



MARITIME LAW ACADEMY

TRADE AND SHIPPING: LAW AND PRACTICE

PROGRAMME



Swansea University
Prifysgol Abertawe

Athens

11-15 October 2021

 **BIMCO TRAINING**

Our teaching principles:

- ▶ All teaching is done by practitioners having made a career out of solving complicated problems by understanding how maritime law works.
- ▶ All teaching is done based on actual cases. What happened, what did we do...
- ▶ All teaching is focused on sharing valuable experiences pointing participants towards practical solutions, which will work when in a working environment.
- ▶ All teaching is aimed at facilitating networking between participants and enabling long-term relationships getting to know people who you can assist, and who can potentially help you in return.



Learning objectives:

- ▶ Strengthen your knowledge of how maritime law is used to create a framework for agreements and contracts used in international shipping.
- ▶ Understand how your knowledge of international maritime law can be used to solve disputes and argue points of view.
- ▶ Become aware of the interests and concerns of other parties to a dispute, and provide practical solutions using this knowledge.
- ▶ Be assessed on your knowledge of international maritime law and your understanding of how it fits into international trade.
- ▶ Understand how disputes are resolved by building a case on solid legal arguments, which will stand the test of arbitration or a court hearing.

Day 1, 11 October

09:00-09:45 Opening remarks and introduction to the contractual work of BIMCO

Introducing the commercial and legal matrix of shipping and international trade of goods

Baris Soyer, University of Swansea

09:45-11:15 Carriage contracts – impact of international regimes and contract law principles:

- legal systems governing the contract
- How can national law interfere with international law and charter parties?
- applicable international conventions
- liabilities and indemnities
- some general comments on adding, deleting and managing clauses in charter parties.

11:15-11:35 Break

11:35-12:30 Carriage contracts and contractual matrix:

- the relationship between the sale, insurance and carriage contracts
- fitness for purpose
- force majeure clauses
- frustration.

12:30-13:30 Lunch

The practical implementation

Mike Phillips, Stephenson Harwood LLP

13:30-16:30 Marine and cargo casualties:

Building on the basic principles from the morning sessions, the speaker(s) will set the scene for a full afternoon session, describing in detail an actual dispute – its cause, problems, dilemmas and the solutions which eventually brought the case to an end.

Main themes:

- the relationship with the shipper and receiver (cargo owner)
- navigational errors and damage to the ship
- marine pollution claims
- marine insurance.

As the afternoon progress, and the case unfolds, we will use game-based learning platforms to test the participants skills in seeking possible solutions and wording these in such a way that they solve problems and offer solutions. This includes drafting shorts texts and comparing these with actual correspondence in the case.

There will be a break from 15:00-15:15.

18:00-19:30 Welcome dinner

19:30-21:00 Guided walking tour

Day 2, 12 October

The legal relationships created between owners and time charterers

Baris Soyer, University of Swansea

09:00-09:45 The charterers duty to nominate a “safe ports”:

- What is a safe port?
- When is a port to be safe?
- What is the charterer’s obligation if a safe port becomes unsafe?

09:45-11:15 The owner’s duty to provide a seaworthy ship and care for the cargo:

- What is unseaworthiness?
- the nature of the shipowner’s duty
- protection from international conventions eg Hague/Hague-Visby Rules on these duties.

11:15-11:35 Break

11:35-12:30 The shipowner’s duty to comply with legitimate employment orders:

- contractual orders/non-contractual orders
- Which orders are legitimate?
- What happens if the owners refuse the order?
- What happens if the owners accept the order but there is a problem?

12:30-13:30 Break

The practical implementation

Jean Koh, HFW, London

13:30-16:30 Employment and voyage orders:

Building on the basic principles from the morning sessions, the speaker(s) will set the scene for a full afternoon session, describing in detail a case – its cause, problems, dilemmas and the solutions which eventually brought the case to an end.

Main themes:

- voyage planning and navigation
- safe port and good seamanship
- off-hire
- negligence by master or crew.

As the afternoon progress, and the case unfolds, we will use game-based learning platforms to test the participants skills in seeking possible solutions and wording these in such a way that they solve problems and offer solutions. This includes drafting shorts texts and comparing these with actual correspondence in the case.

There will be a break from 15:00-15:15.

16:30-16:45 Break

16:45-17:30 Briefing for all participants for day 5 arbitration hearing

18:00-20:00 Dinner

Day 3, 13 October

Dealing with disputes – the legal system and how to prepare for arbitration and court

Jean Koh, HFW, London

09:00-10:30 The initial preparations:

- correspondence and reservations
- disclosure of internal correspondence in English
- the roles of the parties involved.

10:00-10:20 Break

10:20-11:00 Court and arbitration hearings:

- dispute resolution venues
- opening and closing statements
- expert witnesses
- expert reports
- question of witnesses.
- practical hints and tips.

11:00-12:30 You need a lawyer!:

Legal counselling for the two groups representing Magna Charterer SA and Minimus Marine Inc. Each group representing Magna Charterer SA and Minimus Marine Inc. in the Friday arbitration hearing will have the possibility of legal assistance from Jean Koh in preparing their case.

12:30-13:30 Lunch

The practical implementation

Stephen Mackin, Clyde & Co

13:30-16:30 Taking disputes to arbitration:

Building on the basic principles from the morning sessions, the speaker(s) will set the scene for a full afternoon session, describing in detail a case – its cause, problems, dilemmas and the solutions which eventually brought the case to an end.

Main themes:

- preparing for Court and Arbitration
- presentation of evidence and witnesses
- problems and issues arising in court or during arbitration.

As the afternoon progress, and the case unfolds, we will use game-based learning platforms to test the participants skills in seeking possible solutions and wording these in such a way that they solve problems and offer solutions. This includes drafting short texts and comparing these with actual correspondence in the case.

17:00-18:30 Assessment:

The assessment will test the participant's ability to interpret, think critically and present an organized and well written answer. All papers will be marked, and each participant will receive a certificate based on the result.

19:00-21:30 Dinner

Day 4, 14 October

Company visits in Athens



Day 5, 15 October

Litigate, mitigate or arbitrate?

The full day session involves all participants, as well as trainers from the previous days of teaching. Participants will be part of the solution to mitigate and solve the impact of a serious casualty, from the first call from the master to the shipowner, all the way through to legal arbitration.

The scenario is highly realistic, with a vessel grounding and spilling bunkers. There is a full range of documentation and correspondence, which need to be filtered and considered for the arbitration hearing, which will take place in the afternoon.

09:00-12:30 Case preparation and submission:

All participants have been allocated roles. Working under time pressure, the groups will prepare their submissions for the afternoon arbitration hearing. These must be submitted to the sole arbitrator appointed by no later 12:30 – no exceptions accepted!

There will be a break from 10:30-10:45.

12:30-14:30 Lunch and group preparations

14:30-14:45 Break

14:45-17:00 Arbitration hearing:

Set up as a formal arbitration hearing, all participants will play out the scenario. Toward the end, the arbitrator will render an award in favor of one of the parties. This will purely be based on the submissions and performance during the arbitration hearing.

17:00 The end of the BIMCO Maritime Law Academy 2020

Speakers

TBN



Venue

Eugenidis Foundation

387, Syggrou Ave., 17564, P. Faliro

<https://www.eef.edu.gr/en>

Accommodation

Athens Marriott Hotel (recommended)

<https://www.marriott.com/hotels/travel/atham-athens-marriott-hotel/>

(not included in the course fee)



Organisers



Peter Grube

Peter is Head of Training, responsible for developing and delivering BIMCO courses and seminars world-wide. He joined BIMCO's Support & Advice in 1990 and was later appointed Marketing & Sales Director. Prior to joining BIMCO he worked at a shipowning office in Copenhagen, as well as a sale & purchase broker in Greece.

Peter Grube is a graduate from the Danish School for International Marketing & Export and is a Chartered Shipbroker (FICS). He holds a Master's in Education and Learning from Roskilde University (RUC).



Ayako Odashima

Ayako is Manager in BIMCO's Training department, and is responsible for marketing and implementation of BIMCO's training courses worldwide. Prior to joining BIMCO in 2015, Ayako has worked for various international organizations, including UNICEF, FAO, WFP and UNOPS, and has been responsible for large-scale emergency logistics and coordinated training programs on humanitarian logistics and supply chain management in Asia, Africa, Europe and in the Middle East. Ayako holds a MSc in International Relations from London School of Economics and BA from Boston University.



Josephine Schüler

Josephine is Assistant Manager in BIMCO's Training department.



For more information, please contact:

Bagsvaerdvej 161, DK-2880 Bagsvaerd, Denmark

Tel: +45 4436 6832

Email: training@bimco.org

Web: www.bimco.org/training

Come talk to BIMCO:

www.bimco.org/events

Follow us!



Twitter
@BIMCOTraining



Twitter
@BIMCONews



LinkedIn
[in/bimcoeducation](https://www.linkedin.com/company/bimcoeducation)



LinkedIn
[company/bimco](https://www.linkedin.com/company/bimco)