

# Marine Coastal and Delta Sustainability for Southeast Asia

## Learner's Manual

### Law of the Sea and Ship Operation LOB 30603



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## 1.0 Introduction

This course is meant to expose participants on the regulations imposed on ship owners and ship managers on the acquisition and operation of ships registered with the Malaysian government or operated in Malaysian waters. In addition, knowledge on the Law of the Sea is also imparted to students as it is imperative for those involved in ships operations to abide by the United Nations Law of the Sea Convention. Knowledge gained from this course will provide a good foundation for ships to be operated smoothly and safely and will prevent ship owners and operators that have taken due consideration of the legal requirements from any serious setbacks.

Upon completion of this course students should be able to:

1. Identify the national maritime legislation and authority with respect of shipping operation.
2. Explain the process of ship registration and licensing.
3. Examine the mandatory requirements for master's and seamen.
4. Evaluate the rights of coastal states and user states in the maritime zones.
5. Analyze whether a passage is innocent or otherwise.



## 2.0 Course Structure

### 2.1 Learning Schedule

Topic	Description
<b>Topic 1</b>	<b>INTRODUCTION TO MERCHANT SHIPPING ORDINANCE (MSO)</b> 1.1 General description of M. S.O. 1.2 Origin of Merchant Shipping Ordinance. 1.3 National Maritime Safety Administration. 1.4 Other Maritime Enforcements Agencies. 1.5 Marine courts, legal power and jurisdiction. 1.6 Ships Classification Societies.
<b>Topic 2</b>	<b>APPLICATION FOR REGISTRATION OF SHIPS.</b> 2.1 Qualification as a Malaysian ships 2.2 Obligation to register as Malaysian ships and exemption from registry. 2.3 Application for registration as Malaysian ships. 2.4 Survey, measurement and marking of ships. 2.5 Rules as to name of ships. 2.6 Evidence on first registry.
<b>Topic 3</b>	<b>DOMESTIC SHIPPING LICENSE</b> 3.1 Cabotage Policy 3.2 Role of Domestic Shipping Licensing Board 3.3 Legal implication of Domestic Shipping on Shipping Business 3.4 Advantage of Domestic Shipping License to the nation
<b>Topic 4</b>	<b>MASTERS AND SEAMEN</b> 4.1 Qualification of Masters, Officers and the crew. 4.2 Manning of various types of ships



- 4.3 Compliance of seamen with STCW 1978
- 4.4 Medical requirement of crew working onboard ships

**Topic 5**

**INTERNATIONAL SAFETY MANAGEMENT CODE (ISM CODE)**

- 5.1 History and background of the Code
- 5.2 Enactment of the Code into MSO
- 5.3 Compliance of the Code by ship manager and ship owner.
- 5.4 Role of I.S.M. auditor in shipping industry.

**Topic 6**

**INTERNATIONAL SECURITY PORT FACILITIES AND SHIPS (ISPS) CODE**

- 6.1 History and background of the Code
- 6.2 Enactment of the Code into MSO
- 6.3 Compliance of the Code by ship owners, shipmasters and port operators.
- 6.4 Role of ISPS auditors in shipping industry.

**Topic 7**

**INTERNATIONAL CONVENTION ON STANDARD, TRAINING, CERTIFICATION AND WATCHKEEPING 1978 (STCW '78).**

- 7.1 The background and the development of STCW '78 Convention
- 7.2 Obligation of ship owners towards STCW '78 Convention
- 7.3 Obligation of flag maritime administration towards STCW '78 Convention
- 7.4 The effect of STCW '78 Convention towards global shipping industry.

**Topic 8**

**BASELINES AND MARITIME ZONES**

- 8.1 The normal baseline



- 8.2 Straight baseline
- 8.3 Other baselines
- 8.4 Internal water
- 8.5 Territorial Sea
- 8.6 Contiguous Zone
- 8.7 Exclusive Economic Zone
- 8.8 Continental Shelf
- 8.9 High Seas
- 8.10 Deep Seabed (The Area)

**Topic 9**                    **INTERNAL WATER AND TERRITORIAL SEA**

- 9.1 Internal water enclosed by straight baseline
- 9.2 Straits used for international navigation
- 9.3 Laws and regulations
- 9.4 Innocent passage and transit passage
- 9.5 Nuclear and dangerous substances
- 9.6 Immunity of warships and government ships
- 9.7 Criminal and civil jurisdictions

**Topic 10**                    **ARCHIPELAGIC STATE AND ARCHIPELAGIC WATER**

- 10.1 Immunity of warships and government ships
- 10.2 Definitions
- 10.3 Archipelagic baseline
- 10.4 Legal status
- 10.5 Internal water of the archipelagic state
- 10.6 Archipelagic Sea Lane (ASL)
- 10.7 ASL passage and innocent passage.

**Topic 11**                    **EXCLUSIVE ECONOMIC ZONE (EEZ) & CONTINENTAL SHELF**

- 11.1 Evolution of the EEZ
- 11.2 Legal status of EEZ
- 11.3 Rights and duties of coastal state in the EEZ



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- 11.4 Rights and duties of user states in the EEZ
- 11.5 Significance and implications of the EEZ
- 11.6 Continental Shelf.

**Topic 12**

**SETTLEMENT OF DISPUTES**

- 12.1 Evolution of the EEZ
- 12.2 Settlement under general international law
- 12.3 Settlement under Law of the Sea Convention
- 12.4 General principle in dispute settlement.



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## 2.0 Course Structure

### 2.2 Mode of Delivery



**Course were thought online using Microsoft Teams application. Link to the webinar will be provided by teacher through email or e-learning platform.**



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## 2.0 Course Structure

## 2.3 Teaching Strategy



### Teaching and Learning

Lecture, collaborative learning, and group discussion

Students will also be required to conduct self-study and information gathering on their own



### Assessment

Assessment will be both formative (with feedback) and summative.

Students will be assessed using the quizzes, oral presentation, tests, and group assignment. Peer evaluation will be part of the assessment of a teamwork.



## 2.0 Course Structure

### 2.4 Learning Material



### Lectures

 CHAPTER 1

 CHAPTER 2

 CHAPTER 3

 CHAPTER 4

**All learning materials such as lecture notes, videos and articles related to the learning topics will be made available online in e-Learning platform.**


## 2.0 Course Structure





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## 2.3 Additional Learning Material (video/notes/articles)

### Video Related to Course

 NOTE 2

 NOTE 1

 NOTE 3

 NOTE 4

**All additional materials such as lecture notes, videos and articles related to the learning topics will be made available online in e-Learning platform.**



## 2.0 Course Structure

### 2.4 Assessment

Type of Assessment	% Contribution
Quizzes	10%
Assignment	20%
Written Test	30%
Final examination	40%
<b>TOTAL</b>	<b>100%</b>



### 3.0 Course Structure

#### 3.1 Course Reading List

No.	References
1.	Government of Malaysia (2011), Merchant Shipping Ordinance 1952 (as at 20th October 2011), ILBS, PJ.
2.	Churchill, Robin & Lowe, Vaughan (1999), The Law of the Sea, Third Edition, Manchester University Press, UK.
3.	DOALOS (1982), United Nations Convention on the Law of the Sea, United Nations, New York
4.	Churchill, Robin and Lowe, Vaughan (1999), The Law of the Sea, Third Edition, Melland Schill
5.	Kristiansen, Svein (2005), Maritime Transportation, Safety Management and Risk Analysis, Elsevier Butterworth-Heineman, London.
6.	IMO (2001), Convention on Standard, Certification and Watchkeeping 1995, IMO Publication, London
7.	IMO (2004), SOLAS, Consolidated Edition, IMO Publication, London.
8.	IMO, International Safety Management (ISM) Code 2002 at <a href="http://www.imo.org/ISM%20Code.htm">http://www.imo.org/ISM Code.htm</a> .
9.	IMO, International Security on Port Facilities and Ship Code at <a href="http://www.imo.org/ISPS.Code.htm">www.imo.org/ISPS.Code.htm</a> .
10	IMO (1989), International Convention on Salvage 1989, at <a href="http://www.jus.uio.no/lm/imo.salvage.convention.1989/doc.htm">http://www.jus.uio.no/lm/imo.salvage.convention.1989/doc.htm</a>
11.	IMO (2003), MARPOL – How to do it, 2002 Edition, IMO, London.
12.	IMO (2007), International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), <a href="http://www.imo.org/Conventions/contents">http://www.imo.org/Conventions/contents</a>



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