


# REPORT *of* ACTIVITIES 2005

 The  
Institute of  
International  
Shipping and  
Trade Law

UNIVERSITY OF WALES SWANSEA  
PRIFYSGOL CYMRU ABERTAWE

## AN OPTIMISTIC AND CONFIDENT FUTURE

**The Institute of International Shipping and Trade Law (IISTL), a research centre based within Swansea University School of Law, continues to lay down solid foundations and to extend its activities in the fields of postgraduate teaching, professional training, advanced research and policy making.**

Although still a youthful organisation, it is quickly claiming a prominent place and achieving international recognition in its various fields of activity. One of the prominent objectives of the IISTL is to bridge the divide between academia on the one hand and the professions and shipping and commercial communities on the other. This objective is served not only by the publication of the research conducted by members of the IISTL but also by placing the teaching skills and expertise of its members at the service of outside organisations. The IISTL currently services the in-house training needs of many significant and prestigious organisations, including BP, BIMCO and a consortium of City international law firms. In providing these programmes

we seek to be relevant and forward thinking. The most significant development in 2005 was the convening of the first international colloquium organised by the IISTL and held at Swansea on June 30th and July 1st. It was devoted to marine insurance law, with distinguished speakers drawn from home and abroad, and from the various branches of the legal profession and academia. The event was distinguished by the presence

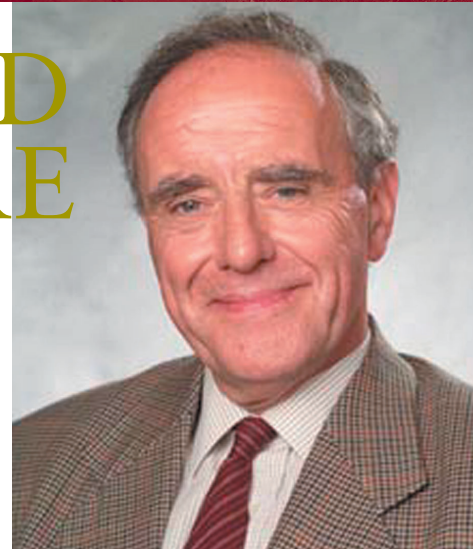
of Lord Justice Longmore of the English Court of Appeal, a universally recognised judicial expert in the field of

insurance law. It attracted delegates from many parts of the world as well as research students from a range of institutions of higher education. The papers delivered were of the highest quality and are to be published as a book under the title *Marine Insurance: The Law in*

*Transition by LLP Ltd in 2006.* The colloquium dinner appears to have been a great success and all who participated in the colloquium report having enjoyed the academic and social experience. The colloquium was the first of a series of annual international colloquia which the IISTL plans to organise over the coming years. Further details of the colloquium appear elsewhere in this report.

On the domestic front the members of the IISTL play a central role in providing specialist teaching for the LLM programmes offered by the School of Law in international maritime, trade and commercial law. They are active in pursuing a range of research interests and in the publication of learned articles. They also participate in the work of the British Maritime Law Association (BMLA) and the Comité Maritime International (CMI)

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and chair courses, seminars and workshops run by Lloyd's Maritime Academy and other industry based organisations.

In order to support the IISTL's aspiration to be a leading research organisation and also to make Swansea an attractive location for research students and visiting academics, in 2005 the IISTL embarked upon a major investment to establish a library resource capable of supporting research of the highest order in the realm of international shipping and trade law. This ambition will take a few years and a significant financial investment to achieve, but material strides in that direction were taken over the course of 2005. The events of 2005 made it a significant year in the brief history of the IISTL. We can be proud of what has been achieved in a very short period of time, and optimistic and confident about the future.

**Professor D. Rhidian Thomas**  
**Director**

PROFESSIONAL COURSES • EVENTS • VISITING SPEAKERS  
RESEARCH • PUBLIC LECTURES • PROFESSIONAL COURSES

# PROFESSIONAL COURSES

The Institute of International Shipping and Trade Law continues to serve the training needs of shipping organisations and the City of London. It prides itself on being responsive to the needs of practice by organising relevant and tailor made professional courses.

## BIMCO

IISTL provided several specialist masterclasses for the members of BIMCO (the World's largest organisation representing shipowners). The focus of these masterclasses was on bills of lading, time charterparties and laytime/demurrage. During 2005 three masterclasses were held in Athens, Genoa and Singapore.

## In-House Training for BP

In November 2005, the director and Professor Richard Williams organised a legal training course on charterparties held at London for BP personnel.

## Foundation Course in Marine Insurance Law

This year the Institute for the first time provided the Foundation Course in Marine Insurance Law organised by a consortium of six City law firms. The course was delivered by the director and Dr Baris Soyer to trainees and newly qualified solicitors.

## Foundation Courses in Carriage of Goods by Sea

Following the success of the first foundation course on marine insurance law, the IISTL was invited by the consortium of City firms to run foundation courses on Charterparties and Bills of Lading.

# RESEARCH EVENT

## International Colloquium on Marine Insurance



From left to right: Professor D Rhidian Thomas (Director of the IISTL); Mr Peter Rogan (Senior Partner, Ince & Co) and Professor Malcolm Clarke (University of Cambridge, St John's College)

The Institute organised the International Colloquium on Marine Insurance in 2005. The event brought marine insurance experts together from academia, legal practice and the judiciary. Focusing on contemporary developments in the law and practice of marine insurance, the delegates engaged in lively debates during the course of the two-day event (30 June /1 July).

One of the highlights of the event was the active participation of Lord Justice Longmore (Court of Appeal (England and Wales)), who chaired two of the sessions. In addition to Professor Thomas and Dr Soyer, the following delegates delivered papers:

Professor Malcolm Clarke (University of Cambridge);  
Professor Howard Bennett (University of Nottingham);  
Professor Marc Huybrechts (University of Leuven);  
Peter MacDonald Eggers (Barrister, 7 King's Bench Walk, London);  
David Foxton (Barrister, Essex Court Chambers, London);  
Peter Rogan (Solicitor, Senior Partner of Ince and Co., London),  
Chris Zavos (Solicitor, Partner of Richards Butler, London) and  
Hakoon Strand Lund (Advocate, Senior Partner of Wikborg Rein and Co., Oslo).

Delegates, who attended the Colloquium, were of the opinion that the organisation was excellent and indicated that it contributed immensely to their understanding and development of law. The papers will be published in 2006 by Informa LLP in book format.

# RESEARCH ACTIVITIES

Professor Thomas is editor-in-chief of the Journal on International Maritime Law (JIML) and over the course of 2005 contributed several editorials on the 2003 Protocol to the Fund Convention 1992; Lloyd's salvage arbitration under the FCAP; the Small Tanker Oil Pollution Indemnification Agreement 2005 (STOPIA) and maritime contracting 'without guarantee'. He also contributed a number of case analyses. Professor Thomas is also an editor of Arbitration International.

This year Dr Soyer published the second edition of his award-winning book, *Warranties in Marine Insurance*. The first edition was published in 2001 and it was the recipient of two prestigious awards: British Insurance Law Association Book Prize 2002 and Cavendish Book Prize 2001. Dr Soyer and Professor Richard Williams published jointly in the Lloyd's Maritime and Commercial Law Journal an article evaluating the potential impact of the ISPS Code on maritime law [2005] LMCLQ pp.515-553. He also published several case analyses in the Journal of International Maritime Law.

The fourth edition of *Limitation of Liability for Maritime Claims* was published by Informa LLP in 2005. Professor Richard Williams is a co-author of this title, which is a volume in Lloyd's Shipping Library. Professor Williams also published an article in the Journal of International Maritime Law evaluating the development of the law relating to deck cargo [2005] 11 JIML pp.100-109. He was also invited to write the editorial section for the first issue of the Journal of International Maritime Law in 2005 on Limitation of Liability.

Paul Todd published his book on *E-commerce Law* in 2005. This book examines the extent to which the law has adapted to deal with the wholly new phenomenon of e-commerce. Also in 2005, Mr Todd published two articles in the realm of carriage of goods by sea in the Journal of Business Law. "Bills of Lading as Documents of Title" [2005] JBL pp.762-779 examines a number of issues arising from the recent House of Lords decision in *The Rafaela S*. "ISPS Clauses in Charterparties" [2005] JBL pp.372-393 deals principally with allocation of delay risks, as between shipowners and charterers, consequent upon the international implementation of the ISPS Code in 2004.

It has been a very productive year for Dr Theodora Nikaki. In October 2005 she obtained her PhD from the University of Southampton, and published an article entitled 'The UNCITRAL Draft Instrument on the Carriage of Goods [Wholly or Partly][by Sea: Multimodal at Last or Still All at Sea?' in the Journal of Business Law (pp.647-658).

*Issues in International Commercial Law* edited by Professor Iwan R Davies was published in 2005. This book, which is a collection of essays, consists of three parts: credit and security; contractual issues; and international commercial regulation. Professor Davies' contribution to the book is entitled 'Patent Grants, Signals and Commodification: A Legal Dilemma?'

Professor Jukka Snell contributed to a book, *Rule of Reason; Rethinking another Classic EC Legal Doctrine*, edited by Schrauwen with a chapter titled: "Economic Aims as Justification for Restriction on Free Movement". This chapter examines economic considerations, which according to the consistent dicta of the European Court of Justice can never justify restrictions on free movement. The chapter asks whether the Court has practised what it preaches, and argues that the Court's actual approach has been subtler, and that such subtlety is desirable in a federal-type polity.

# VISITING SPEAKERS IN 2005

The following were visiting guests of the Institute and delivered guest lectures to a combined audience of undergraduate/postgraduate students and staff;

**Professor Hugh Beale QC (Law Commissioner)**  
- Reform of Personal Property Security Law

**Captain David Thomas (Surveyor)**  
- The Collision Regulations

**John McDonald (Independent Average Adjuster)**  
- Contemporary Debates in General Average

**Jason Chuah (Reader in Law)**  
- EC Competition Law and its Impact on Maritime Law

**Michael Harakis (Department of Transport)**  
- Litigation or Arbitration?  
A Roadmap to Dispute Resolution

# SCHOOL OF LAW ANNUAL PUBLIC LECTURE



The annual public lecture of the School of Law was delivered by Måns Jacobsson, Director of the International Oil Pollution Compensation Funds (IOPC) at the Taliesin Arts Centre. The lecture entitled "The International Regime on Liability and Compensation for Ship-source Oil Pollution Damage: The Legal and Political Aspects", attracted interest both from the University and also from the region, in particular local law firms, environment agencies and port authorities.



# SPEAKING / PUBLIC ENGAGEMENTS

**Professor Rhidian Thomas was invited to the European Maritime Law Research Seminar organised by the University of Bologna in Ravenna and acted as chairman of the session on International Conventions and European Law Perspectives on Maritime Law.**

He also presented a paper titled 'Insurable interest: accelerating the liberal spirit' at the first IISTL international colloquium on marine insurance law.

In September 2005, Mr Paul Todd delivered a paper, 'Reflections on Documents of Title', at the International Conference on Law and Commerce: Law and Commerce in the New Millennium: Simplification and Modernization on Law for Responsible Commerce organised by the International Islamic University, Kuala Lumpur.

Dr Arwel Davies presented a paper on the present and evolving functions of Compensation in the WTO Legal System at the 5th Annual British Institute of International and Comparative Law held in May 2005.

## RESEARCH FUNDING

**In 2005, the Nuffield Foundation awarded Dr Soyer a research grant to conduct research on 'Reforming the Duty of Utmost Good Faith in Insurance Contracts'. The project, which will incorporate comparative and economic research methods, is expected to be completed in December 2007.**

Dr Nikaki spent two months as a research fellow at the Scandinavian Institute of Maritime Law in Oslo. Her fellowship was fully funded by the Worldwide Universities Network Exchange Scheme.

Funds have been provided by Technium Pembrokeshire for the establishment of a Centre of Energy and Environmental Law in the School of Law. Several members of the IISTL are undertaking significant roles in this project and it is expected that this will lead to the development of a natural and close relationship between the IISTL and the new Energy Centre in the years to come. The funding will enable the School to appoint two senior positions in Energy/Environmental Law that will combine strategic policy advice with world-class research that straddles the distinction between basic and applied research. It will consist of a world-class team of academics and practitioners to educate and inspire managers and senior officers involved in the energy business.

## Personnel

The Institute is delighted to welcome in 2005 Dr Theodora Nikaki as a new member of the IISTL. Dr Nikaki is a graduate of the Aristotle University of Thessalonica. Having worked in practice for several years, she obtained her LL.M degree in Admiralty and Maritime Law from Tulane Law School of the USA in 2001 with distinction. Following the completion of her LL.M degree, she worked in New Orleans for Murphy Rogers and Sloss, a law firm specialising in maritime law. She has recently completed her PhD degree in Carriage of Goods by Sea and Transport Law. Her principal research interest is in the field of carriage of goods by sea, but her interests extend to private international law and multimodal transport. She is an active researcher and has published in several significant journals such as The Journal of Business Law and Journal of Maritime Law and Commerce.

Also in 2005, Dr Jukka Snell was awarded a personal chair and Dr Arwel Davies was promoted to senior-lecturer.

## Members of the Institute of International Shipping and Trade Law

**Professor Rhidian Thomas**  
*Director*

International trade, carriage of goods, marine insurance, reinsurance and arbitration

**Professor Richard Williams**  
Carriage of goods and maritime liabilities

**Professor Iwan Davies**  
Commercial law, finance and security

**Professor Jukka Snell**  
EU law, movement of goods and competition law

**Dr Baris Soyer**  
Admiralty law, marine insurance, insurance and carriage of goods by sea

**Paul Todd**  
International trade and carriage of goods by sea

**Dr Arwel Davies**  
International trade law and world trade law

**Dr Theodora Nikaki**  
Carriage of goods by sea, multimodal transport and conflict of laws

**Jinlei Zhang**  
Research Assistant

**Gaynor Paterson**  
Pro-term Administrator

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