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Certificate in Admiralty Law

## International Maritime Law

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International Maritime Law (IML) is a complex and specialized area of law that governs activities and events that occur on the high seas and in international waters. IML is based on a combination of customary international law, treaties, and conventions. This explanation will focus on key terms and vocabulary that are essential to understanding IML in the context of a Certificate in Admiralty Law.

1. **Jurisdiction:** Jurisdiction refers to the legal authority of a state or international organization to make, enforce, and adjudicate laws. In IML, jurisdiction is divided into several categories, including:
  - \* **Territorial jurisdiction:** This refers to the legal authority of a state over its territorial waters, which extend 12 nautical miles from the coastline.
  - \* **Flag state jurisdiction:** This refers to the legal authority of a state over ships that are registered under its flag.
  - \* **Coastal state jurisdiction:** This refers to the legal authority of a state over ships that are in its territorial waters, regardless of the flag they are flying.
  - \* **Port state jurisdiction:** This refers to the legal authority of a state over foreign ships that enter its ports.
2. **Collision Regulations:** The Collision Regulations, also known as the International Regulations for Preventing Collisions at Sea (COLREGs), are a set of rules that govern the navigation of ships to prevent collisions. The COLREGs establish rules for lights, shapes, sound signals, and maneuvering to avoid collisions.
3. **Salvage:** Salvage refers to the rescue of a ship, its cargo, or its passengers from a dangerous or distressing situation. Salvors are entitled to a reward for their services, which is determined by a variety of factors, including the value of the property saved, the degree of danger involved, and the skill and effort expended by the salvors.
4. **General Average:** General average is a principle of maritime law that requires all parties involved in a sea voyage to share in the losses resulting from a voluntary sacrifice of part of the ship or cargo to save the rest. This principle is based on the idea that all parties benefit from the sacrifice, and therefore all should share in the losses.
5. **Limitation of Liability:** Limitation of liability is a principle of maritime law that allows a shipowner to limit their liability for damages arising from a maritime accident to the value of the ship and its cargo. This principle is intended to encourage investment in shipping by limiting the financial risk to shipowners.
6. **Marine Pollution:** Marine pollution refers to the release of harmful substances or waste into the ocean, which can have devastating effects on marine life and the environment. IML includes a variety of regulations and conventions aimed at preventing and punishing marine pollution, such as the International Convention for the Prevention of Pollution from Ships (MARPOL).
7. **Admiralty Jurisdiction:** Admiralty jurisdiction refers to the legal authority of a court to hear and decide cases related to maritime law. Admiralty jurisdiction typically includes cases involving contracts for the carriage of goods by sea, collisions, salvage, and marine pollution.
8. **Arrest of Ships:** The arrest of ships is a legal remedy available in IML that allows a creditor to seize a ship

in order to secure payment of a debt. The ship can be arrested in any port where it is located, regardless of the flag it is flying or the nationality of its owner.

9. Bills of Lading: A bill of lading is a legal document that is used in international trade to acknowledge the receipt of goods for shipment. Bills of lading serve several important functions, including:

- \* Providing evidence of the contract of carriage between the shipper and the carrier.

- \* Serving as a receipt for the goods.

- \* Serving as a document of title to the goods.

10. Hague-Visby Rules: The Hague-Visby Rules are a set of rules that govern the carriage of goods by sea. The rules establish liability standards for carriers, require carriers to issue bills of lading, and provide for certain limitations of liability.

11. Longshore and Harbor Workers' Compensation Act (LHWCA): The LHWCA is a US federal law that provides compensation and medical benefits to maritime workers who are injured on the job. The LHWCA covers workers who are not covered by the Jones Act, such as stevedores, dockworkers, and ship repairers.

12. Jones Act: The Jones Act is a US federal law that provides a cause of action for seamen who are injured or killed in the course of their employment. The Jones Act allows seamen to recover damages for negligence, and establishes certain rights and protections for seamen, such as the right to maintenance and cure.

13. Death on the High Seas Act (DOHSA): The DOHSA is a US federal law that provides a cause of action for the wrongful death of a person on the high seas. The DOHSA applies to deaths that occur more than three nautical miles from the shore, and allows the decedent's personal representative to recover damages for the benefit of the decedent's survivors.

14. Carriage of Goods by Sea Act (COGSA): COGSA is a US federal law that governs the carriage of goods by sea. COGSA establishes liability standards for carriers, requires carriers to issue bills of lading, and provides for certain limitations of liability.

15. Sue and Labor Clause: A sue and labor clause is a provision in a marine insurance policy that requires the insured to take reasonable measures to minimize the loss or damage to the insured property. The clause allows the insurer to deny coverage if the insured fails to take such measures.

16. War Risks Insurance: War risks insurance is a type of marine insurance that covers losses or damages caused by war, warlike operations, or other hostile actions. War risks insurance is typically purchased separately from other marine insurance policies.

17. General Average Sacrifice: A general average sacrifice is a voluntary sacrifice of part of the ship or cargo to save the rest. The sacrifice is made for the common benefit of all parties involved in the sea voyage, and all parties are required to share in the losses resulting from the sacrifice.

18. Cargo Claims: Cargo claims are legal claims made by shippers or consignees for damages to or loss of goods during transportation. Cargo claims can be based on a variety of legal theories, including breach of contract, negligence, and breach of warranty.

19. Charter Parties: A charter party is a contract between the owner of a ship and a charterer for the use of the ship. Charter parties can be divided into two categories:

- \* Voyage charters: A voyage charter is a contract for the use of a ship for a single voyage.

- \* Time charters: A time charter is a contract for the use of a ship for a specified period of time.

20. Laytime: Laytime is the period of time allowed for loading or discharging cargo. The amount of laytime is typically specified in the charter party or bill of lading.

21. Demurrage: Demurrage is a charge assessed against a charterer for exceeding the allowed laytime. Demurrage is intended to compensate the shipowner for the loss of revenue resulting from the delay.
22. Despatch: Despatch is a reward paid to a charterer for loading or discharging cargo faster than the allowed laytime. Despatch is intended to compensate the charterer for the extra effort and expense involved in completing the work faster.
23. Bunkers: Bunkers refer to the fuel used by ships. Bunkers can be divided into two categories:
- \* Fuel oil: Fuel oil is a heavy, viscous oil used in large engines, such as those used in ships.
  - \* Marine gas oil: Marine gas oil is a lighter, more volatile oil used in smaller engines, such as those used in pleasure boats.
24. Bunker Contamination: Bunker contamination refers to the presence of water, sediment, or other contaminants in bunker fuel. Bunker contamination can cause damage to engines and other machinery, and can result in legal claims for damages.
25. Bunker Quality Clause: A bunker quality clause is a provision in a contract for the sale of bunkers that specifies the quality of the fuel. The clause is intended to protect the buyer from receiving fuel that does not meet certain standards.

In conclusion, International Maritime Law is a complex area of law that requires a deep understanding of key terms and vocabulary. This explanation has covered a wide range of topics, including jurisdiction, collision regulations, salvage, general average, limitation of liability, marine pollution, admiralty jurisdiction, arrest of ships, bills of lading, Hague-Visby Rules, LHWCA, Jones Act, DOHSA, COGSA, sue and labor clause, war risks insurance, general average sacrifice, cargo claims, charter parties, laytime, demurrage, despatch, bunkers, bunk