



Scandinavian Institute of Maritime Law

Safety at Sea

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- Course objectives
- Course requirements
 - Reading
 - Study trip
 - Guest lectures
 - Case study
 - Written essay

Course objectives

- Monday 14th

- Learn about the safety regulation applicable to ships
 - Overview of safety regulation
 - Safety at sea in a more general context
 - Freedom of navigation
 - Obligations of shipping companies
 - Practical and legal problems
- Get insight into the 'real-life' problems, in particular by meeting experts and working on a case study
- Master writing skills to prepare for Master thesis

Why is safety at sea regulation important?

- Disasters with ships involving not only human life & economic losses but also ecological damage
 - Exxon Valdez, Prestige, Erika etc

OOOPS!



- Link to video with Full City:
- <http://www.tv2nyhetene.no/innenriks/her-flyter-oljen-rundt-full-city-2841702.html>

- Harm to the environment can also be done by smaller incidents and intentional spills, disposing of oily wastes into the sea
- Safety conventions provide for a general safety framework and minimum safety requirements

Shipping companies and other 'actors' in shipping are imposed concrete obligations and liabilities with respect to safety

- Prevention of incidents and accidents (technical standards and surveys, safety management)
- Post-accident activities (reporting, preparedness, rescue, clean-up)
- Compensation for losses (Insurance of liabilities)
- Corrective measures
 - Administrative liability
 - Criminal liability

Objectives of safety rules

- Prevention of accidents with ships
- Preparedness and acute response; rescue
- Financial compensation and insurance of liability
- Corrective measures

- International nature of shipping
 - International conventions
 - National regulations are important
- Freedom of navigation versus rights of the coastal States
- Flag States and flag of convenience problems

Sources of law of the sea

- International conventions
- Customary international law
- General principles of law
- Judicial decisions
- Writings of publicists

Who makes the rules?

- International Maritime Organization (IMO) – “competent international organization” in UNCLOS
 - International conventions
 - SOLAS, MARPOL etc.
 - Resolutions (non-binding)
 - Guidelines on Places of Refuge
- European Union
 - Regulations and Directives
 - Norway participates via EEA
- UN agencies and other international organizations can develop recommendations and participate in the law-making process (e.g. International Labour Organization)
- Individual States
 - May legislate within the limits permitted by international law

Who implements and enforces the rules?

- *Prescriptive jurisdiction* (legislative) and *enforcement jurisdiction* (control and related measures)
- Flag States
 - Flags of convenience and open registries
 - Classification societies
 - Public authorities (usually delegate to classification societies)
- Coastal States
 - Limited possibilities of enforcement under international law
- Port States
 - Port State control
 - Enforcement possibilities for violations on other States' territories

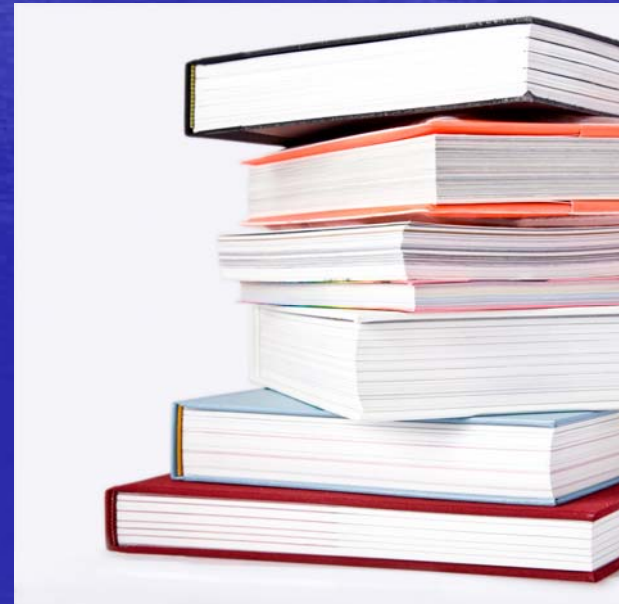
Structure & contents of the course

- Freedom of navigation
- Safety conventions and ISM Code
- Havarikommisjonen
- Full City case (liability systems)
- Places of refuge
- Norwegian SSA
- Classification societies
- P&I Clubs
- Case-study



- Reading materials are found in 3 compendia that follow the structure of the course
 - Legal acts (conventions etc)
 - Articles and extracts from the books
- Reading is required!

- Monday 14th: Compendium 1
 - UN Convention on the Law of the Sea (LOSC or UNCLOS)
 - Churchill/Lowe
 - Özçayir
 - Tan
 - Wene
 - Ringbom (optional)



- Codification of international customary law of the sea
- <http://www.un.org/Depts/los/index.htm>
- LOSC: please review the assigned articles!

- Please review assigned LOSC provisions, with particular focus on:
- Flag State duties:
 - Arts 94, 97, 98, 194, 217
- Innocent passage in the territorial sea:
 - Arts 17 – 21, 27-28, 211(4), 211(5)
- Enforcement of pollution rules: Arts 218, 220
- Safeguards: Art. 230

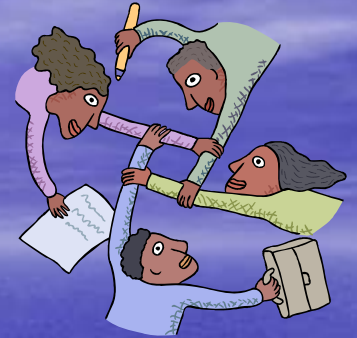
Study trip to the Maritime department of the Accident Investigation Board of Norway (Havarikommisjonen)

- In Lillestrøm
 - Start at 10.15 in the premises of the Board
 - Train around 9.20 from Oslo S (details on Monday)
- NB: reading is assigned for this day too
- Prepare the questions to ask to the representative of the Board (William Bertheussen)

Guest lectures

- Det Norske Veritas (DNV)
 - Classification society ('Recognized Organization')
- Gard
 - P&I Club (Protection and Indemnity Club, mutual association of shipowners)

Case-study: *Eurasian Dream* (compendium 3)



- Friday 18th September
- Team work in groups (will be assigned):
 - Factual circumstances
 - Legal issues (ISM Code)
 - Legal arguments
 - Legal reasoning by the court
 - Final conclusions by the court

Written essay

- Individual written essay on an assigned question (choice)
- Deadline 12 October 2009
- The questions coming soon

