

CLASS:- LL.M. 3rd SEMESTER
OPTIONAL PAPER
MARITIME CRIMES, MARITIME DISPUTE RESOLUTION AND JURISDICTION
ISSUES

Paper: 303-G

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVE:

- The syllabus has been designed to impart the students with the knowledge regarding the basic knowledge of Maritime Crimes, Maritime Dispute Resolution and Jurisdictional Issues.
- Analyse the role of the international criminal system over the regulation of jurisdictional issues on unlawful activities at sea like trafficking, piracy etc.,

UNIT-I

Introduction

- Introduction to Maritime Crimes:
 - a) Introduction;
 - b) Nature and types of maritime crimes;
 - c) Jurisdiction of maritime crimes;
- Piracy - genealogy of piracy;
 - a) Contemporary piracy in South Asia;
 - b) Atlantic and Pacific Region;
 - c) International law on piracy; jurisdiction.
- Trafficking
 - a) Global Authorities to counter Drug Trafficking;
 - b) International Law and the Trade in Illegal Drugs;
 - c) UN Basic Principles on the Use of Force;

UNIT-II

Maritime Terrorism

- Maritime Terrorism And Weapons of Mass Destruction At Sea –
 - a) Prevalence of Maritime Terrorism;
 - b) Sri Lanka and the Tamil Tigers; Al Qaeda and the USS Cole;
 - c) Non-Proliferation Treaty;
- Coastal State and Flag State Jurisdiction;
 - a) Coastal State Authorities;

- b) Exclusive Flag State Jurisdiction;
- c) Stateless Vessels;
- Other Maritime Crimes –
 - a) Unauthorised entry;
 - b) Smuggling exotic plants and animals;
 - c) Illegal carrying of weapons and artillery;

UNIT-III

Marine Environmental Laws

- Introduction to Environmental Laws –
 - International environmental laws;
 - Relevance of marine environmental laws;
 - State jurisdiction in relation to the protection and preservation of the marine environment.
- Prevention of Marine Pollution –
 - Marine protected areas and pollution in the marine environment,
 - Principles for marine environmental policy making and legislation,
 - Pollution from ships and dumping;
 - Pollution from sea bed activities; impact of offshore extractive industries;
 - Pollution of the marine environment from or through atmosphere.
- Liability and Compensation for Pollution Damage –
 - Liability and compensation for ship-source pollution;
 - Development of international regimes;
 - Regime relating to tanker oil spills;
 - Liability for hazardous and noxious substances.

UNIT-IV

Maritime Disputes and Resolution Mechanism

- Boundary Disputes and Jurisdiction –
 - Boundary Disputes and kinds of disputes;
 - Classification and demarcation of boundaries;
 - International maritime boundary disputes;
 - Jurisdictional issues;
- Settlement of International Maritime Disputes –
 - The settlement of disputes mechanism in the law of the Sea Convention;
 - Choice of forum
 - Arbitration versus Judicial Settlement;
 - Provisional measures and prompt release of vessels and crews;
- Dispute Settlement Under Various International Institutions –
 - Functions, composition, role of PCA; PCIJ; ICJ; ITLOS;
 - IMO and settlement of maritime disputes;
 - WTO Dispute Settlement; Object and Purpose of the WTO Dispute Settlement System; Jurisdiction; Access to WTO Dispute Settlement;
 - ADR and ODR Methods for Maritime Disputes; Maritime Dispute Negotiations; Mediation; Arbitration;
- Maritime Laws And Dispute Settlement In India

COURSE OUTCOME:

- Appraise the implications of rules and legal framework of criminal jurisprudence related to maritime crimes.
- Gain insights and be familiarized with basic knowledge on critical international and national maritime laws.
- Develop further insightful study on how to prevent the evolving contemporary crimes through the implication of legal regulations.
- Determine the effective role of regional cooperation for a better outcome in preventing the threat to international peace and security and to build peace keeping.

SUGGESTED READINGS:

INTERNATIONAL CONVENTIONS

1. SOLAS Convention, 1974
2. UNCLOS, 1984
3. SUA Convention, 1988
4. International Convention for the Suppression of the Financing of Terrorism, 2002
5. UN Convention against Transnational Organized Crime, 2003

BOOKS

1. Panos Koutrakos and Achilles Skordas :The Law and Practice of Piracy at Sea', European and International Perspectives, United Kingdom, 2014.
2. Greenberg M.D., Chalk P., Wills H.H. Khilko I., and Oritz D.S. :Maritime Terrorism: Risk and Liability', RAND Corporation, 2006.
3. Carolin Liss :Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh', Institute of Southeast Asian Studies, 2010.
4. James Kraska :Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea (Contemporary Military, Strategic and Security Issues)', Praeger, 2014.
5. C.Paul Hallwood, & Thomas J. Miceli, :Maritime Piracy and its Control: An Economic Analysis', Palgrave Pivot; Palgrave Macmillan, 2015.
6. Swati Parashar : Maritime Counter-Terrorism - A Pan-Asian Perspective', Pearson Education India, 2008.