the writing will be in your words after analysis of the sources.

### Citation and Reference Style

The central function of legal citation is to allow the reader to efficiently locate the cited source. All courses in the Legal Studies program require that any narrative essay or composition format follow the legal citation guidelines set forth in The Bluebook: A Uniform System of Citation. Do not purchase The Bluebook, as it is available at the APUS library. Use this link to access: <http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

### Late Assignments

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment, please contact me before the due date so we can discuss the situation and determine an acceptable resolution.

### Deductions

Late forum posts, assignments, and exams may be penalized five (5) points per day.

### Netiquette

Online universities promote the advancement of knowledge through positive and constructive debate – both inside and outside the classroom. Forums on the Internet, however, can occasionally degenerate into needless insults and “flaming.” Such activity and the loss of good manners are not acceptable in a university setting – basic academic rules of good behavior and proper “Netiquette” must persist. Remember that you are in a place for the rewards and excitement of learning which does not include descent to personal attacks or student attempts to stifle the Forum of others.

Technology Limitations: While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Sakai classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.

Humor Note: Despite the best of intentions, jokes and especially satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add “emoticons” to help alert your readers: ;-), :) )

Disclaimer Statement

Course content may vary from the outline to meet the needs of this particular group.

## Online Library

The Online Library is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Online Library provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to [librarian@apus.edu](mailto:librarian@apus.edu).

Charles Town Library and Inter Library Loan: The University maintains a special library with a limited number of supporting volumes, collection of our professors' publication, and services to search and borrow research books and articles from other libraries.

Electronic Books: You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.

Electronic Journals: The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.

Tutor.com: AMU and APU Civilian & Coast Guard students are eligible for 10 free hours of tutoring provided by APUS. [Tutor.com](https://www.tutor.com) connects you with a professional tutor online 24/7 to provide help with assignments, studying, test prep, resume writing, and more. Tutor.com is tutoring the way it was meant to be. You get expert tutoring whenever you need help, and you work one-to-one with your tutor in your online classroom on your specific problem until it is done.

Legal Studies Program Guide: This should be your starting point as you explore the resources available for the Legal Studies Program! <https://www.apus.edu/apus-library/online-research/research/research-guides/school-of-security-global-studies/legal-studies-para-legal-studies>

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## University Policies

### [Student Handbook](#)

- [Drop/Withdrawal policy](#)
- [Extension Requests](#)
- [Academic Probation](#)
- [Appeals](#)
- [Disability Accommodations](#)

The mission of American Public University System is to provide high quality higher education with emphasis on educating the nation's military and public service communities by offering respected, relevant, accessible, affordable, and student-focused online programs that prepare students for service and leadership in a diverse, global society.



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