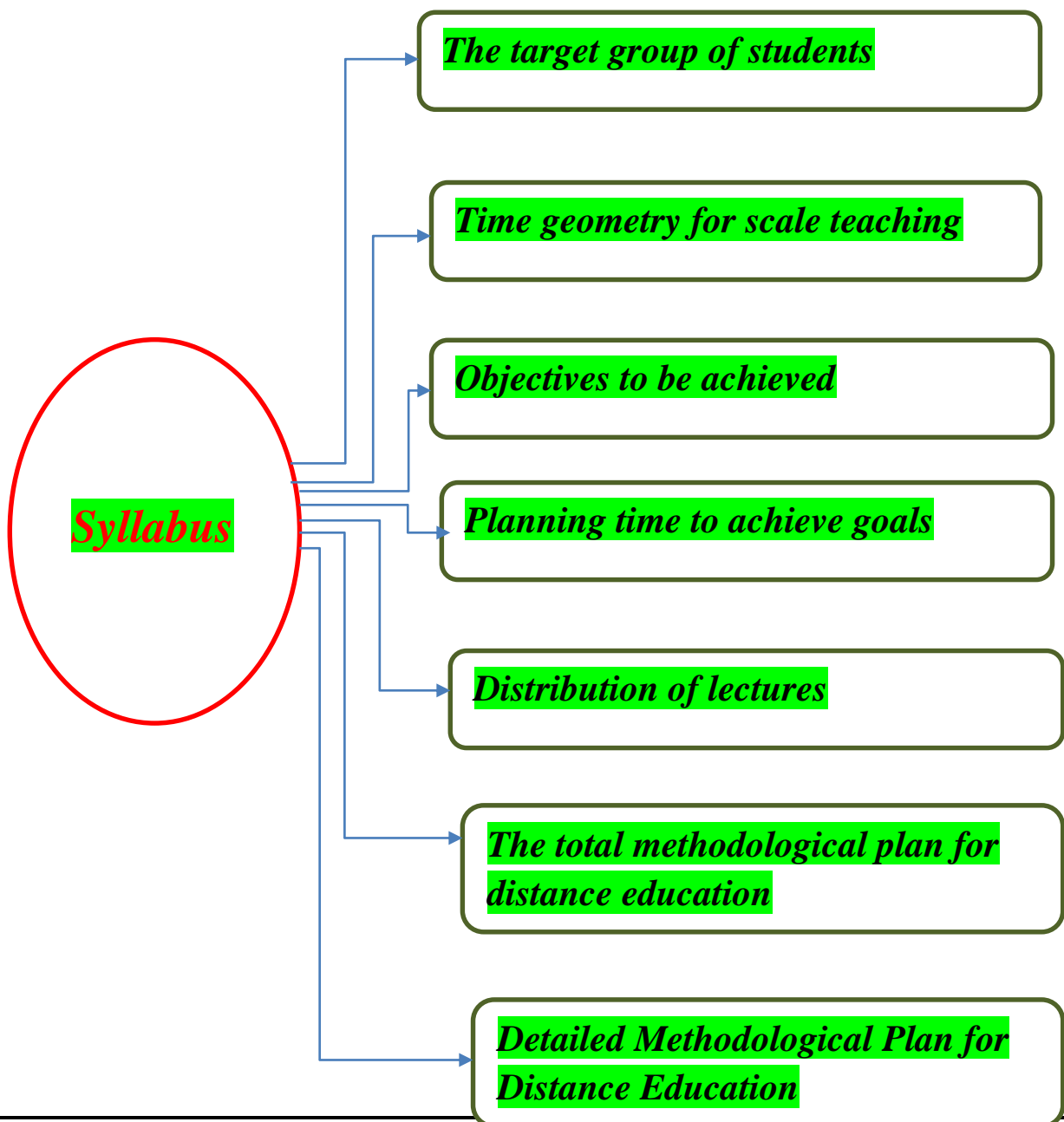


*Terminology lectures in maritime law*

*Distance education*

*Syllabus teaching plan*



### ***The target group of students***

*college season : 2022/2023*

*the academic year : First year master*

*Specializing : Maritime and Transport Law*

*semester : The second semester*

### ***Time geometry for scale teaching***

***The title of the teaching scale*** : Terminology lectures in maritime law

***The number of lectures*** : 14 lectures

***The number of videos recorded for the scale*** : 14 video recordings

***The number of evaluation tests*** : 14 evaluation tests

***The Written examination*** : In-person exam, not remotely

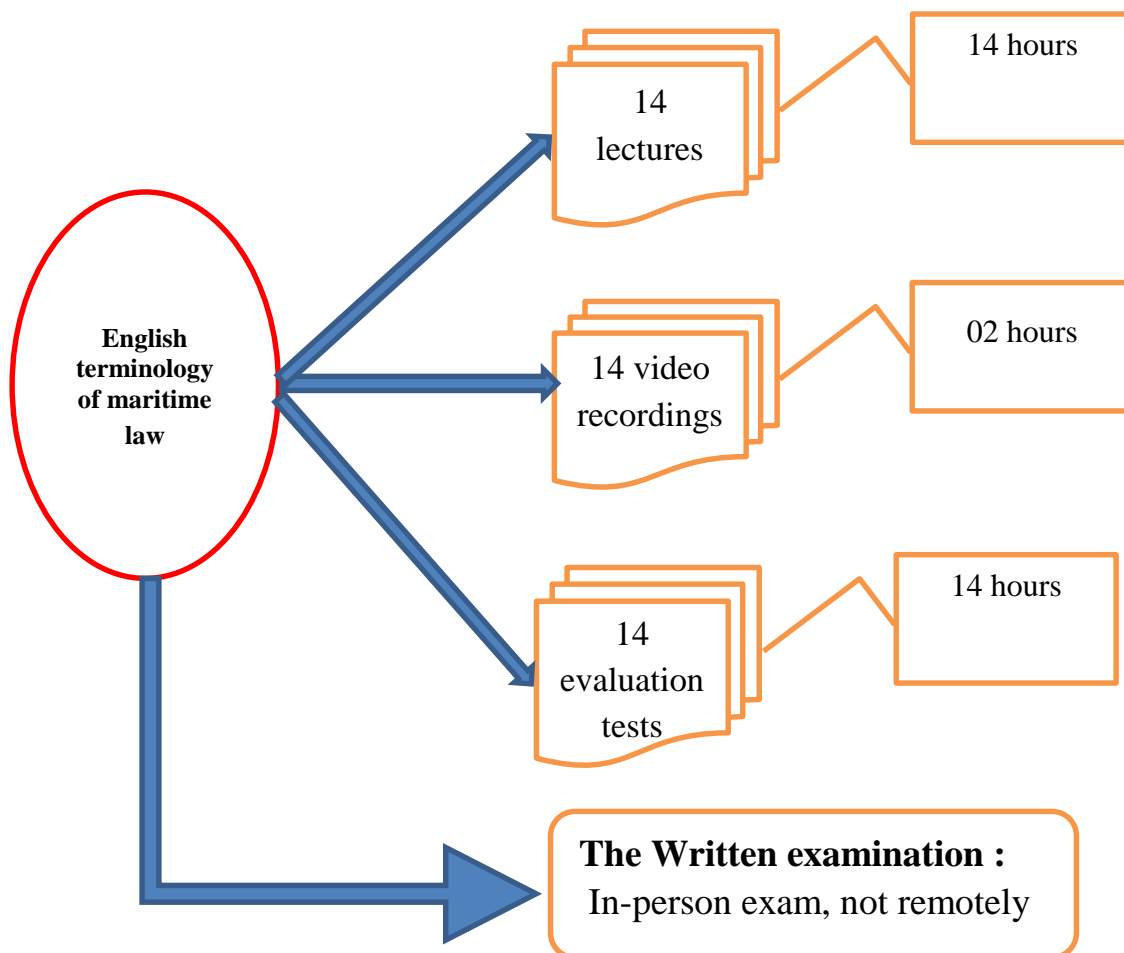
### ***Objectives to be achieved***

***Achieving objectives by motivating students :***

- I. Motivating students to realize the importance of the English language in :
  1. Benefit from the enormous resources and references written in English
  2. Benefit from new research ideas
  3. Thinking outside the Arab research framework to understand the rules of maritime law
  4. Identify researchers outside the traditional research framework
  5. Developing the possibilities of communication with researchers from different countries of the world
  6. Presenting personal scientific ideas in a language that researchers from all over the world can understand

7. Facilitating scientific exchange with others who are not fluent in the Arabic language
8. Changing the way of thinking from stereotyped to transformative
- II. Motivating students to be able to understand the concept of maritime law ( Definition, Characteristics, Sources )
- III. Motivate students to be able to differentiate between national maritime justice and international maritime justice
- IV. Motivate students to be able to understand the amicable ways of settling maritime disputes

### Planning time to achieve goals



**Introductory lecture :** The importance of the English language in maritime law

**Chapter one :** The concept of maritime law

**Chapter Two :** Maritime activity and its litigation

**The final review of the scale lectures**

### **Distribution of lectures**

No	chapter title	Lecture title	Lecture timing	Lecture video time	Evaluation timing
I	<i>Introductory lecture</i>	The importance of the English language in maritime law	1 hour	15minutes	1 hour
II	<b>Chapter one</b> <i>The concept of maritime law</i> <b>(Six hours)</b>	<b>The First research :</b> The general framework of maritime law	3 hours	45minutes	3 hours
		<b>part One :</b> Definition of maritime law	1 hour	15minutes	1 hour
		<b>part two :</b> Characteristics of maritime law	1 hour	15minutes	1 hour
		<b>Part three :</b> Sources of international law	1 hour	15minutes	1 hour
		<b>The second research :</b> The legal nature of the ship in maritime law	3 hours	45minutes	3 hours
		<b>part One :</b> state maritime borders	1 hour	15minutes	1 hour
		<b>part two :</b> The nationality of the ship	1 hour	15minutes	1 hour
		<b>Part three :</b> Registering or deleting marine vessels	1 hour	15minutes	1 hour
III	<b>Chapter one</b> <i>Maritime activity and its litigation</i> <b>(Six hours)</b>	<b>The First research :</b> The concept of Contract for maritime carriage of goods	3 hours	45minutes	3 hours
		<b>part One :</b> Definition of Maritime transport contract	1 hour	15minutes	1 hour

		<b>part two</b> : the liability of the maritime carrier	1 hour	15minutes	1 hour
		<b>Part three</b> : Exonerate the maritime carrier from its liability	1 hour	15minutes	1 hour
		<b>The second research</b> : maritime justice	3 hours	45minutes	3 hours
		<b>part One</b> : National maritime justice	1 hour	15minutes	1 hour
		<b>part two</b> : International maritime jurisdiction	1 hour	15minutes	1 hour
		<b>Part three</b> : Non-judicial methods of resolving maritime disputes	1 hour	15minutes	1 hour
IV	<b>Revision</b>	<b>The final review of the scale lectures</b>	1 hour	20minutes	1 hour
the total	30 hours		14 hours	02 hours	14 hours

### ***The total methodological plan for distance education***

**Introductory lecture** : *The importance of the English language in maritime law*

**Chapter one** : *The concept of maritime law*

**Chapter Two** : *Maritime activity and its litigation*

**The final review of the scale lectures**

### ***Detailed Methodological Plan for Distance Education***

**I) Introductory lecture :** *The importance of the English language in maritime law*

**II) Chapter one :** *The concept of maritime law*

**The First research : The general framework of maritime law**

- **part One :** Definition of maritime law
- **part two :** Characteristics of maritime law
- **Part three :** Sources of international law

**The second research : The legal nature of the ship in maritime law**

- **part One :** state maritime borders
- **part two :** The nationality of the ship
- **Part three :** Registering or deleting marine vessels

**III) Chapter Two : Maritime activity and its litigation**

**The First research : The concept of Contract for maritime carriage of goods**

- **part One :** Definition of Maritime transport contract
- **part two :** the liability of the maritime carrier
- **Part three :** Exonerate the maritime carrier from its liability

**The second research : maritime justice**

- **part One :** National maritime justice
- **part two :** International maritime jurisdiction
- **Part three :** Non-judicial methods of resolving maritime disputes

**VI) The final review of the scale lectures**

**I) Introductory lecture :** *The importance of the English language in maritime law*

**II) Chapter one :** *The concept of maritime law*

- The First research : The general framework of maritime law
- The second research : The legal nature of the ship in maritime law

**The First research :** *The general framework of maritime law*

- part One : Definition of maritime law
- part two : Characteristics of maritime law
- Part three : Sources of international law

**part One :** Definition of maritime law

### ***Difference between maritime law and admiralty law***

*التمييز بين القانون الأيرالي والقانون البحري*

Scholars often use the terms maritime law and admiralty law on the grounds that they are the same law, but there is actually a difference in the chronological history of the use of these two terms and a difference objective in the legal rules relating to the rights of persons.<sup>1</sup>

The difference in terms of time, Admiralty law is older than the maritime law, as it was used by Britain on its colonies, then this law developed with time by amending many of the previous legal rules and establishing new legal rules to become under the title of maritime law<sup>2</sup>

<sup>1</sup>غالبا ما يستخدم الباحثون مصطلحي القانون البحري والقانون الأيرالي على أساس أنهم ذات القانون ، ولكن ثمة في الواقع فرق في التاريخ الزمني لإستخدام هذين المصطلحين و فرق موضوعي في القواعد القانونية لحقوق الأشخاص .

<sup>2</sup>الفرق الزمني، حيث القانون الأيرالي أقدم من القانون البحري، حيث كانت تستخدمه بريطانيا على مسنعمراتها ، ثم تطور مع الزمن هذا القانون بتعديل الكثير من قواعد القانونية السابقة وإنشاء قواعد قانونية جديدة.

The difference is objective as well, since the Admiralty law was biased in the rules of rights in favor of ship owners and against sailors and port workers, as despite the dangers of their work, their wages were low and their working conditions were slavery. On that basis, the British and even the American legislators recognized, through the Maritime Law, all the rights of the seafarers that were violated through the Admiralty Law.<sup>3</sup>

### Conclusion

Maritime law is a historical development of admiralty law, and therefore it is rare to use the term admiralty law currently in the internal legislation of states or even jurists<sup>4</sup>.

### **The difference between maritime law and the law of the seas**

#### *التمييز بين القانون البحري وقانون البحار*

Maritime law is the internal law of states, while the law of the seas is a branch of international public law.<sup>5</sup>

Maritime law is divided into three groups of internal maritime law <sup>6</sup> :

1. A group of maritime laws belonging to the Code of Public Maritime Law<sup>7</sup>.
2. A group of maritime laws Belonging to the Code of Private Maritime Law<sup>8</sup>.
3. A group of maritime laws belonging to the Code of Private Maritime International Law<sup>9</sup>.

<sup>3</sup> الفرق موضوعي كذلك ، حيث أن القانون الأميرالي كان متحيزا في قواعد الحقوق لصالح أصحاب السفن و ضد البحارة العمال و عمال الموانئ، إذ رغم تطور أعمالهم كانت أجورهم زهيدة وظروف عملهم إستعبادية. وعلى ذلك الأساس إعترف المشرع البريطاني وحتى الأمريكي من خلال القانون البحري بكامل حقوق البحارة المهضومة التي كانت مهضومة خلال القانون الأميرالي.

<sup>4</sup> الخلاصة

القانون البحري هو تطور تاريخي للقانون الأميرالي، ولذلك من النادر إستخدام مصطلح قانون أميرالي حاليا في التشريعات الداخلية للدول أو حتى الفقهاء

<sup>5</sup> القانون البحري هو القانون الداخلي للدول ، بينما قانون البحار هو فرع من القانون العام الدولي.

<sup>6</sup> القانون البحري ينقسم إلى ثلاث مجموعات قانونية بحرية داخلية.

<sup>7</sup> مجموعة القوانين البحرية المنتمية إلى مدونة القانون البحري العام.

<sup>8</sup> مجموعة القوانين البحرية المنتمية إلى مدونة القانون البحري الخاص.

<sup>9</sup> مجموعة القوانين البحرية المنتمية إلى مدونة القانون البحري الدولي الخاص.



**Definition of Maritime Law** تعريف القانون البحري

Maritime law is a set of general and abstract rules that regulate the behavior of Persons in connection with maritime navigation and all related activities by sea and land, such as Coastal ports and dry ports.<sup>10</sup>

**Definition of Public Maritime Law** تعريف القانون البحري العام

**Definition of Private Maritime Law** تعريف القانون البحري الخاص

**Definition of Private Maritime International Law** تعريف القانون البحري الدولي الخاص

**Definition of the Law of the Seas** تعريف قانون البحار

**The United Nations Convention on the Law of the Seas**

The United Nations Convention on the Law of the Seas<sup>11</sup> is the general legal framework for the law of the seas or as it is also called the law of the sea. This treaty deals in particular with:<sup>12</sup>

1. Sovereignty of States over the seas and oceans through freedom of navigation, protection of the environment and the right to benefit from the wealth<sup>13</sup>

<sup>10</sup>القانون البحري هو مجموعة من القواعد العامة والمجرة المنظمة لسلوك الأشخاص في إطار الملاحة البحرية وكل النشاطات المتعلقة بها بحرا وبرا مثل الموانئ الساحلية والموانئ الحافة.

<sup>11</sup> This treaty was issued in 1982 and entered into force after 14 years

<sup>12</sup>تعد معاهدة الأمم المتحدة لقانون البحار<sup>12</sup> الإطار القانوني العام لقانون البحار أو كما يطلق عليه كذلك بقانون البحر، وهذه المعاهدة تعالج على الخصوص:

<sup>13</sup>سيادة الدول على البحار والمحيطات من خلال حرية الملاحة وحماية البيئة وحقوق الإنتفاع من ثروات

2. Regulating navigation and the right to benefit from the wealth and protecting the environment of the high seas<sup>14</sup>
3. Rules for the settlement of disputes arising between states regarding the interpretation or application of this treaty<sup>15</sup>

166 countries have ratified this treaty until the year 2014, and according to this treaty, the United Nations has established **the Department of Ocean Affairs and the Law of the Sea**, which contains information on members.<sup>16</sup>

### Sources of the Law of the Seas مصادر قانون البحار

1. international custom العرف الدولي
2. international treaties المعاهدات الدولية
3. International judicial precedents السوابق القضائية الدولية
4. International jurisprudence الفقه الدولي
5. General principles of law and justice المبادئ العامة للقانون والعدالة

### Ways to resolve international maritime disputes طرق تسوية المنازعات البحرية الدولية

Under the Law of the Seas, international maritime disputes are resolved in the following ways<sup>17</sup>:

1. International negotiations المفاوضات الدولية
2. International mediation الوساطة الدولية
3. International arbitration through the Permanent Court of Arbitration<sup>18</sup>  
التحكيم الدولي عن طريق المحكمة الدائمة للتحكيم

**There is international cooperation and coordination between the Permanent Court of Arbitration and the International Tribunal for the Law of the Seas as two separate international judicial organizations, and this coordination**

<sup>14</sup>تنظيم الملاحة وحق الإنتفاع من الثروات وحماية البيئة لأعالي البحار  
<sup>15</sup>قواعد تسوية المنازعات التي تنشأ بين الدول حول تفسير أو تطبيق هذه المعاهدة  
<sup>16</sup>لقد صدقت 166 دولة على هذه المعاهدة الإطارية إلى غاية سنة 2014 ، وبموجب هذه المعاهدة تم إنشاء قسم شؤون المحيطات وقانون البحار التابع للأمم المتحدة، الذي يحوي على المعلومات الخاصة بالأعضاء.  
<sup>17</sup>بموجب قانون البحار يتم حل المنازعات البحرية الدولية بالطرق التالية:

<sup>18</sup> According to Annex 7 of the Law of the Seas Treaty بموجب الملحق رقم 7 من قانون البحار

includes files of arbitration cases for international maritime disputes related to Annex No. 7 of the Convention on the Law of the Seas<sup>19</sup>

#### 4. Private International Arbitration<sup>20</sup> التحكيم الدولي الخاص

Private international arbitration is resorted to under Chapter 8 of the Law of the Sea Treaty in the following cases:<sup>21</sup>

- Fisheries disputes نزاعات بسبب مصائد الأسماك
- Conflicts due to marine environment pollution نزاعات بسبب تلوث البيئة البحرية
- Conflicts due to illegal scientific research in the seas نزاعات البحث العلمي غير المشروع في البحار
- Disputes over foreign freedom of navigation نزاعات حول حرية الملاحة الأجنبية

5. the International Court of Justice محكمة العدل الدولية

6. the International Tribunal for the Law of the Seas المحكمة الدولية لقانون البحار

### Definition of maritime law

Maritime law is a set of general and abstract rules governing the conduct of persons in the practice of maritime navigation

القانون البحري هو مجموعة من القواعد العامة والمجردة المنظمة لسلوك الأشخاص بموجب ممارسة الملاحة البحرية<sup>22</sup>

From this definition we extract the following basic elements:

ومن خلال هذا التعريف نستخلص العناصر الأساسية التالية :

- maritime borders الحدود البحرية أو المناطق البحرية
- Maritime navigation الملاحة البحرية

<sup>19</sup> هناك تعاون و تنسيق دولي بين المحكمة الدائمة للتحكيم والمحكمة الدولية لقانون البحار كمنظمتين قضائيتين دوليتين منفصلتين، وهذا التنسيق يشمل ملفات دعاوى التحكيم للمنازعات البحرية الدولية المتعلقة بالملحق رقم 7 من معاهدة قانون البحار

<sup>20</sup> According to Annex 8 of the Law of the Seas Treaty بموجب الملحق رقم 8 من قانون البحار

<sup>21</sup> يلجأ للتحكيم الدولي الخاص بموجب الفصل 8 من معاهدة قانون البحار في الحالات التالية:

<sup>22</sup> There are other definitions of maritime law such as:

Zaki Al-Shaarawy, Maritime Law - The Ship - Dar Al-Nahda Al-Arabiya, Cairo, 1989 AD, p.8

« Set of principles, customs and rules governing relations resulting from maritime navigation in times of peace as well as in times of war »

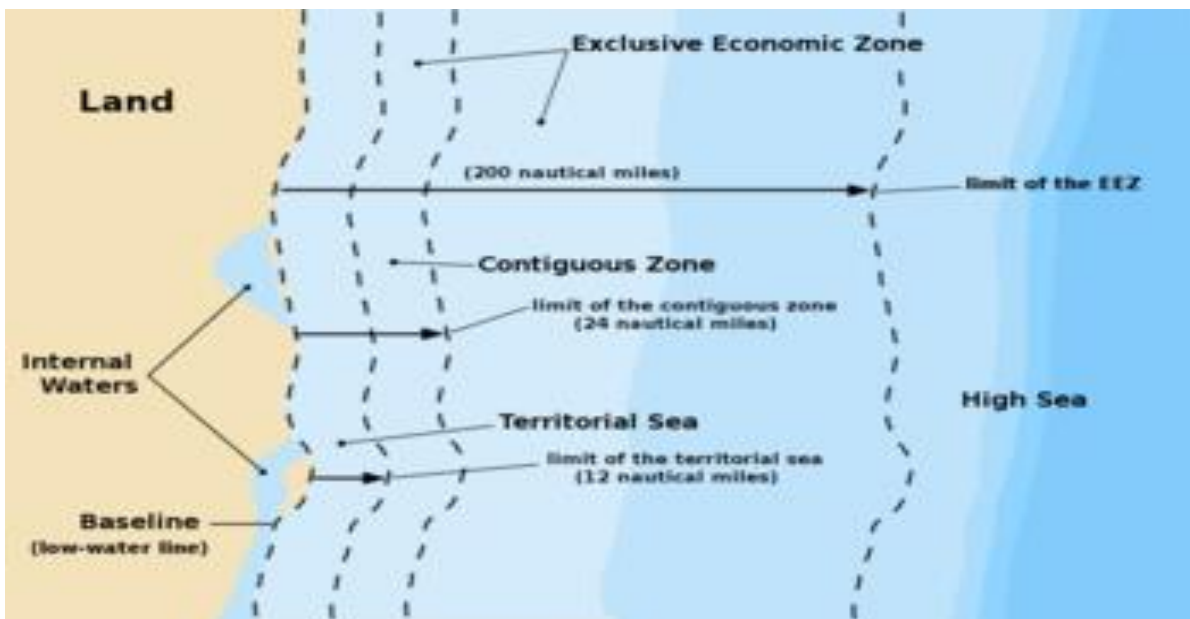
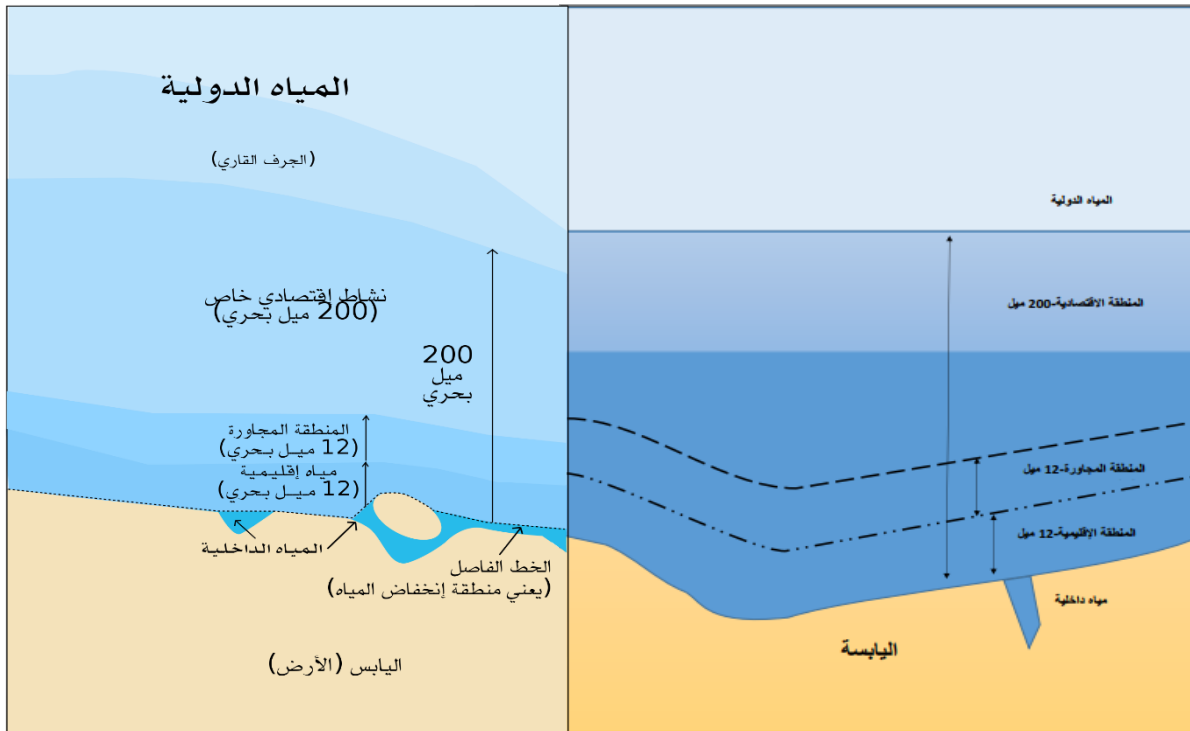
Adel Ali Al-Miqdadi, Maritime Law, Dar Al-Athqafa for Publishing and Distribution, Amman, Jordan, 2011 AD, p. 7

« The set of rules governing maritime navigation and its persons »

- البحر Sea
- السفينة The boat
- الأشخاص الأشخاص

### Sea areas according to United Nations Convention on the Law of the Sea

المناطق البحرية وفقا لاتفاقية الأمم المتحدة لقانون البحار



<sup>23</sup>[https://en.wikipedia.org/wiki/Law\\_of\\_the\\_sea](https://en.wikipedia.org/wiki/Law_of_the_sea)



الحدود البحرية maritime borders

الملاحة البحرية Maritime navigation

البحر Sea

السفينة The boat

الأشخاص Persons

<sup>23</sup> Sea areas according to United Nations Convention on the Law of the Sea

[https://en.wikipedia.org/wiki/Law\\_of\\_the\\_sea](https://en.wikipedia.org/wiki/Law_of_the_sea) , téléchargement : 12/01/2023 , 12h.45

**part two** : Characteristics of maritime law

**Part three** : Sources of international law