

Annual Report 2022

INSTITUTE OF MARITIME LAW



40th
Anniversary
Institute of Maritime Law



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Director's report

On 1 February 2020, when I came into the position of the IML Director, the spread and pace of the coronavirus disease started steadily to evolve into what soon after was confirmed to be a full-scale raging pandemic with unprecedented impact on the global population and the world economy. However, against the adverse conditions, I am contented that we have steered the Institute in a professional manner, allowing for its prompt adaptation to frequently changing circumstances that had to be carefully considered throughout 2021 and 2022, which were also years of protracted uncertainty stemming from the constraints imposed to deter and fight against the pandemic. During all that period we remained undeterred from the aim of being a major centre for research, knowledge-exchange with the industry and practice, study and dissemination of maritime law, enjoying an international reputation for excellence and a focus for professional interest in shipping.

After 3 years, the present Annual Report 2022 marks the end of my term of office as the Director, and on this occasion, I would like to reiterate my profound gratitude to the administrative staff and all Institute member, both past and present, for their help and confidence in me as well as our Law School, Faculty and University leadership for the constant support in the activities of the Institute during my tenure. Despite these 3 challenging years we have navigated the IML on the routes leading to worldwide excellence of research and professional training. The Institute would like to give a special thank-you to Dr Jenny Jingbo Zhang and Dr Meixian Song, who

left this past year. Yet our team has grown further by having recruited in 2022 Professor Andrea Lista, Dr Ainhoa Campàs Velasco and Dr Feng Wang, who bring great expertise and talent. This is part of our Law School's ongoing expansion in the specialisms of private maritime and commercial law, among other areas of the law in which the colleagues intensively teach and research. Andrea will be also succeeding me in this role.

I wish to acknowledge with appreciation the generosity and invaluable support of Gard, Ince Gordon Dadds, Norton Rose Fulbright, and Informa Law.

I feel privileged that in the last year of my directorship I had the historic opportunity to celebrate the 40 years of the Institute. It is a notable achievement indeed that the Institute celebrated 40 uninterrupted years of global engagement, and activities in pursuit of our specialist teaching, research and enterprise, in maritime law. The legacy of 40 years would not have been possible of course without the support throughout this time from our academic setting and the University of Southampton. In the following pages I am sure you will be interested to read about the IML activities in 2022, including our 40th Anniversary Lecture held in London and of our special international conference hosted in Southampton, with many thanks to all of our great friends-colleagues who joined us on both occasions in celebrating; our continuing world-leading research and knowledge exchange with industry workshops. On the opportunity of

the 40th anniversary I wanted also to include some invaluable historical information to be recorded here for posterity and the future generations of IML colleagues. In this regard, perhaps I should just briefly emphasize our 40th Anniversary International Conference, which was extremely successful and saw the participation of many prominent former Institute members and alumni and other distinguished international maritime law scholars. Highlights of the event are difficult to select among the many interesting speeches delivered by invited speakers, but certainly include the Banquet in the New Forest in honour of Emeritus Professor Robert Grime, one of the founding fathers of the IML.

I conclude by conveying my appreciation to all of you, our great friends and colleagues, for the continued encouragement provided to the Institute.

Fair winds and following seas!

Dr Alexandros X.M. Ntovas
Southampton, 31 January 2023

High-Profile Stakeholder Workshop on Maritime Labour

The Institute of Maritime Law, held on 23 June a high-profile stakeholder workshop on *'The Legal Framework Governing Maritime Labour and Best Practices: Drawing Lessons from the (post-?) COVID-19 Era'*. The workshop was led by **Dr Alexandros X.M. Ntovas** and **Dr Iliana Christodoulou-Varotsi** (IML Visiting Fellow), with the assistance of **Dr Ainhoa Campas Velasco** and PhD (cand) **Ms Hwon Lee**.

Dr Ntovas explained that the timing of the workshop was chosen to be held around this time for 2 main reasons. First to follow the important developments in Geneva and the amendments to the MLC 2006, in which many of the workshop participants had been directly involved for the negotiations and adoption process in May 2022 by the Special Tripartite Committee. The second date being a more symbolic, but as such equally important, to celebrate the international day of the seafarer today. Since 2011 on 25 June each year we take the opportunity to formally recognise the invaluable contribution that seafarers make to international trade and the world economy, often at great personal cost to themselves and their families.

Panel 1 *Maritime Labour: From the moral, to the social, and toward the rule of law* was chaired by **Alexandros Ntovas** (IML), with **Prof Chris Armstrong** (University of Southampton, Professor of Political Theory) on *Moral responsibility for labour abuses at sea*, **David Hammond Esq** (Director of the 'Human Rights at Sea') on *Assuring human rights protections at sea requires awareness, transparency, accountability and a deterrent effect*, **Prof Laura Carballo Piñeiro** (Dean, Faculty of International Relations, University of Vigo) on *Seafarers' social security matters: a right or a privilege?*, **Peter Morgan** (Regional Port Chaplain of the 'Stella Maris') on *The role of the 3rd sector:*



where the MLC fails, and **Charles Boyle** (Legal Director, Nautilus Institute) on *The crew change crisis, and surrounding issues*

Panel 2 *Challenges and lessons for maritime labour law* was chaired by **Neil Henderson** (Gard), with **Eurico Ortiga** (Policy Advisor, ECSA) on *How to facilitate crew changes in the event of a crisis: lessons learned from the Covid-19 pandemic*, **Natalie Shaw** MBE (Director Employment Affairs, International Chamber of Shipping) on *The MLC 2006 – A perfect convention or a perfect storm?*, **Charles Fernandez** (Global Head of Marine at Canopus Syndicate at Lloyd's, and Chair of IUMI's Legal & Liability Committee) & **Thea Thorstensen** (Head of Underwriting, Skuld in Oslo) on *Maritime Labour and Drawing Lessons from (post-?) COVID-19 – the marine property insurers' perspective*, and **Ronald Hulhoven** (Secretary Legal, Paris MoU) on *Does the legal framework sufficiently look after the interests of seafarers?*

Panel 3 *Adjusting the Legal Framework* was chaired



by **Dr Iliana Christodoulou-Varotsi** (IML), with **Elizabeth Bouchard** (Senior Vice President, Regulatory Administration International Registries, Inc.) on *MLC, 2006: Intent, Interpretations, and Compliance*, **Julie Carlton** (MCA and Chair of the ILO's Special Tripartite Committee on the MLC) on *Amendments to the MLC Code in response to the pandemic*, **Tim Springett** (Policy Director, UK Chamber of Shipping) on *Amendments to the MLC - what will change?*, and **Jonathan Warring** (Senior Legal Assistant at the International Transport Workers' Federation) on *Nice words but no substance to protecting seafarers' wellbeing during Covid-19*.

The workshop participants from the UK, USA and various EU States identified and addressed matters related to port and flag State enforcement challenges, the contribution of the shipping industry and evolving best practices under the circumstances of the pandemic.

The workshop comprised a diverse range of stakeholders from the academia, shipping industry at large and the society to explore matters including: how the global pandemic has impacted maritime labour, including seafarers' wellbeing, the ensuing gaps and the contribution in practical terms of best practices developed by the industry; and to identify the limitations stemming from the ILO MLC 2006 in addressing the health crisis, and the contribution of industry best practice to ensuring return to normality.

On this occasion specific mention was by Mark Russell (Gard) in his farewell dinner speech in highlighting the instrumental initiatives of Gard AS for shipping sustainability with emphasis on the society, governance, and the environment.

"The event was excellent, and very well arranged. The audience and choice of speakers was drawn from across the spectrum of the shipping sector, and so we were able to hear an overall balanced view of perspectives and experiences of the effect Covid had on seafarers and the industry. Not only did we get a broad account, but it was also at sufficient depth to give food for thought for making improvements to seafarers' experiences, in the event of any future pandemic"

Charles Boyle,
Director of Legal Services at
Nautilus International

"The workshop organised by the Institute of Maritime Law of the Southampton University was a pronounced success. Discussing such relevant topics with a diverse forum and an extremely competent list of speakers was paramount to draw lessons from the Covid-19 pandemic. The ambition to bring academics, industry representatives and stakeholders from the field was a convincing achievement. Time has come to take lessons from the crisis and the faultless organisation of the event undeniably contributed to this goal"

Eurico Ortiga,
Senior Policy Advisor at the European
Shipowners' Association (ECSA)



International Research and Knowledge-Exchange Impact Workshop on Autonomous Ships



The Institute of Maritime Law, held on Friday 30 September an international research and impact workshop on the topic of 'Advancing Ship Autonomy – moving the discourse from 'disruption' to 'enablement' and the upgrade of human capabilities in the digital era', with input from the industry and academia. The workshop was hosted at the University of Southampton Science Park, Axis Conference Centre.

The workshop was led by **Dr Alexandros X.M. Ntovas**, assisted by **Dr Feng Wang**, and PhD (cand) **Ms Hwon Lee**, and featured the following participants:



Panel 1 *Human-automation interaction, technology aspects & liability* was chaired by **Jeremy Kahn** (Fortune Magazine) and **Mike Schwarz** (International Institute of Marine Surveying), with **Dr Ørnulf Jan Rødseth** (SINTEF Ocean) on *What characterizes an autonomous ship in terms of human-automation interaction?*, **Dr Tae-Eun Kim** (Ui Tromsø, Arctic University of Norway) on *Towards autonomous ship operations: An overview of the development status, challenges, and perspectives*, and **Dr Christos Kontovas** (Liverpool John Moores University) on *MASS: The technical and regulatory discussions*, and **Dr Massimiliano Musi** (University of Bologna) on *Maritime Unmanned Navigation and Its Liability Regime: The Search for a Balance between Regulation and Technology*.

Panel 2 *Policy and legal regulation developments* was chaired by **Cmdre James Fanshawe CBE** (UK Marine Alliance) and **Andrew Higgs** (Setfords), with **Prof Henrik Ringbom** (Scandinavian Institute of Maritime Law, Oslo) on *Autonomy at Sea and the 'Constitution' of UNCLOS*, **Dr Alexandros Ntovas** (Institute of Maritime Law, Southampton) on *Functional manning, margin of discretion in regulation and State responsibility*, **Pantelis Lamprianidis** (EU Commission, DG Mobility & Transport, Maritime Safety) on *Automation and Regulations: Is global regulation of shipping seaworthy for the 21st century?*, and **Robert Gale** (UK Maritime & Coastguard Agency, MIMarEST RMarTech) on *The International Maritime Organization regulatory framework developments and how the UK is positioning itself to take a leading role*.

Panel 3 *Private law, commercial approaches & technical and logistical perspectives* was chaired by **Dr Katrina Kemp** (UK Maritime & Coastguard Agency), with **Paul Grehan & Jarle Fosen** (Gard) on *Autonomous Ships – How Will the Insurance Markets Manage the Risk?*, **Jonathan Goulding** (Holman Fenwick Willan) *Autonomous ships: Cyber risk challenges*, **Dr Luci Carey** (University of Aberdeen) on *How can the current contractual and tortious liability maritime law regimes accommodate MASS?*, and **Dr Feng Wang** (Institute of Maritime Law, Southampton) on *Regulating autonomous vessels: The role of algorithm and private governance*, and **Dr Stavros Karamperidis** (University of Plymouth) on *Challenges for safely operating autonomous vessels*



The 21 contributing participants considered and discussed in depth matters falling within the panel strands of: Human-automation interaction, technology aspects & liability, Policy and legal regulation developments, and Private law, commercial approaches & technical and logistical perspectives. The workshop was also attended by observers from the Maritime Coastguard Authority and the Department of Transportation, along a cohort of 25 students (UG/PG/PhD) from across the university with interest in the topic.

Specific mention was made by **Neil Henderson** (Gard) during his farewell dinner speech in highlighting the instrumental initiatives of Gard AS for shipping sustainability with emphasis on the society, governance, and the environment.



The workshop is supported by the IML Gard Fund



Annual IML Donald O'May Lecture 2022



On Wednesday 16th November 2022 the Institute of Maritime Law held its 40th Anniversary Annual Donald O'May Maritime Law Lecture, in the Great Hall of Lincoln's Inn, London. The event was opened by the Vice President University of Southampton Professor Mark Spearing, and congratulatory remarks were provided by the Head of the Law School Professor Werner Scholtz speaking also on behalf of the Faculty Dean Professor Jo Swaffield.



Professor Mark Spearing said: It is a great pleasure on behalf of the University of Southampton to welcome you to this 40th Donald O'May lecture. Having attended several previous lectures over the past decade I am always impressed by the very strong attendance by practitioners of maritime law, the quality of the speakers and the fascinating topics that the lectures cover. As an engineer by background, it is also very interesting to me to make the cultural comparison as to how a different profession presents and discusses topics of common interest. It is also wonderful to be able to attend the event in person after a couple of years disrupted by Covid. It is also a great pleasure to welcome you to this event as its organizer, the Institute of Maritime Law, celebrates its 40th Anniversary. The Institute is an important and very distinctive part of our University. It has particular relevance to the wider University at this time as we have recently launched a new University strategy which has used the triple helix of education, research and knowledge exchange as its organizing principle. IML is a paragon of "triple helicity" as it uses its strength in research to inform educational offerings and influence on practice through knowledge exchange. More specifically our strategy has also reemphasized the



importance of education, research and innovation in the maritime sector, particularly as the sector needs to respond to, and positively influences, the needs for increased environmental sustainability. We have been pioneering in this field through the Southampton Marine and Maritime Institute, SMMI, with colleagues from IML playing an important role, and we look forward to building on these successful foundations. Again, I am delighted to welcome you to this 40th Donald O'May lecture. Many thanks to everyone who has attended and particularly the sponsors of the event, Ince and Informa Law.



The substantive part of the lecture was opened by the IML Director Dr Alexandros Ntovas. The speaker this year was Andrew Kennedy, Barrister, Lloyd's Register Group, who delivered an insightful exposition of 'The Common Law and Civil Law Approaches to a Duty of Care: A classification society perspective and comparison', on a panel with Ince's Senior Partner Julian Clark and the President of the London Maritime Arbitrators Association David Steward.

Andrew Kennedy has managed, successfully, the defence of claims exceeding £4 billion in over 30 jurisdictions during his time at Lloyd's Register. He has worked with leading maritime lawyers from all around the world, including the USA, China, France, and Greece. His work has included: major UK Public Inquiries including PIPER ALPHA and DERBYSHIRE; formal investigations in civil law jurisdictions: most notably the joint Danish, Norwegian and Swedish public inquiry following the arson attack in 1990 on the SCANDINAVIAN STAR which resulted in 159 fatalities and led to improvements to the regulation of the safety of shipping; and, the 2013 Dutch Parliamentary Inquiry into the Fyra High Speed Rail project. Andrew has served terms as Chair of the International Association of Classification Societies (IACS) Expert Law Group; been President of the Quality Assurance and Certification Entity



(QACE) for EU recognised classification societies; established under EU law in the wake of the ERIKA and PRESTIGE oil pollution disasters. He is a non-executive Director of the Institute of Maritime Law at the University of Southampton. In his spare time (and in his younger days) he helped row Lloyd's Register's Thames cutter to victory (twice) in the annual Thames Great River Races.

The event was kindly sponsored by Ince, and Informa Law.

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The History of the IML Annual Lectures



1983 – 1989

- 1983 The Hon Michael Summerskill
Sea-Links - Maritime Lawyers and the Market Place
- 1984 The Rt Hon Sir Michael Mustill
Decision-making in Maritime Law
- 1985 Anthony Diamond QC
The Law of Marine Insurance - has it a future?
- 1986 Donald O'May
Marine Insurance Law: Can the Lawyers be trusted?
- 1987 Professor Francesco Berlingieri
Lien Holders and Mortgagees: Who should prevail?
- 1988 Sir Anthony Lloyd
The Bill of Lading: Do we really need it?
- 1989 Geoffrey Brice Q.C.
The New Salvage Convention

1990 – 1999

- 1990 Albert Morris
Charterparty Concord - or the Impossible Quest?
- 1991 Professor Jan Ramberg
Freedom of Contract in Maritime Law
- 1992 Stewart Boyd Q.C.
Shipping Lawyers: Land Rats or Water Rats?
- 1993 Michael Brown
Truth or Consequences: Inquiries and Maritime Disasters
- 1994 The Hon Mr Justice Mance
Insolvency at Sea
- 1995 Emeritus Professor John Wilson
A Flexible Contract of Carriage – The Third Dimension
- 1996 The Rt Hon Lord Justice Saville
The Arbitration Act 1996
- 1997 The Rt Hon the Lord Donaldson of Lymington
Safer Ships; Cleaner Seas: Full Speed Ahead or Dead Slow?
- 1998 Charles Goldie
Alarum & Excursions: The changing scenes of P&I
- 1999 Professor Roy Goode
Battening Down Your Security Interests: How the shipping industry could benefit from the UNIDROIT Mobile Equipment Convention

2000 – 2009

- 2000 Professor David Jackson
Fitting English Maritime Jurisdiction into Europe - or vice versa?
- 2001 Professor Francis Reynolds
Maritime and other influences on the common law
- 2002 The Rt Hon Lord Justice Rix
Maritime trade, conflicts of law and the peace of nations
- 2003 The Rt Hon Lord Justice Longmore
Good Faith and Breach of Warranty: are we moving forwards or backwards?
- 2004 Terence Coghlin
Tightening the screw on substandard Shipping
- 2005 John Kimball
Mainstreams in American Maritime Law
- 2006 The Hon Mrs Justice Gloster
Who pays the piper - who calls the tune? Recent Issues in Marine Insurance
- 2007 The Rt Hon Sir Anthony Clarke, MR
Maritime Law: is London still a good forum to shop in?
- 2008 Patrick Griggs
Making Maritime Law: Do Conventions Work?
- 2009 Michael Payton
Maritime Fraud

2010 – 2019

- 2010 The Rt Hon the Lord Justice Aikens
Lord Bingham, Bailment and Bills of Lading
- 2011 Van Vechten Veeder QC
Arbitration in the Twenty First Century: Time for reforms?
- 2012 The Rt Hon the Lord Phillips of Worth Matravers
Landmarks of my life as a Maritime Lawyer
- 2013 Andrew Taylor
Carta Partita and the Charterparty: Times Past and Times Present
- 2014 Dr Rosalie Balkin
Standard-Setting in IMO
- 2015 Sir Bernard Eder
The construction of shipping and marine insurance contracts: why is it so difficult?
- 2016 Elizabeth Blackburn QC
Damaging Revelations: compensation and giving credit where credit is due
- 2017 Lord Justice Gross
A good forum to shop in: London and English Law post-Brexit
- 2018 Lord Justice Hamblen
Charterers' orders - to indemnify or not to indemnify
- 2019 Vasanti Selvaratnam QC
Good Faith – Is English law swimming against the International tide?

2020 – 2022

- 2020 Sir David Foxton
Why Shipping Law Still Matters
- 2021 Simon Rainey QC
Bull's Eyes or Broad Principles? Modern Treaty Interpretation and the Sea-Carriage Conventions
- 2022 Andrew Kennedy
The Common Law and Civil law approaches to a duty of care: a classification society perspective and comparison



IML London Banquet

The 40th Anniversary Donald O'May Annual Lecture was preceded by the London Banquet, which was hosted by the Director Dr Alexandros X.M. Ntovas on 15 November at Lincoln's Inn Old Court Room, London. This provided an opportunity for our speaker Andrew Kennedy to preface his topic on *'The Common Law and Civil Law Approaches to a Duty of Care: A classification society perspective and comparison'* during the closed networking evening in the company of Julian Clark, and Danielle Carlson, Debo Fletcher, Fred Kenney, Jonathan Kleinot, Alex Macinnes, Spyros Maniatis, Simon Tatham, Christine Vella, Michael Volikas, and Grace Zheng.



NAVIGATING LEGAL WATERS

Institute of Maritime Law

47th Maritime Law Short Course

21st August - 1st September 2023

We look forward to welcoming everyone this year. There are still places available so please contact IML@soton.ac.uk to book.

Multiple booking discounts

40 Years Institute of Maritime Law Anniversary International Conference

The IML held on 14 & 15 December 2022 in Southampton the
40 Years Institute of Maritime Law Conference
‘A staunch and strong tradition in maritime law’.



The conference on the first day opened with the congratulatory remarks offered by **Charlotte Gale** (Roose+Partners). **Dr Alexandros Ntovas** in his capacity as the incumbent Director of the Institute of Maritime Law and the convenor of the conference welcomed all participants. He mentioned that in light of the 40th anniversary the conference having gathered leading authorities and rising talents from the UK and abroad boasts an impressive list of contributors, who over the 2 intensive days of proceedings were given the opportunity to reflect on a plethora of highly significant topics that prominently feature across the public and private areas of maritime law and engage with legal customs, concepts and principles, as well as new challenges and evolving interpretations.

The keynote speech was given by **Professor Martin Davies**, Director of the Tulane Maritime Law Centre. **Dr Alexandros Ntovas** introduced the distinguished speaker and invited the conference to a vote of thanks. Alexandros in his introduction and vote of thanks referred to Martin’s remarkable career as an international maritime lawyer both in terms of a prolific academic profession and the extensive service in the practice of maritime law. Martin Davies is Admiralty Law Institute Professor of Maritime Law at Tulane University Law School in New Orleans and Director of the Tulane Maritime Law Center. Before joining Tulane, he was Harrison Moore Professor of Law at The University of Melbourne in Australia and before that, he taught at Monash University, The University of Western

Australia, and Nottingham University. He has also been a visiting professor at universities in China, Italy, Azerbaijan, and Singapore. He is a Titulary Member of the Comité Maritime International. He is author (or co-author) of books on maritime law, international trade law, conflict of laws, and the law of torts. He has also published many journal articles on these topics. He has extensive practical experience as a consultant for over 35 years on maritime matters and general international litigation and arbitration, in Australia, Hong Kong, Singapore, and the USA. He is presently a Senior Consultant with the firm of Clyde & Co.



Professor Martin Davies gave an insightful and thorough speech on the *Construction of standard form shipping contracts*. The speech considered the almost ubiquitous use of standard form contracts in the shipping business. Many, perhaps most, disputes about such contracts turn on the meaning and effect of provisions that were not drafted by the contracting parties themselves. Established principles of contractual interpretation can have an air of unreality when applied to contractual provisions that the parties were unaware formed part of their contract (or at best only vaguely understood) until a dispute arose. The analysis considered the extent to which construction of standard form contracts does or should differ from construction of bespoke drafted contracts and addresses the role of the drafters of standard form shipping contracts as private law-making bodies.



Panel I on Admiralty and Navigation was chaired by **Richard Gunn** (Reed Smith).

Professor Mariano Javier Aznar Gómez (Universitat Jaume I) spoke on the matter of *Historic salvage revisited*. The salvage of historic shipwrecks has created renewed interest in admiralty law, raising novel legal issues of great importance. Targeted historic shipwrecks by treasure hunters contain fortunes in treasure and gold, but they are time capsules of unmatched historic interest. The growth of treasure salvage up to the 1990s created a classic conflict between policy positions with respect to the practices involved. During the turn of the millennium, a decisive turn in US Admiralty courts has decided to protect preferably the public interest and historic shipwrecks as common heritage.

Vasanti Selvaratnam KC (The 36 Group) examined the *Innovations by the Supreme Court in relation to the Convention on the International Regulations for Preventing Collisions at Sea 1972* where the implications of the landmark decision of the Supreme Court in *Nautical Challenge Ltd v Evergreen Marine (UK) Ltd* ([2021] UKSC 6), the first collision case to reach the highest appeal court in this country in nearly 50 years, were considered. The issues which arose for decision concerned which liability regime applied under the International Collision Regulations (the Crossing Rules or the Narrow Channel Rule), including whether there was need for either ship to be on a course before the Crossing Rules could apply. The decision has required extensive re-writing of the leading texts in this area. The decision has required

extensive re-writing of the leading texts in this area and there remain unanswered questions regarding the scope of the Supreme Court's innovative decision.

Marie Kelly (Gard) took a closer look at *The Burden on ships and crew of a world in turmoil: Will it ever change?* and argued that shipowners and their crews are increasingly left carrying the burden of failure by states to agree common policies on matters affecting shipping, or to implement them properly. Often those policies do not take into account the position of seafarers. This presentation will consider some issues that present enormous difficulties for shipowners and their crews such as rescues of refugees at sea, covid restrictions and their effect on crew, and dealing with the impact of sanctions on seafarers. The shipping industry has been left to navigate these issues with little or no assistance from nation states and the question that arises is whether there is a better way forward.



Panel II on Marine Environmental Law was chaired by **Dr Alexandros Ntovas** (IML).

Professor Erik Franckx (Vrije Universiteit Brussel) discussed *The role of the flag state in the conservation and management measures by fishing vessels on the high seas*. Ever since the principle of the freedom of navigation became well-established in the law of nations during the 17th century, exclusive flag state jurisdiction over vessels at sea became the other side of the same coin in order

to prevent the oceans from becoming a free-for-all or lawless area. For a long time, the international community believed that the living resources at sea provided an inexhaustible resource. All attempts at legal regulation by the flag state would consequently be a totally useless exercise since the human catch was relatively insignificant when compared to the inconceivably great multitude of living resources out there. But when technological development made it possible for fishing vessels to empty whole fishing grounds and world-wide marine catches started to indicate for the first time a decreasing tendency, the flag state was the first to be regulated more strictly in an effort to curb overfishing on the high seas. Other actors, like the regional fisheries management organizations/arrangements and port states soon followed. The present-day role of the flag state in the broader framework of these developments will be the focal point of the present contribution.



Professor Elisa Morgera (University of Strathclyde) highlighted the *Transformative change through an evolving interpretation of the law of the sea in the light of international human rights law and international biodiversity law*. The presentation reflected the need to interpret the law of the sea in an evolving way to contribute to set in motion the transformative change called for by the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Panel on Biodiversity and Ecosystem Services. It was also explored how the law of the sea can be interpreted in the light of the cross-fertilization between international human rights law and international

biodiversity law (notably with regards to the human rights of indigenous people, of small-scale fishers, as well as of everyone's and children's right to a healthy environment). The contribution illustrated the benefits of such an interpretation to tackle the ocean-climate nexus in integrated and inclusive ways.



Finally, **Professor Andrew Serdy** (IML) provided a detailed analysis of the *Immunity in the law of the sea*. From a shipping perspective, what the United Nations Convention on the Law of the Sea does not say about immunity is almost as significant as what it does

say. There are saving clauses regarding warships and other vessels on governmental service, arguably incorrectly applied in the ARA Libertad case a decade ago, however it is uncertain what happens with the functions that States delegate to private-sector players, either sometimes (ship registries) or almost always (classification societies- on which courts in different countries reached opposite conclusions in litigation after the same oil spill). The question that arises is whether these entities do or should benefit from State immunity. The presentation examined these cases and drew conclusions.

The first day of the proceedings was culminated with the conference **Banquet in honor of Emeritus Professor Robert Grime**, held at the Rhinefield House Hotel, in The New Forest of Hampshire. The formal address was provided by IML the Director **Dr Alexandros Ntovas** recounting how the Institute of Maritime Law was founded in 1982 to give focus to an existing interest in maritime and international trade law as these subjects had been an important feature of law at Southampton for some ten years. Since then, the Institute has grown to become a world leading center for research, consultancy, and training in maritime law. The international conference celebrated the remarkable milestone of four decades of academic excellence, as well as represented the last major project of Alexandros capacity in the role of the IML Director.



On the final day of the Conference, **Panel III on Marine Insurance** was chaired by **Darren Wall** (Hill Dickinson).

Neil Henderson (Gard) presented *The Poseidon Principles for Marine Insurance: The why, what, and how* and questioned why the industry needs the PPMI, what information it provides, and how the process of obtaining, analyzing, and publishing the data works in practice. The presentation considered potential practical and legal implications of the Poseidon Principles for Marine Insurance.



Dr Feng Wang (IML) provided a thought-provoking analysis on *Cyber insurance and private governance: A critical examination from the perspective of the maritime industry*. Cyber-attack has become a pervasive issue in the shipping industry.

Cyber-attacks may steal sensitive and confidential data, cripple navigation and other technological systems on board and eventually result in considerable damage to ships and relevant shipping companies. The importance of the shipping industry in international trade means that cyber risk must be tackled. The shipping industry has begun to deal with this issue recently with the publication of guidelines from IMO or other entities such as BIMCO. However, as argued in the presentation, these non-binding institutional guidelines and other

positive law instruments are not enough to deal with contemporary cyber incidents properly. The presentation explored the role of insurance as a possible risk management measure that can be taken against cyber risk in the shipping industry.

Noé Reiff (Thomas Miller Law) looked at the *Letters of indemnity: Role, issues, and trends* from the perspective of a P&I Club claims executive. The presentation highlighted the widespread use of LOIs in international trade and shipping, discussed the common types of LOIs, their key provisions and their invocation clauses and the interrelationship between LOIs and charterparty provisions. It also examined the connection between LOIs and P&I insurance cover and the risks that arise from it regarding exposure to claims, validity of the LOI and prejudicing the P&I insurance cover. The discussion was then focused on the enforceability risks such as practical enforceability issues (creditworthiness of the issuer, countersignature by a bank) and legal enforceability issues (authority of the signatory, illegality and attempts to defraud a third party). The last part of the presentation considered the current issues and case law concerning LOIs given in return for delivering cargo without production of an original bill of lading and the LOIs at the time of electronic bills of lading.



Panel IV on Carriage of Goods by Sea and International Trade was chaired by **Haris Zografakis** (Stephenson Harwood).

Dr Simone Lamont-Black (Edinburg Law School) spoke on the matter of *Bills of lading in container trade: Reliable documents of title?* The bill of lading as a document of title plays an important role in business. To cater for the rapid growth of containerization of trade, industry bodies developed multimodal bills of lading (arguably including freight forwarder's bills of lading) as negotiable documents. However, the wisdom of paying full value against documents issued by parties with little to no assets may, at times, be questioned. Indeed, the International Maritime Bureau (a subdivision of the International Chamber of Commerce's Commercial Crime Services Division) estimated in 2019 that over 90% of all improperly issued bills of lading identified in its database were issued by non-vessel owning common carriers (NVOCCS). The presentation discussed the standing of multimodal bills of lading, issued by carriers, NVOCCs and freight forwarders and discuss possible solutions to increase their reliability in line with recent developments.



Dr Liang Zhao (IML) explored the *Electronic trade documents: What are they and what should they be?* The Electronic Trade Documents Bill gives effect to the recommendations made by the Law Commission of England

and Wales in its report with draft legislation to allow for the legal recognition of trade documents such as bills of lading and bills of exchange in electronic form. It recommends that electronic trade documents should be capable of being susceptible to exclusive control and a reliable system should be used to ensure that the criteria are satisfied. The research analyzed the electronic trade documents in the report and suggest what they should be from perspectives of business and law. It is argued that electronic trade documents should be legislated in a different way.



Professor Filippo Lorenzon (Dalian Maritime University), with the presentation *Going viral: The long-term consequences of Covid-19 on carriage and trade* argued that the ability to trade globally, through a seamless logistic network, moving goods across international boundaries, integrating engineering and technology from different parts of the world has been a fundamental element of the globalized trading system. Raw commodities travelling from one part of the world to be converted into plastic or metal components only to be shipped again to be manufactured and then again for assembling and distribution is something which traders and consumers alike take for granted. The current covid-19 pandemic has and still is interfering heavily with international trade, creating inefficiencies, delays, and supply chain disruptions on an unprecedented scale. The law is however catching up and new clauses as well as new legal devices are being tested in the field.



Dr Jingbo (Jenny) Zhang (IML) examined the *Documentary compliance in international sale of goods: A reappraisal in the changing era*. The unique feature of international sales of goods is that those sales are overwhelmingly facilitated by selling shipping documents representing the goods. Documents not only take part in evidencing performance under the sale contract, but also play a decisive role in facilitating international sales through a chain and realizing payment. The sellers' obligation regarding documentation under English law has therefore long been conceived sacrosanct, in which it appears that any apparent deficiency in the presented documents could entitle the buyers to reject them, whether such a deficiency is trivial or not. On the other hand, it has also been perceived that the buyers would be prevented from rejecting the apparently complying documents, even those with latent defects, unless fallen into the narrowly defined fraud exceptions. Nevertheless, through a close examination of the English case law, there are few detailed or unequivocal authorities in supporting the above rules on judging documentary compliance to afford the desired certainty that these rules are so called to protect. In addition, these rules are lack of commercial sensitivity as well as go against the judicial trend in promoting proportionate remedies. There is need for an urgent reappraisal on regulating documentary performance in international sale of goods, while providing suggestions for moving forward.

Finally, **Professor Djakhongir Saidov** (King's College London) discussed *English law and the Convention on Contracts for the International Sale of Goods: Is there the best law for the international sale of goods?* The presentation explored aspects of the experience of English law and of the United Nations Convention on Contracts for the International Sale of Goods (CISG) in governing contracts of the international sale of goods. These two leading international sales law regimes were examined side by side in relation to different commercial contexts, such as the commodities trade and long-term contracts, with the focus being on some key issues, including aspects of: contract interpretation, the parties' obligations, including the seller's obligations relating to conformity of the goods, and remedies for breach of contract. Some major challenges that each of these sales laws currently faces were also highlighted. This presentation's overarching theme concerned the questions whether one of them has proved to be a better international sales law than the other, or whether the international legal and trading community is better off having the benefit of both sales law regimes.



Panel V on Dispute Resolution and Maritime Arbitration was chaired by **Richard Coles** (IML).

Richard Lord KC spoke on the matter of *Courts and Tribunals: Conflict or Collaboration?* The success or otherwise of a system of Maritime arbitration depends not only on the quality of the arbitration system itself, but on the relationship between tribunals and the courts. In this country, this has been the source of tension, usually creative, for many decades, with the interface frequently tested in relation to matters as diverse as jurisdiction, appointments, ancillary remedies, appeals and other areas of review or supervision. This is a wide subject, but this presentation explored some of the most recent examples of this conflict and how they affect users of maritime arbitration practice.

Dr Filip Šaranović (Queen Mary University of London) examined the *Jurisdiction to grant extraterritorial injunctions after Brexit*. The landscape of English private international law has undergone significant change since

the end of the Brexit transitional period. The presentation examined the recent developments relating to the jurisdiction to grant two types of transnational injunctions-freezing injunctions and anti-suit injunctions. The central issue that the presentation addressed was the extent to which the extraterritorial scope of these injunctions has changed post-Brexit.





Finally, **Dr Melis Özdel** (University College London) in the presentation *40 years on in maritime arbitration: Following in Lord Mustill's footsteps*, discussed some of the key developments in the law and practice of maritime arbitrations in London over the last 40 years. The discussion was also concentrated on the role of maritime disputes on the evolution of the fundamental and philosophical principles of arbitration during this period.

The conference proceedings were brought to an end by **Professor Andrea Lista**, Director-elect of the Institute of Maritime Law who mentioned that it has been wonderful to celebrate the 40th Anniversary of the IML together with distinguished international maritime law scholars, practitioners, IML alumni, past and present IML members and PhD students. Professor Lista thanked all the participants of the Anniversary Event for sharing this important moment of the history of the IML and said that with its 41 years of history, the IML is the oldest center for maritime law studies in the world, and the oldest Institute of the University. Professor Lista also reflected on the fact that in the last four decades, the IML has trained thousands of maritime lawyers from all over the world and has established itself as the world leading center for maritime law. Professor Lista stated that he is honored and delighted to take over the Directorship of the IML and he expressed his sincere gratitude to his predecessor, Dr Alexandros Ntovas for all his splendid work as IML Director through the difficult global circumstances of the last three years. Finally, Professor Lista said that he is looking forward to working with his colleagues and to steer the IML on a steady course forward.





Research and Knowledge Exchange Highlights and Insights

Ainhoa Campàs Velasco has published ‘Vulnerability and marginalisation at sea: maritime search and rescue, and the meaning of “place of safety”’ (2022) 18(1) *International Journal of Law in Context*, 85-99. Ainhoa, has also been cited in the report published in July 2022 resulting from the oral evidence she gave at the House of Commons, Home Affairs Select Committee on the inquiry into channel crossings, migration and asylum-seeking routes through the EU, November 2020.

Iliana Christodoulou-Varotsi delivered a presentation on ‘Safety and social aspects of commercial fishing: an overview of applicable international and EU legal regime’ in the framework of the activities of North Western Waters Advisory Council (NWWAC) and North Sea Advisory Council (NSAC) during the meeting of the joint NWWAC/NSAC focus group on social aspects which took place on 15 February 2022. Iliana, also moderated the panel in the framework of the workshop ‘The Legal Framework Governing Maritime Labour and Best Practices: Drawing Lessons from the (post-?) COVID-19 Era’ that was held by the Institute of Maritime Law at the University of Southampton on Maritime Labour Convention on 24 June 2022. Finally, Iliana moderated the panel on the protection of seafarers including criminalization during the conference on ‘Are Seafarers’ welfare and rights in jeopardy?’ in the framework of the international Maritime Cyprus conference that was hosted by the Cyprus Shipping Deputy Ministry in Limassol, Cyprus on 12 October 2022. Panellists included Guy Platten (Secretary General of the International Chamber of Shipping), Stephen Cotton (General Secretary of the International Transport Workers’ Federation), Jan Meyering (Joint Managing Director of Marlow Navigation Co. Ltd) and Captain Andrzej Lasota who gave the keynote speech.

John Dunt has concentrated on updating his book *Marine Cargo Insurance* in light of a number of significant recent decisions of the Commercial Court and the Court of Appeal. The third edition of his book will be published by Informa Law from Routledge in the Lloyd’s Shipping Law Library.

Johanna Hjalmarsson has worked with Manuel Varela Chouciño, Jonatan Echebarria Fernandez, in ‘Insurance of Marine Autonomous Surface Ships: Risk Allocation, Seaworthiness and Technological Challenges from an Underwriter’s Perspective’ Chapter 16 in Tafsir Matin Johansson (ed), *Autonomous Vessels in Maritime Affairs – Law and Governance Implications*, forthcoming 2023.

Andrea Lista has worked on a piece regarding, ‘Bills of Lading, Arbitration Clauses and the Involvement of Third Parties in Maritime Commercial Disputes’ in the *Journal of Business Law*.

Andrea is currently finalising his new monograph on ‘*Third Parties and the Arbitration of Maritime Disputes*’ to be published by Routledge, as part of the Lloyd’s Maritime Commercial Law Library. Furthermore, Andrea has been delivering keynote speeches at conferences. On 20 September, Andrea delivered a research seminar at the University of Reading on ‘International commercial contracts, bills of lading, and third parties: in search of a new legal paradigm for extending the effects of arbitration agreements to non-signatories’. The seminar explored that the binding of third parties to arbitral proceedings has long been a controversial matter, for the reason that arbitration is primarily a creature of contract and, therefore, according to the doctrine of privity, it rests on consent. Despite this consolidated principle, recent years have witnessed a growing trend by courts to extend the effects of arbitration provisions to parties who have never signed or seen the arbitration agreement. In the absence of clear boundaries and specific formulations, the involvement of third parties in

arbitration can lead to uncertainty and inefficiencies and have a detrimental impact on international commercial transactions. The talk attempted to theorise a new paradigm in order to bind third parties to arbitration.

On the 28 September 2022, Professor Andrea Lista delivered a keynote lecture on ‘Sustainability and Climate Change and the Shipping Industry’ in Naples. The event was part of the ‘Naples Shipping Week’, an annual shipping international symposium organised by the Parthenope University of Naples. In his lecture, Andrea talked about the Poseidon Principles and the Blue Visby solution, the latest contractual based initiatives aiming at ensuring sustainability in the shipping industry, offering some reflections on the possible way forward. In addition, on 24 November 2022, Professor Andrea Lista delivered an online research seminar at Dalian Maritime University. The talk explored the application of EU Competition rules to the maritime industry, providing reflections on the current status quo and possible future developments.

On 8 December 2022, Andrea delivered a keynote speech at a conference at Keele University. The talk was titled ‘Letters of Indemnity in International Commercial Sales: A Dishonest Practice?’. Andrea discussed the controversial use of letters of indemnity in the maritime industry, outlining their legal nature, usage, and enforceability. Finally, on 17 December 2022, Professor Lista delivered a keynote speech at an online conference organised by Dalian Maritime University on ‘Sea Lanes Security between China and Europe’. Professor Lista’s talk was about ‘The Maritime Silk Road: Security and Sustainability Issues’, exploring possible political, security, economic and sustainability challenges that the Maritime Silk Road will be facing and providing possible solutions. As incoming Director of the IML, Andrea looks forward to working with colleagues of the IML and to drive the Institute forward.

Alexandros Ntovas has contributed a chapter in the new seminal publication from Cambridge University Press on *Emerging Technology and the Law of the Sea* edited by James Kraska (United States Naval War College) and Young-Kil Park (Korea Maritime Institute), law was published in July. In his chapter entitled *‘Functionalism and Maritime Autonomous Surface Ships’* (pages 214–242) proposes a novel interpretative account that functionally constructs the UNCLOS requirement of ship manning. The legal rationale underlying the argument in favour of functional flexibility is informed by the international regulatory developments at the level of the International Maritime Organization and considers that technological progress is best served by the emerging law-making philosophy of setting goal-based standards. The posited methodology further proposes that the functional interpretation of manning shall be linked to a test for reviewing the flag state margin of discretion in the context of the obligation to take measures toward achieving and maintaining comprehensive safety at sea for autonomous ships.

His submission to the House of Lords International Relations & Defence Committee for its inquiry into the *UN Convention on the Law of the Sea: fit for purpose in the 21st century?* was cited in the final Report published in April 2022. He had responded to the inquiry in November last year. In his response he provided evidence and policy recommendations focusing on: Autonomous maritime vehicles (both commercial and military), cybersecurity, and other new technologies.

Alexandros led and convened three exceptionally successful international research and knowledge exchange events in 2022. In May, he convened and coordinated (with Dr Iliana Christodoulou-Varotsi, Dr Ainhoa Campas Velasco and PhD (cand) Ms Hwon Lee) the high-profile stakeholder workshop

on *‘The Legal Framework Governing Maritime Labour and Best Practices: Drawing Lessons from the (post-?) COVID-19 Era’*, for which also he chaired the panel on *‘Maritime Labour and Pandemics: From the moral, to the social, and toward the rule of law’*. In September, he convened and coordinated (assisted by Dr Feng Wang, and PhD (cand) Ms Hwon Lee) the international research and impact workshop on the topic of *‘Advancing Ship Autonomy – moving the discourse from ‘disruption’ to ‘enablement’ and the upgrade of human capabilities in the digital era’*, with input from the industry and academia. He also contributed himself a paper on ongoing research titled: *‘UNCLOS and Functional manning, margin of discretion in regulation and State responsibility -Advancing Ship Technology: Policy and legal regulation developments’*. Finally, in December Alexandros convened and coordinated the 40 Years Institute of Maritime Law international conference on that was held in Southampton on 14-15 December under the theme: *‘A staunch and strong tradition in maritime law’*. In addition, he chaired the panel on Marine environmental law.

Alexandros has been invited to the International Law of the Sea Summer Academy, which is held under the aegis of Kadir Has University in Turkey, to deliver in July a lecture on the topic of New Challenges of the Law of the Sea: Autonomous Commercial Vessels and UNCLOS. The Academy aims to provide education in fundamental areas of the Law of the Sea, by bringing together judges from international tribunals, academics and practitioners, all experts and specialised in the related fields. The Academy aims to provide education in fundamental areas of the Law of the Sea, by bringing together judges from international tribunals, academics and practitioners, all experts and specialized in the related fields. It also aims to promote consciousness and knowledge regarding current issues related to

the law of the sea, through the provision of lectures on specific topics alongside lectures related to fundamental topics.

Alexandros, also participated in the high-profile and peer-reviewed research-intensive annual conference hosted by the Norwegian Centre for the Law of the Sea (NCLOS) on 23-24 November 2022 in Tromsø, Norway. He sat on the panel, *‘Transcending borders: Ecosystem-based [and integrated] ocean governance’*, and his presentation was titled: *‘What is in the name of ... Commons? On the legal language and ecological semantics of straddling fish stocks and highly migratory species: Moving the discourse toward a ‘transjurisdictional’ conception’*.

Alexandros also was extensively interviewed on the freedom of navigation under the ongoing circumstances of the Russian invasion in Ukraine in relation to shipping sanctions and was quoted by Fortune’s Senior Writer Jeremy Kahn in the leading story *How the U.S. could nab Russian oligarchs’ superyachts at sea—and why it probably won’t*, published in the Fortune Magazine on April 12.

Finally, he carries on to provide input as a Co-Investigator in the *“Industrial Decarbonisation Research and Innovation Centre, Port to Pipeline CO₂-P2PCO₂”* project, which is funded by the Engineering and Physical Sciences Research Council, and is led by Professor Damon Teagle, Southampton Marine and Maritime Institute.

Andrew Serdy has published *‘The Fisheries Provisions of the Trade and Cooperation Agreement: An Analytical Conspectus’*, in J. Echebarria Fernández, T.M. Johansson, J.A. Skinner & M. Lennan (eds), *Fisheries and the Law in Europe: Regulation After Brexit* (Abingdon and New York: Routledge 2022), 32-54.

Andrew in May 2022, also appeared as a witness for the applicant in Patrick and Director-General,

National Archives of Australia, Administrative Appeals Tribunal General Division, Adelaide Registry, disputing redaction of an otherwise releasable Cabinet document relating to negotiations between Australia and the United Nations Transitional Administration in East Timor. Andrew’s submission to the House of Lords International Relations & Defence Committee for its inquiry into the United Convention on the Law of the Sea was cited several times in the Committee’s report, which in particular supported one recommendation not made in any other submission, namely a change in the UK’s restrictive position on the role of meetings of the States Parties to the Convention (sadly, however, the Government response was dismissive). Further, Andrew was invited to address the Eastern Indian Ocean Maritime Security Workshop hosted in March 2022 by the Australian National Centre for Ocean Resources and Security at the University of Wollongong and his travel was kindly supported by the British High Commission in Canberra. Andrew also gave an online talk to the Sri Lanka Bar Association in December 2021 as well as guest lectures at the International Tribunal for the Law of the Sea in Hamburg in January 2022, on preparing and making a submission to the Commission on the Limits of the Continental Shelf, to Nippon Fellows placed with the Tribunal and its own interns.

Liang Zhao has published *‘Insurer’s liability under concurrent causation: English law and Chinese law compared’* (2022) 42(1) *Legal Studies*, 120-136; *‘Novation of charterparty and rights of suit for misdelivery’* (2022) 22(5) *Lloyd’s Shipping and Trade Law*, 4-6; *‘International Recent Developments: China 2021’* (2022) 46(3) *Tulane Maritime Law Journal*, 661-692; and with Zhen Jing *‘Assignment of insurance policy with the transfer of the subject matter insured in property insurance under Chinese law’* (2022) (5) *Journal of Business Law*, 383-406.

Gard Partnership



Together we enable sustainable maritime development

Sustainable maritime development is at the core of the Gard group's operations and outlook. As a global specialised marine insurance group with one of the broadest product offerings to ship and offshore operators we use our leverage to support the transition to a more sustainable industry.

Gard was established in Arendal on the southern coast of Norway in 1907 where its head office is still located. The group's creation and evolution are closely linked to the development of the modern shipping and insurance industries. Founded to underwrite only the P&I risks of sailing ships, the company was nevertheless part of a larger group of insurers covering other risks for all types of vessels.

With the demise of sail, Gard adapted and survived and continued to flourish by extending its remit. Over a century later the group has come full circle to cover one of the broadest ranges of risks in the marine insurance industry.

A global organisation with a deep Scandinavian heritage

The Gard group today has 13 offices around the world whilst still maintaining its deep Scandinavian roots. Its product range encompasses P&I, Hull & Machinery, Offshore Energy, Builders' Risks, Renewables and various ancillary covers. Gard is today the largest P&I Club in the International Club of P&I Clubs, and it is one of the largest marine insurers globally.

Sustainable maritime development

We are signatories to the ten principles of the United Nations Global Compact, the Principles for Sustainable Ocean Business and the Principles for Sustainable Insurance and use the UN Sustainable Development Goals as a framework to define our ambitions and goals. Gard believes that, as a leading marine insurance group, it has an important responsibility, as well as an opportunity, to influence the transition to a more sustainable maritime industry.

Partnering with the University of Southampton

Gard has a long-standing relationship with the University of Southampton and its renowned Institute of Maritime Law, one of the top maritime law centres in the world. We have refreshed our relationship with the Institute with the launch of the "IML Gard Fund" to demonstrate our commitment to academic partnerships and to the UN Sustainable Development Goals. Developments in international maritime law are crucial to the shipping and marine insurance industries and therefore mutually beneficial collaboration and innovation amongst leaders in these fields is also crucial. The sheer breadth and depth of knowledge within the University of Southampton, more generally, also on subjects such as cyber, governance, offshore and marine engineering, fisheries, and oceanography, to name a few, means that the University of Southampton and the Institute of Maritime Law are the ideal academic partners for a diversified and leading global insurer such as Gard.

Sponsors - Ince & Informa



Informa

As the trusted expert partner providing actionable insight into the global maritime industry for 300 years, we support professionals in maritime and shipping law with unparalleled tools and resources.

Our expertly managed maritime database, containing billions of data points that are constantly verified and contextualised with the use of artificial intelligence, is at the core of our suite of online tools and data feeds that help thousands of professionals save time collating and interpreting maritime data to get a clear view of risk, monitor maritime trade patterns, and research incidences at sea.

Our leading suite of legal resources, Lloyd's Law Reports, provides the complete view of recent and historical case summaries, reports and approved judgements to assist professionals researching case law, rulings, and current events across maritime and other specialist practice areas.

And our curated maritime news and analysis channel, Lloyd's List, helps professionals stay well-informed of the constantly changing industry and what it means to businesses and markets worldwide.

We believe in bringing transparency to the maritime industry, and we are proud that 60,000 professionals across the globe trust us to do so every day.

Ince

Ince is a dynamic international legal and professional services firm with offices in nine countries across Europe, Asia and the Middle East. With over 700 people, including over 100 partners worldwide, The Ince Group delivers legal advice, strategic guidance and business solutions to clients ranging from the world's oldest and biggest businesses operating across numerous industries to ultra-high net worth individuals.

We have a deep understanding of the shipping industry, the way it does business and the way it operates, and the shipping team has a practice that covers every aspect of the shipping industry. Across our global network our lawyers advise on the full range of legal issues affecting the shipping and commodity industries. We count among our clients many of the world's leading shipowners, charterers, builders, traders, banks and insurers.

A message from Julian Clark, Global Senior partner:

There are a number of reasons why holding the position as Senior Partner of Ince is both a real honour and opportunity to create and instigate positive change. One of those reasons is our close and historic relationship with the University of Southampton. Ince has had a relationship with the University since 1992 and throughout that time is proud to have supported its research and academic teaching programme.

Maritime law and the legal regimes regulating international trade and commerce remain some of the most academically challenging and important areas of law for international commerce. The University plays a vital and leading role in training and providing our lawyers, academics, and professionals of the future, and I wish the Institute and all of its teaching staff the very best for the years ahead. Shipping, international transport and commerce are enjoying a renaissance of challenge and development. The advent of advanced technology and new fuels will not only lead to greater efficiency but also, importantly, protection of our marine and global environment. Those that will be tasked with driving this change need the essential support and foundation that only an institute such as Southampton can bring. 2021 has been a challenging year but the team have met it with aplomb and vigour, and I look forward to the next 12 months and our continuing relationship.

40 years of Institute of Maritime Law Directorship 1982-2022



1982-1985
David Jackson

2007-2009
Charles Debattista

1985-1990
John Wilson

2009-2010
Hilton Staniland

1990-1995
Robert Grime

2010-2014
Filippo Lorenzon

1995-2000
Nicholas Gaskell

2014-2017
Mikis Tsimplis

2000-2003
Charles Debattista

2017-2020
Andrew Serdy

2003-2006
Yvonne Baatz

2020-2023
**Alexandros
X.M. Ntovas**

2006-2007
Robert Grime

Library

The Institute of Maritime Law houses the specialist Philippa Kaye Library in Maritime Law, a unique and comprehensive resource available to visiting scholars and maritime specialists. Leading academics from all around the world, practitioners from the City and post-graduates in maritime law are regular visitors to the library. A reading room is also available, containing a collection of over 40 journal titles and a substantial amount of IMO and UNCTAD documentation. The Library welcomes applications, both domestic and international, to utilise the library for private research.

Our journals collection contains a wealth of domestic and international papers, with titles including Lloyd's Maritime and Commercial Law Quarterly; Journal of International Maritime Law; Journal of Business Law; International and Comparative Law Quarterly; Journal of Maritime Law and Commerce and Lloyd's Maritime Law Newsletter.

In addition, the library boasts a complete collection of Lloyd's Law Reports and American Maritime Law Cases. Other collections consist of Lloyd's Law Reports Insurance & Reinsurance, The Times Law Reports, Commercial Cases, and Aspinall's Reports of Maritime Cases.

All queries regarding the library should be directed to our Institute Librarian Mrs Sara Le Bas – s.le-bas@soton.ac.uk

Visiting Academic Programme

Albano Gilibert Gascon from Institute of Transport Law at Jaume-I University of Castellon and the Alma Mater Studiorum - Bologna University. He spent June to August 2022 here.

Dr Burak Dogan from Faculty Member/ Lecturer in Commercial Law AHBV (GAZI) University, Faculty of Law Ankara – Turkey, here until August 2023.

The team

Director

Dr Alexandros X.M. Ntovas

Dr Ainhoa Campàs Velasco
Dr Iliana Christodoulou-Varotsi
Professor Francis Rose
Mr Richard Coles
Vasanti Selvaratnam KC
Mr John Dunt
Professor Andrew Serdy
Sir Bernard Eder
David Foxton KC
Professor Paul Todd
Ms Kathleen Goddard
Mr Robert Veal
Dr Johanna Hjalmarsson
Mr Darren Wall
Dr Feng Wang
Professor Andrea Lista
Richard Lord KC
Dr Liang Zhao
Dr Alexandros Ntovas
Mr Haris Zografakis
Captain Richard Pilley
Dr Meixian Song
Professor Brenda Hannigan
Professor Emily Reid
Dr Jenny Jingbo Zhang

Advisory Board

Mr Andrew Kennedy
Ms Liliana Monsalve
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Felipe Arizon

Events and Administration Team

Mrs Clare Old
Miss Natasha King
Dan Hughes

Institute Librarian

Mrs Sara Le Bas

Research Assistants

Georgios Alexios Ntoules
Hwon Lee

Terms of Reference

Aim

1. The Institute of Maritime Law (IML) should aim to be (i) a major centre for research, study and dissemination of maritime law, enjoying an international reputation for excellence and (ii) a focus for professional interest in maritime law.
2. The IML shall endeavour to fulfil its aim through a number of means including, but not limited to, (i) the provision of maritime law courses and seminars (ii) the organisation of public lectures in maritime law and (iii) the maintenance of a library facility for the study of maritime law.

Governance

3. The IML is a research and enterprise centre within the Law School. The IML shall at all times comply with all rules and regulations in force from time to time within the Law School, Faculty and University structure.

Organisation

4. All academic staff in the Law School with an interest in maritime law may be Academic Members of the IML, as may others from outside the Law School, from time to time.
5. The IML shall have a Director appointed by the Head of School in consultation with the Dean and Academic Members. The Director shall be responsible for taking decisions regarding all matters relating to the management of the Institute from time to time and shall fulfil the Institute's internal reporting obligations and shall, on behalf of the Institute, liaise with other entities within and outside the University. The Director shall invite Law School Academics and others with an interest in Maritime Law to become Members of the Institute of Maritime Law, subject to the approval of the Head of School. The tenure of the Director shall be a period of three years.

6. The IML shall have an Operations Committee composed from time to time of Academic Members of the Institute as requested by the Director. The role of the Operations Committee is to assist the Director with the day-to-day running of IML activities. The Operations Committee shall meet from time to time as necessary. All IML Academic Members may attend and participate in meetings of the Operations Committee, subject to permission of the IML Director.
7. The IML shall have an Advisory Board composed of approximately six persons external to the University. It may also include a lesser number of persons internal to the University but external to the Law School. The Advisory Board shall advise the Director on a range of strategic matters, including developments within the shipping industry, continuing professional education, collaboration with external partners, research funding opportunities and other matters that may arise from time to time. Advisory Board Members shall generally be maritime professionals from the legal community and beyond. Advisory Board Members shall be invited to join the Advisory Board for a period of three years by the Director in consultation with the Operations Committee and the Head of School. The Advisory Board shall meet at least two times per year with the Director and Academic Members.


Review


8. These Terms of Reference shall be reviewed annually before the commencement of the academic year by the Head of School, the Academic Members and Director, and any amendment shall be approved by a majority of the Academic Members.
9. These Terms of Reference enter into effect on 29th September 2020 and supersede the 1998 Constitution of the IML in its entirety.



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