

FLORIDA A&M UNIVERSITY COLLEGE OF LAW

Fall 2015 Semester

Course Syllabus (Preliminary)

Law of the Sea

Fridays – 6:00 pm to 8:30 pm
3 credit hours

Professor Sam Mandelbaum*

Mandelbaum, Fitzsimmons, Hewitt & Cain, P.A.
Wells Fargo Center • Suite 1100
Tampa, Florida 33601-3373
Tel. 813.221.0200
srm@manfitzlaw.com

Required Coursebook –

Donald Rothwell & Tim Stephens, INTERNATIONAL LAW OF THE SEA (Oxford University Press, 2010)
[ISBN: 978-1-84113-257-0]

Examinations & Grading –

This course will require a 3-hour final examination, which is fully open book. In addition, a “bonus” will be given for strong class participation and preparedness, comprised of a one-step grade increase to a student’s final course grade. For example, if a student’s final exam grade has a grade of “B,” the award of a bonus will enhance the final course grade to “B+.”

Class 1 – August 14, 2015

Administrative Matters

Chapter 1 (Coursebook) -

History & sources of the law of the sea

- Evolution of international law of the sea since Ancient Rome
- Development & sources of international agreements through 21st century
- Areas of regulation – sovereignty, fishing, seabed mining, piracy, environment & criminal enforcement
- United Nations Convention on Law of the Sea (LOSC)
- Challenges to regulating the seas - marine environment, piracy, terrorism & economic exploitation

Class 2 – August 21, 2015

Chapter 2 (Coursebook) -

Coastal Waters

- Baselines
- Delimitation of coastal waters
- Internal Waters, port access & jurisdiction of foreign ships therein

* LL.M., International Business Law (Georgetown);
Florida Bar Board-Certified International Lawyer & Florida Bar Board-Certified Civil Trial Litigator;
Proctor-in-Admiralty (certified by United States Maritime Lawyers Association)

Class 3 – August 28, 2015

Chapters 3 & 4 (Coursebook) -

Territorial seas & contiguous zones

- Customary international law
- Codifications of territorial seas
- Contemporary state practices
- Contiguous Zones

Exclusive Economic Zones (EEZ)

- Nature of EEZs
- Coastal state rights in EEZs
- Rights & duties of other states in a nation's EEZ

Class 4 – September 4, 2015

Chapters 5 & 6 (Coursebook) -

Continental Shelf

- Truman Proclamation
- UNCLOS I and III
- LOSC

Deep Seabed

- Environment & resources
- Conventions on Law of the Sea
- LOSC and the 1994 Agreement
- International Seabed Authority and deep seabed mining regime

Class 5 – September 11, 2015

Chapters 7 & 8 (Coursebook) -

High Seas as managed common area

- Historic background of high seas regulations
- LOSC and regulation of high seas – Freedoms of navigation, use and shipping
- Prohibitions & enforcement – Piracy, slavery, drug trafficking
- Conservation & Management

Archipelagic Waters

- Codification and evolution of regulation
- LOSC & archipelagic states

Class 6 – September 18, 2015

Chapters 9 & 10 (Coursebook) -

Landlocked states & sea access

- Rights to navigation
- Rights to marine resources and economic use

Navigational rights & freedoms

- Customary rights to freedom of the seas
- UNCLOS I & III and LOSC
- Territorial Seas
- EEZs

Class 7 – September 25, 2015

Chapters 11 & 12 (Coursebook) -

Navigation through international straits & archipelagic waters

- Recognized rights of navigation
- LOSC
- Passage through international straits
- Passage through archipelagic waters

Military uses of oceans

- Provisions of international law for naval operations
- Codification
- Navigational rights by warships
- Naval operations on seas

Class 8 – October 2, 2015

Chapters 13 & 14 (Coursebook) -

Marine Resources - Regulation

- Non-living resources & deep seabed
- Living resources, fishing, fisheries
- LOSC, fishing rights on high seas

Marine Scientific Research

- Historic agreements
- LOSC on scientific research
- Coastal states regulation

Class 9 – October 9, 2015

Chapters 15 & 16 (Coursebook) -

Marine Environmental Protection

- LOSC
- Vessel source pollution
- Accidents from vessels
- Pollution emergencies
- Liability for Pollution
- Dumping at sea
- Atmospheric pollution

Delimitation of maritime boundaries

- Historic background & codification
- LOSC
- International agreements on boundaries

Class 10 – October 16, 2015

Chapters 17 (Coursebook & distributed material)

Marine Regulation & Enforcement

- National powers at sea – “Hot Pursuit” & use of force
- Enforcement with particular maritime zones

Class 11 – October 23, 2015

(Distributed material)

Piracy, terrorism & criminal activity on high seas

- Major international threat of piracy
- Special regimes regulating piracy, terrorism, illegal fishing & other criminal activities
- International efforts to combat piracy and

Class 12 – October 30, 2015

Chapter 18 (Coursebook & distributed material)

Dispute Resolution

- Under international law & historic agreements
- LOSC provisions

International Ocean Shipping & Risk Allocation for Cargo Loss, Damage & Delay

- Historic practices & agreements
- Harter Act, Hague Convention, Visby & Hamburg
- COGSA
- Proposed Rotterdam Convention

Class 13 – November 6, 2015

Chapter 19 (Coursebook) -

Oceans governance

- Legal framework
- Global legal framework
- Institutions for oceans governance
- Regional & national oceans governance

Class 14 – November 13, 2015

Final Review

FINAL EXAMINATION – Date to be Announced