

2018



Swansea University
Prifysgol Abertawe

Hillary Rodham Clinton
School of Law | Ysgol y Gyfraith

Report of Activities

The Institute of International Shipping and Trade Law

DIRECTOR'S REPORT

The year has been one of mixed emotions for the Institute. We made great strides in the development of law and practice, but we were devastated by the loss of Dr Theodora Nikaki – one of our most valued members - to a swift and cruel illness in April 2018. Prior to joining the Institute in 2005, Dr Nikaki had worked in private practice. Her research focused on the carriage of goods by sea but it is not an exaggeration to say that she was a cornerstone of our LLM Programme and was at the very heart of the academic shipping community here at Swansea. The School and the Institute took the decision to honour her and her contribution to the academic community by officially renaming the IISTL Library as the “Dr Theodora Nikaki Shipping and Trade Law Library” and by launching an LLM Prize in her name, to be awarded to the best student in the Charterparties: Law and Practice module at Swansea. We are also currently collaborating with Athens University and the University of Texas to stage a conference for July 2019 in Greece, which will be dedicated to her memory.

In terms of our mainstream activities throughout the year, it gives me great pleasure to report that our IISTL members delivered excellent results. High quality academic papers were published in top journals and books, with many of my colleagues appearing in national and international events to deliver talks throughout the year. Several of our Institute members have also undertaken a new project aimed at analysing what and how legal rules should be amended to accommodate development of autonomous ships. This is a massive endeavour and we aim to publish our findings in 2020. It is also worth mentioning that our research in “Insurance and Illegal, Unreported and Unregulated (IUU) Fishing”, sponsored by the Waterloo Foundation, was completed in December 2018. We are pleased to note that the research contributed to the development of the world’s first insurance industry statement on sustainable marine insurance, backed by Allianz Global Corporate & Specialty, AXA, Generali, Hanseatic Underwriters and The Shipowners’ Club. The Statement confirms the commitment of these insurance providers to not knowingly insure or facilitate the insuring of vessels blacklisted for their involvement in pirate fishing—also known as illegal, unreported and unregulated (IUU) fishing.

Finally, I would like report that the Institute is furthering its genuine academic links with maritime institutes throughout the world: during a workshop we hosted here at Swansea, we engaged with a delegation of academics specialising in autonomous ships from Dalian Maritime University. We will be engaging in a similar exercise later this year with academics from Koç University and Piri Reis University in Turkey. We are also augmenting our relationship with City University, Hong Kong with plans organize joint research events in 2019-2021.

We have an exciting academic year ahead of us and we are eager to build on the foundations we have laid with last year’s academic achievements

Professor B.Soyer



Professor Elwen Evans QC during the Memorial of Dr Nikaki in June 2018

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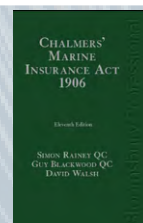
PUBLICATIONS

Professor Simon Baughen has published an article “After Withdrawal: Charterers’ Wrongs and Shipowners’ Remedies” in *Lloyd’s Maritime and Commercial Law Quarterly* (2018) 345-378 and has written the sections on *EU Law and International Law* for that journal’s annual yearbook. He has written a chapter on claims for maritime pollution in the EU for a forthcoming research handbook on maritime law to be published by Edward Elgar Ltd in 2019. He is in the process of writing an article on “Title to Sue” for the forthcoming special cargo claims issue of the *Journal of International Maritime Law* due in 2019. The seventh edition of his textbook *Shipping Law* was published by Routledge in December 2018.

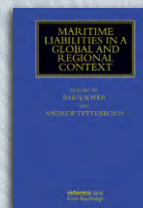
Dr Tabetha Kurtz-Shefford has published a chapter on “Compensation and Liabilities of Oil Spill Damage from FPSOs and Similar Crafts” in *Maritime Liabilities in a Global and Regional Context* (Informa Law) pp. 40-54.

Associate Professor George Leloudas had an active 2018 in terms of publications. He co-authored two publications on passenger liabilities and the Athens Convention with Professor Soyer: the first one is entitled “Carriage of Passengers by Sea: A Critical Analysis of the International Regime” published in the *Michigan State University International Law Review* (2018) 483-535 while the second one is a book chapter entitled “Temporal Limits of the Athens regime- Potential Conflicts between International and Domestic Legal Regimes” published in *Maritime Liabilities in a Global and Regional Context* (Informa Law) pp. 55-71. Also, Dr. Leloudas has now been given responsibility for all the passenger and cargo liability chapters of *Shawcross and Beaumont* which is the preeminent publication in Air Law (Lexis Nexis).

Professor Simon Rainey QC recently published (with co-authors Guy Blackwood QC and David Walsh) a completely new edition of *Chalmers’ Marine Insurance Act 1906* (Eleventh Edition) (Bloomsbury Professional). He was a contributor to the *Arbitration – 2018 in Review* (Informa), authoring chapters on “Arbitral Jurisdiction and section 67” and “Section 68 Procedural Developments”.



Professor Barış Soyer published an article in *Edinburgh Law Review* “Lies, Collateral Lies and Insurance Claims: The Changing Landscape in Insurance Law” pp. 237- 265. He has also collaborated with Associate Professor Leloudas to publish “Carriage of Passengers by Sea: A Critical Analysis of the International Regime” (2018) 26 *Michigan State University International Law Review* 483-535 and a book chapter “Temporal Limits of the Athens regime- Potential Conflicts between International and Domestic Legal Regimes” published in *Maritime Liabilities in a Global and Regional Context* (Informa Law) pp. 55-71.



Professor Andrew Tettenborn authored an article “Transfer of Chattels by Non-owners: Still An Open Problem” published in *Cambridge Law Journal* [2018] 151-178. He also contributed to two book chapters: “The Arrest Conventions: an Update Needed?” published in *Maritime Liabilities in a Global and Regional Context* (Informa Publishing) pp- 189-201 and “England und Schottland: Langjährige Erfahrungen mit Hinterbliebenengeldern und – Unlängst – Einfluss der Europäischen Konvention für Menschenrechte” published in *Hinterbliebenengeld* pp 239-257. He also continued providing contribution to *Clerk & Lindsell* and updated several chapters of the 22nd edition of this seminal book. In 2018, he also took over as lead editor of the classic student text *Sealy & Hooley’s Text, Cases and Materials on Commercial Law*.

Professor Richard Williams contributed to *Maritime Liabilities in A Global and Regional Context* published by Informa law with a chapter entitled: “Limitation of Liability: Recent Important Developments in the United Kingdom and Other Common Law Jurisdictions” pp. 132-155.

Dr. Youri van Logchem published in 2018 an article entitled “The Status of a Rule of Capture under International Law of the Sea with regard to Offshore Oil and Gas Resource Related Activities” (2018) *Michigan State International Law Review* 195-244. In addition, he wrote an article on “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?” that will be published in the *Vanderbilt Journal of Transnational Law* in January 2019. He is also working on a monograph related to his PhD research, dealing with the rights and obligations of States in disputed maritime areas.

EXTRAMURAL ACTIVITIES

Professor Simon Baughen has delivered a paper on 'What is EU Maritime Law – and will the UK miss it after Brexit?' at CECCA's International Maritime and Commercial Law Conference "West Meets East: Challenges for Today and Tomorrow" held in London in December.



Professor Baughen and Associate Professor Leloudas with Dr Stevens (Erasmus University) and Professor Guohua Wang (Dean of Shanghai Maritime University) at Swansea

Associate Professor George Leloudas delivered an insightful speech on how negotiations have sought to address Brexit aviation issues on aircraft finance and insurance at a seminar organised by the Air Law Firm, Aeropodium and the Royal Aeronautical Society on 14 May 2018. He was also a speaker on the panel about the recent liability developments under Art 17 of the Montreal Convention 1999 at the McGill University/PEOIL International Aviation Liability, Insurance & Finance Conference that was held on the 19th and 20th October 2018 in Dublin. Furthermore, Dr Leloudas delivered his annual visiting lecture on carriage of goods by air at the Institute of Air & Space Law of Leiden University.

Professor Simon Rainey QC has spoken at numerous oil and gas industry events including Oil & Gas UK Legal Conference 2018 ("Managing or (with luck) Avoiding Contractual Liability") and the IBA Energy Group Seminar (September 2018) ("All change ... again? Pitfalls in FPSO Conversion Contracts: can we do better?").

Professor Soyer delivered the key note speech "Prospect of Ratification of Rotterdam Rules: European Perspective" at the Maritime Law Conference organised by Chinese Maritime Research Institute and China Maritime Institute held at Taipei on 8 June. He also delivered a paper titled "Cyber Risks and Insurance in Maritime Sector" by invitation at the China Maritime Law Association's 9th International Conference on Maritime Law, held on 29-31 October in Shanghai. Professor Soyer was invited by the Judicial College to address judges on the Insurance Act 2015. The session was held on 5 November 2018 at the Royal Courts of Justice.

Towards the end of the year, he participated in an expert workshop on marine insurance organised by the City University Hong Kong on 23 November as part of the Hong Kong Maritime Week activities. In the course of the year, he delivered guest lectures at various partner institutions in the PR of China and France.



Professor Soyer and MacDonald-Eggers QC at Marine Insurance Expert Forum organised by City University as part of Hong Kong Maritime Week activities

Professor Andrew Tettenborn gave a paper on damages theory at the "Unity and Diversity in International Sales" conference at Kings London in April, and acted as a senior commentator at the Young Scholars Conference at UCL in the same month. Abroad, he gave the keynote address and in addition delivered a separate paper (on the advantages of standard forms of maritime contract) at the September 2018 ECMLR Conference in Torun, Poland; he also delivered a paper on comparative aspects of commercial law codification to a conference in October at Shanghai Maritime University. In the course of the year, he was called in to advise City lawyers and a Chinese P & I Club on the liabilities arising out of marine casualties.



Professor Tettenborn during the 14th IISTL Annual Colloquium

Professor Richard Williams delivered a talk to legal team at COSCO in Guangzhou in October.

Dr. Yuri van Logchem was invited by the Korean Maritime Institute and the Korean Ministry of Oceans and Fisheries to give a presentation on what scope there is for States acting unilaterally in relation to areas of overlapping EEZ and Continental Shelf claims at the 2018 Global Ocean Regime Conference 2018: Promoting Cooperation in Overlapping Maritime Areas (Jeju-do, South Korea) on 16-18 May 2018.

GUEST LECTURES

In the course of 2018, the Institute organised the following guest lectures for its members, PhD and LLM students:

Simon Rainey QC, Quadrant Chambers, "Current Judicial Developments in Maritime Law"

Carlos Vasquez, MECO Group, "P&I Insurance"

Richard Neylon, Partner HFW, "Responding to a Major Marine Casualty – The Role of a Maritime Lawyer"

David Hertzell, Former Law Commissioner For Commercial Law and Common Law, "The Insurance Act 2015- The Law Reform"

Hugh Shaw, Former Secretary of State Representative (SOSREP), "The Role of the SOSREP in Maritime Incidents"

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 2018:

BIMCO Courses

Professors Baris Soyer and Richard Williams provided specialist masterclasses for BIMCO (the world's largest shipowners' organisation) in Rotterdam, London, Limassol, Montreal, Paris and Athens on charter party issues, bills of lading, marine cargo claims, commodity trading, marine insurance and laytime & demurrage and also provided classes at the annual BIMCO Summer School in Denmark and the BIMCO Asia Shipping School in Singapore.

Shipping Foundation Courses for the Consortium of Law Firms in the City of London

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

Industry In-House courses

In 2018 Professor Williams conducted specialist in-house courses for John T. Essberger GmbH & Co in Hamburg, Minerva Marine in Greece and China Ocean Shipping Co. (COSCO) in Guangzhou.

Other Professional Assistance

In 2018 Professor Williams continued his annual review of the Guidance to the Rules of the Gard P&I Club

Professor Richard Williams speaking at a training event



IISTL STUDENT PRIZE



Mr Sudhir with Professor Soyer receiving his Prize.

The Institute of International Shipping and Trade Law (IISTL) introduced a prize a decade ago with the intention of encouraging Swansea LLM students to produce a research output of 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 2018 was Sagun Sudhir who originally hails from India. Sagun completed his LLM in International Maritime Law in 2018 at Swansea University. The Prize was presented to Sagun during the LLM Graduation reception by the Director of the IISTL, Professor Barış Soyer in December. He is now working as a lawyer in India and has recently been appointed as a consultant to an English law firm. We wish him all the best in his professional life.

STAFF NEWS

In the course of 2018, the Institute provided visiting opportunities to various academics around the world:

Dr Bülent Sözer from Piri Reis University in Turkey spent several weeks with us in the summer of 2018 whilst Elif Caglar from Akdeniz University arrived at Swansea in November 2018. Elif is a research assistant and working on her PhD thesis under the supervision of Professor Soyer.

Youri van Logchem has successfully completed his PhD thesis on “Rules of International Law Governing the Conduct of Activities in Areas of Overlapping Maritime Claims” from Utrecht University and has been promoted to Senior Lecturer at Swansea’s School of Law.



Dr van Logchem following his PhD defence at Utrecht University

IP WALES DEVELOPING LINKS IN CYBER SECURITY FIELD



Andrew Beale OBE at the London event, which was held in partnership with The Shearwater Group.

The Shearwater Group recently joined forces with IP Wales, our award-winning business support initiative, to host an event at the Welsh Government Office in London.

The event, focused on Cyber Resilience and the online risks faced by busy Patent Attorney firms & IP Solicitors, was attended by representatives of several leading firms. They heard Jason Dunlop from Xcina (part of the Shearwater Group) and Associate Professor Andrew Beale OBE of IP Wales present findings from joint research into cyber breaches. Using software monitoring the dark web, the Shearwater/IP Wales research revealed that of 58 leading UK IP law firms, only 1 was found to have suffered no cyber breach. The remaining 57 were recorded as having suffered over 81,767 cyber breaches over a ten-year period, resulting in the leaking of over 80,293 data items with 28,232 passwords compromised. Faced with these alarming statistics, an event providing an overview of, and advice on, the cyber risks facing the IP community may have been well overdue.

Two new free IP guides were also launched at the event for www.ipcybersecurity.com, with Professor Beale and Felix Manig of Control Risks presenting their IP Wales Guide to Cyber Defence, and David Lewis of Capital Law Solicitors providing a presentation on the IP Wales Guide for the protection of trade secrets using Employment Law.

IISTL'S INTERNATIONAL ACADEMIC ENGAGEMENT

The Institute of International Shipping and Trade Law (IISTL) has always enjoyed close links with Dalian Maritime University (DMU) in the established shipping centre of Dalian, in the northern Chinese province of Liaoning. In 2017, we celebrated 10 years of academic collaboration; during this period both institutions have benefited from repeated staff and student exchanges and a series of jointly organized events. In November, a delegation from DMU, including Professor Chu Beiping, Dean of the DMU Law School, Associate Professor Wang Xin and Ms Yu Shihuei visited Swansea. During the visit, an academic workshop was organized to give all parties an opportunity to Exchange views on the vital legal issues arising out of the development of intelligent and unmanned ships. This is an area on which both institutions are actively working. DMU has a Centre that is led by Professor Wang that is focussing on unmanned ships and legal regulation whilst the IISTL has a similar research project that is undertaken by members of the IISTL. Consequently, the IISTL's 14th Annual Colloquium was devoted to this subject and a research project is undertaken by members of the IISTL on the subject. The DMU visit follows the visit of the Vice-Minister of the PRC's Department of Transport, Mr Me Jianzhong to the IISTL last November, and will accelerate the collaborative work that these two leading maritime centres are undertaking in this field.



Academics from DMU with IISTL members



Lord Justice Gross chairing one of the sessions during our 14th Colloquium

Also this year, we held our 14th annual Colloquium in September focusing on the "Impact of New Technologies on Shipping and Trade Law." The event attracted one of the largest audiences in recent years; delegates from Europe, America and the Far East enjoyed presentations from academics and practitioners and engaged in heated debates on smart contracts, smart ports/ships and legal tech generally. Lord Justice Gross not only attended most of the sessions but did a splendid job of chairing one. So did a number of others, to whom we are enormously grateful. These included the IISTL's own Richard Williams; Pino Musolino (President of the North Adriatic Port Authority, Italy) Prof Bülent Sözer (Piri Reis University, Turkey); Prof Guohua Wang (Dean of Shanghai Maritime University, China); and Prof Iwan Davies (Senior Pro-VC, Swansea University).

In addition to Professors Baughen, Soyer and Tettenborn and Dr Leloudas from the IISTL itself, papers came from a large number of distinguished commentators, including Simon Cooper (Partner at Ince & Co), Paul Dean (Head of the HFW Autonomous Vessel Group), Peter McDonald Eggers QC (7 King's Bench Walk), Grant Hunter (BIMCO), Prof Francesco Munari (University of Genoa), Simon Rainey QC (Quadrant Chambers), Prof Erik Røsaeg (Scandinavian Institute of Maritime Law), Dr Frank Stevens (Erasmus University), Prof Michael Sturley (University of Texas) and Professor Erik van Hoydonk (Ghent University). The event was again very kindly sponsored by Informa Law of Routledge, whose long-standing association with it is one of its greatest attractions.

MEMBERS OF THE INSTITUTE OF INTERNATIONAL SHIPPING AND TRADE LAW

Professor Baris Soyer - Director

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

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 (Pro-Vice-Chancellor (Internationalisation and External Affairs))

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 Tabetha Kurtz-Shefford

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

Dr George Leloudas

Multimodal transport and air law

Dr Yuri von 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

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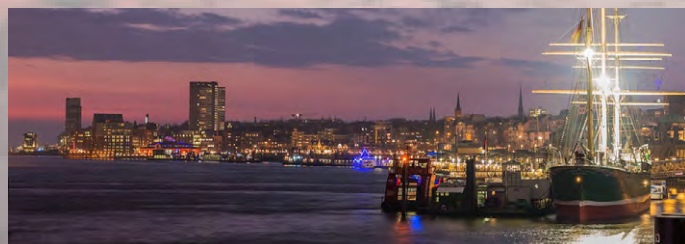
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*The IISTL is a Research Centre within the Hillary
Rodham Clinton School of Law.*



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