

2019



Swansea University
Prifysgol Abertawe

Institute of International
Shipping and Trade Law



Report of Activities

The Institute of International Shipping and Trade Law

DIRECTOR'S REPORT

2019 has been another progressive year for the Institute. The research project led by the IISTL on "autonomous ships and legal framework" is now at an advanced stage and after holding a research workshop on the subject in the spring of 2020, it is our intention to publish our findings in a monograph. It is our hope that this monograph will make a significant contribution to the development of law and policy in this area at a time when the IMO is engaged in a scoping exercise to determine which international maritime rules need to be amended to facilitate the commercial use of such crafts.

Equally, when it comes to disseminating research, the IISTL has been active organising three significant events in different parts of Europe (details can be found in this report). Two of these events were organised in conjunction with our partners in Greece, Turkey and the United States. This demonstrates the strength of the international links we have and our commitment to the development of our area of expertise, globally. It is a matter of regret that we had to cancel the joint event we intended to run in collaboration with Hong Kong City University due to political disturbances in Hong Kong but we aim to resurrect this project in the months to come.

On an individual basis, members of our Institute have done brilliantly, publishing top-notch articles, book chapters and books on various aspects of shipping and trade law (again more details of these publications can be found in this report). It is a source of pride to me as the director of this excellent Institute to see how much our members are in demand nationally and internationally. Many of them participated in conferences and seminars as speakers, travelling to different parts of the world, from Montreal to Singapore!

As 2020 starts with some concerning news for the shipping and trade world, the IISTL remains committed to delivering its main objective, namely bridging the gap between academia and legal practice. We have several activities planned including a seminar in London with international partners and a public lecture to be delivered by Sir Peter Gross. More importantly, in 2020 we shall be celebrating the 20th anniversary of the IISTL while Swansea University celebrates its centenary.

We are now a mature organization devoted to developing teaching and research in the fields of shipping, trade, IP and energy law. Our future is bright.

Professor B.Soyer

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DISSEMINATING RESEARCH - EVENTS ORGANISED BY THE IISTL IN 2019

The IISTL has often been a global leader in terms of organising events that not only aim to facilitate knowledge transfer but interaction between academics, legal practitioners and representatives from related sectors, such as banking, logistics and insurance. In the course of 2019, we were involved in the organisation of three different academic events.

Istanbul Colloquium on Autonomous Ships

This event was organised in collaboration with NASAMER, a research centre based in Koc University, on 14 May 2019. The primary objective of the event was to evaluate the legal position and insurance issues concerning autonomous ships. Three members of the Institute, namely Barış Soyer, Bülent Sözer and Richard Williams, delivered papers on various aspects of the debate and engaged in panel discussions. Two academics from Turkey, Dr Ayşegül Bugra (Director of NASAMER) and Professor Samim Ünan (Galatasaray University) were also involved in the event, offering their insight on the subject. Those who participated in the event included lawyers, seafarers, insurers, academics and government representatives, offering interesting regional and international observations at the end of each session.



Professors Sozer and Williams with Professor Ünan (Galatasaray University) in one of the panel discussions

International Maritime Seminar in Athens

On this occasion, the IISTL co-operated with Athens University and the University of Texas at Austin to organise the 3rd Advanced International Maritime Law Seminar in Athens on 10-12 July 2019. This event was significant and carried a sentimental value for us as it was dedicated to our valued colleague and dear friend, Dr Theodora Nikaki, who tragically passed away in 2018.

At the event, speakers focused on contemporary shipping issues; namely charterparties, multimodal transport documents and other significant topics in carriage of goods by sea. Apart from Professors Baughen, Leloudas, Soyer, Tettenborn and Williams representing the IISTL, other speakers included Professor Sturley (University of Texas); Professor Athanassiou (Athens University); Professor Athanassopoulou (University of Aegean); Professor Theocharidis (World Maritime University); Mr Kontantinidis (Manager of Eastern Mediterranean Maritime Law); Ms Couvadelli (Thomas Miller) and Simon Croall QC (Head of Quadrant Chambers). Speaking at the event, Professor Soyer, the Director of the IISTL, thanked Professor Athanassiou and Eugenides Foundation for their support in organising this outstanding seminar, noting specifically that the event brought together everything Dr Nikaki loved: her family, colleagues and students, and did so within the native country she loved so dearly.



The IISTL Team with our current students and alumni at the Athens Event in July

15th Annual IISTL Colloquium

Our flagship event was our 15th Colloquium held on the 12-13th September in Swansea. This year was devoted to Ship Operations, and as ever, provided a high-powered forum for academics, lawyers and industry experts to hear papers and discuss large numbers of crucial issues for contemporary shipping law. These included: i) the effect of the sulphur cap; ii) bunker supply and payment problems; iii) ship management issues; iv) cyber risks and liabilities; v) ship arrest and insolvency; vi) sanctions, and the concern over the creeping tendency, in some jurisdictions, to criminalise the actions of ordinary seafarers.

Speakers included IISTL stalwarts, Professors Baughen, Soyer, Tettenborn and Williams, and Associate Professor Leloudas. This year's event also saw many speaking for the first time as well as old favourites at the Colloquium, including: Rory Macfarlane of Ince & Co; Daniel Martin of HFW; Michael Biltsoo of Kennedys Marine; Professor Olivier Cachard of Lorraine University, France; Professor Henrik Ringbom from the Scandinavian Institute of Maritime Law in Oslo; Professor Bülent Sözer from Piri Reis University, Turkey; Associate Professor Frank Stevens of Erasmus University, Rotterdam; Sir Bernard Eder, International Judge of the Singapore International Court; Grant Hunter of BIMCO; Monica Kohli from Gard; and John Weale from FEDNAV in Canada.

The event was very kindly sponsored by Informa Law (Routledge), who have an excellent and long-standing relationship with the IISTL, and who have agreed to publish the papers given at the event in book format. We are enormously grateful for everything they have done for us and cannot thank them enough.



Sir Eder presenting at the event at a panel with Professors Tettenborn and Williams and Associate Professor Stevens



PUBLICATIONS

See below for publications authored or co-authored by IISTL members in the course of 2019:

Dr Zoumpoulia Amaxilati was awarded the degree of Doctor of Philosophy by the University of Southampton in September 2019 after successfully passing her viva voce examination held on 29th of May 2019. The focus of her doctoral thesis was seafarers' right to compensation from their employers in case of personal injury or death when performing their duties. She is currently working towards the objective of publishing her thesis as a legal monograph.

Professor Simon Baughen wrote a chapter "Sailing round the CLC; Environmental damage in EU Maritime Waters" in the Research Handbook on Maritime Law and Regulation, published by Edward Elgar in September and made significant contribution to the IISTL blog by publishing various case comments and commenting on judicial impact of BREXIT on arbitration and jurisdiction clauses in shipping contracts.

Associate Professor Andrew Beale OBE had his article "Right to Bear Cyber Arms?" published in the Cambridge International Law Journal blog in November.

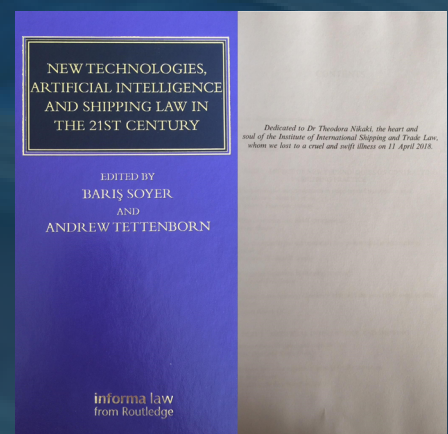
Associate Professor George Leloudas published a book chapter with Professor Baris Soyer and Dr. Richard Caddell entitled "Emerging Regulatory Responses to IUU Fishing" in Strengthening International Fisheries in an Era of Changing Oceans (Hart Publishing) pp. 399-420. He also collaborated with M Chatzipanagiotis and K Liperi in a book chapter entitled "The Legacy of the Dinosaurs: Regulation of Planetary Defence and Near-Earth Objects at a Global Level" published in The Space Treaties at Crossroads: Considerations de Lege Ferenda (Nomiki Vivliothiki, Greece) pp. 141-162. He continues to be a contributing editor of Shawcross on Air Law, the most prominent air law publication, with responsibility for this publication's liability chapters.

Dr. Youri van Logchem published an article entitled "The Rights and Obligations of States in Disputed Maritime Areas: What Lessons can be Learned from the Maritime Boundary Dispute between Ghana and Côte d'Ivoire?" in the Vanderbilt Journal of Transnational Law pp 121-177. He also received a book contract for a forthcoming monograph with Cambridge University Press entitled The Rights and Obligations of States in Disputed Maritime Areas.

Dr. Iur Bülent Sözer published the 5th edition of his seminal text Maritime Law published by Vedat Press in Turkish. He also updated his contribution on "Maritime Law in Turkey" in Maritime Law Handbook edited by Christian Breitzke, Jonathan Lux, Philomène Verlaan and published by Wolters Kluwer. This publication is now in its 64th edition.

Professor Barış Soyer published a book chapter "Autonomous Vessels and Third-Party Liabilities - The Elephant in the Room" in Artificial Intelligence and Shipping Law in 21st Century (Informa Law). He was also the author of a book chapter with Dr George Leloudas and Dr. Richard Caddell entitled "Emerging Regulatory Responses to IUU Fishing" published in Strengthening International Fisheries in an Era of Changing Oceans (Hart Publishing) pp. 399-420. Professor Soyer also authored "Marine Insurance and General Average" section of the Lloyd's Maritime and Commercial Law Quarterly Yearbook 2019.

Professor Andrew Tettenborn delivered several significant pieces in the course of the year. His chief publications are: "The Duty to Take Delivery of Goods" (Ch 9 of The World of Maritime and Commercial Law); "Shipping: Product Liability Goes High-tech" (Ch 9 of New Technologies, Artificial Intelligence and Shipping Law in the 21st Century); "Codification — Best Left to States or to Someone Else?" (Ch 5 in Codification of Maritime Law: Challenges, Possibilities and Experience); "Misdelivery and Suing Third Party Defendants" [2019] LMCLQ 350; "Ship Arrest and Undertakings in Damages: The Alkyon" [2019] LMCLQ 167; "Creditors and Reflective Loss – A Bar too Far?" (2019) 135 LQR 182.



EXTRAMURAL ACTIVITIES

Professor Simon Baughen delivered a paper on pumping warranties at ASDEM's Tanker Demurrage Conference held in London in May and co-organised a conference on climate change in September "Towards a 'Lex Climatoria'? Law and the Climate Change emergency" and delivered a paper on the impact of shipping in the context of climate change.

Associate Professor Andrew Beale OBE partnered with The Shearwater Group and Capital Law Solicitors to host an event for IP Practitioners and Cybersecurity experts at the Westminster offices of the Welsh Government (below left to right: Andrew Beale (IP Wales), Jason Dunlop (Shearwater), David Lewis & Wayne Beynon (Capital Law), Felix Manig (Control Risks).

Dr Tabetha Kurtz-Shefford chaired at several conferences in the course of the year and delivered guest lectures at Dalian Maritime University.

Associate Professor George Leloudas delivered a paper on air cargo liability at the 12th McGill Conference on International Aviation Liability, Insurance & Finance (18-19 October 2019). He also delivered guest lectures on multimodal transport and charterparties to LLM students of the University of Leiden in the Netherlands and the University of Athens in Greece.

Dr. Youri van Logchem was invited by the European Society of International Law to give a presentation on "States Acting Unilaterally Concerning Natural Resources in Disputed Maritime Areas: Striking a Balance Between Economic Development and Restraint" at the 15th ESIL Conference@Athens 2019, Sovereignty: A Concept in Flux (12-14 September 2019). He also presented a paper on the international legal framework applicable to disputed maritime areas at a conference in Istanbul, Turkey organised by the Fatih Sultan Mehmet Vakif University on the maritime disputes in the East Mediterranean on 9 December 2019.

Professor Barış Soyer delivered several guest lectures in the course of the year at various universities including Dalian Maritime University, Shanghai Maritime University, Istanbul University and Lorraine University. He also delivered a paper on "Autonomous Ships and Liabilities" at a Symposium organized by Bahcesehir University in Istanbul.

Dr. Iur Bülent Sözer delivered lectures on the Liability Regime in Maritime Law, in the Context of International Conventions and Turkish Law to postgraduate students - Maritime Law Research Centre, Ankara University Law School (In English). He also delivered a paper on "The Effect of Fault in General Average - Rule D of the York-Antwerp Rules" in a symposium organised by the Maritime Law Committee of the Istanbul Bar (In Turkish) in May. In September, he attended the Annual Assembly of the Comité Maritime International in Mexico City and participated in the meetings of the International Working Groups on "Ship Nomenclature" and "Unmanned Ships" in his capacity as a member of both Groups. In November, he delivered a paper on "Unmanned Ships" in the symposium organised by the Maritime Law Research Centre of Bilgi University, Istanbul, Turkey (In Turkish). Last but not least, he delivered a paper on Legal Regime of the Arctic organised by the Maritime Law Research Centre of Piri Reis University, Istanbul Turkey (In Turkish) in December.



PROFESSIONAL TRAINING

Members of the Institute continue to serve the training needs of international shipping organisations and companies, and City international law firms in various ways. Members of the Institute participated in the following professional training courses in 2019:

BIMCO Courses

Professors Barış Soyer and Richard Williams provided specialist masterclasses for BIMCO (the world's largest shipowners' organisation) in Antwerp, Athens, Rome, Rotterdam, Montreal, London and Dubai on charter party issues, bills of lading, marine cargo claims, commodity trading, marine insurance and laytime & demurrage. Professor Williams also provided classes at the BIMCO Asia Shipping School in Hong Kong and Professor Soyer provided classes at the inaugural BIMCO event in Cambridge.

Members of the Institute also provided Foundation Courses on marine insurance, bills of lading, charter parties and shipbuilding contracts for a consortium of six London City international law firms. The lectures were delivered by Professors Barış Soyer, Andrew Tettenborn, and Richard Williams and Associate Professor George Leloudas.

Industry In-House courses

Professors Soyer and Williams conducted specialist in-house courses for the China Ocean Shipping Company (COSCO) in Guangzhou and Marcura in Dubai.

Other Professional Assistance

Professor Williams assisted BIMCO in relation to the proposed amendments to the standard Gencon charter and continued his annual review of the Guidance to the Rules of the Gard P&I Club.



Professors Soyer and Williams at a training session in Rome

GUEST LECTURES

In the course of 2019, the Institute organised the following guest lectures for its members, PhD and LLM students:

Richard Neylon, Partner, HFW, "A Maritime Lawyer's Role in Responding to a Major Marine Casualty".

John Minton, Managing Director, Minton, Treharne & Davies Ltd "Forensic evidence in shipping litigation"

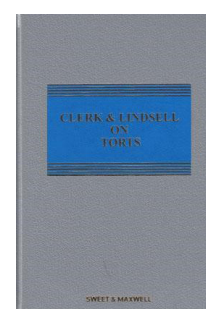
Fabien Lerede, Claims Director, The Shipowners' Club, "P&I Clubs and and Their Role in Shipping"

David Hertzell, "BREXIT and Insurance Law and Sector"

Peter Grube, Chief PR Officer & Senior Education Officer, BIMCO "BIMCO and Its Role in Drafting Documents"

NEW EDITORSHIP FOR IISTL MEMBER

On the last days of 2019, it was made public that Professor Andrew Tettenborn, known for many years for his knowledge of and expertise in tort law, would be taking over as the general editor of Clerk & Lindsell on Torts as soon as the next edition has gone to press. Clerk & Lindsell, dating from the early nineteenth century, is with Chitty on Contracts one of the two flagship titles in Sweet & Maxwell's Common Law Library. Familiar to all common lawyers, the book is one of the most influential and frequently-cited works on tort, both in the UK and throughout the common law world. Andrew is one of the key members of our Institute and contributes to the work of the IISTL immensely.



STAFF NEWS

We had two additions to our impressive team: Dr Zoumpoulia Amaxilati joined the Institute in August 2019 as a lecturer. Dr Amaxilati has recently obtained her PhD and will boost the teaching and research capacity of the IISTL. Also, Dr İur Bülent Sözer joined the Institute in February 2019 as a visiting fellow. Dr Sözer has a distinguished career in air and maritime law and is currently the Director of the Maritime Institute at Piri Reis University. Dr Sözer has spent the last two summers at Swansea and is involved in organising events for the IISTL abroad. We welcome both additions.

Ms Ceren Cerit Dindar, our previous research assistant, completed her PhD with no corrections and took up a position at Ankara Yıldırım Beyazıt University as a lecturer. We wish her all the best in her academic career and thank her for all her services.



Dr Ceren Cerit Dindar with her supervisors (Professor Soyer and Williams) and her examiners after the viva.



Associate Professor Leloudas with his Prize

In 2019 we were also very proud of Dr Leloudas, who was awarded the Swansea University Excellence in Learning and Teaching Award. The award is student-led and it is a recognition of his investment in LLM teaching and employability initiatives for our students. Congratulations George!

IISTL PRIZE

The IISTL introduced a prize more than a decade ago with the intention of encouraging Swansea LLM students to produce a research output of the highest quality. The Prize is open to any LLM Student writing their projects in the realm of international shipping and trade law. The winner of the Prize in 2019 was Ilari Keinanen who originally hails from Finland. Ilari completed his LLM in International Maritime Law in 2019 at Swansea University with distinction. The Prize was presented to Ilari during the LLM Graduation reception by the Director of the IISTL, Professor Barış Soyer in December. We wish Ilari all the best in his professional life.



Ilari with his friends after receiving the IISTL Prize.

MEMBERS OF THE INSTITUTE OF INTERNATIONAL SHIPPING AND TRADE LAW

Professor Barış Soyer - Director

*Admiralty law, marine and non-marine insurance
and carriage of goods by sea*

Dr Zoumboulia Amaxilati

*Admiralty law, carriage of goods by sea and
seafarers' rights*

Associate Professor Andrew Beale OBE

IP, asset management and trade

Professor Simon Baughen

Shipping law, carriage of goods by sea and trade law

Professor Iwan Davies (Vice-Chancellor, Bangor University)

Finance and security

Mr Måns Jacobsson

Marine environmental law and compensation

Mr Peter MacDonald-Eggers QC

*Insurance and reinsurance, shipping and transport,
energy, commodities and international trade, financial
services and professional negligence*

Dr Tabettha Kurtz-Shefford

Admiralty law, trade law and law relating to oil and gas

Dr George Leloudas

Multimodal transport and air law

Dr Youri van Logchem

*Law of the sea, regulation, oil, gas and renewable
energy law*

Honorary Professor Simon Rainey QC

*International commerce, embracing particularly shipping,
commodities, insurance and the carriage and sale of
goods, and energy.*

Dr. Iur. Bülent Sözer

Carriage of goods, trade and shipping law

Professor Andrew Tettenborn

*International trade law, payments and finance,
commercial law*

Professor D. Rhidian Thomas

*International trade and payments, carriage of goods,
marine insurance, reinsurance, admiralty and arbitration*

Dr Shuangge Wen

Corporate law and conflict of laws

Professor Richard Williams

Carriage of goods and maritime liabilities

RESEARCH ASSISTANT

Ms Alicia Mckenzie

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Rodham Clinton School of Law.*



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