

BIMCO

The practical voice of shipping

MARITIME LAW ACADEMY

SHIPPING & TRADE LAW – RESOLVING COMMERCIAL DISPUTES

PROGRAMME



Swansea University
Prifysgol Abertawe

Cambridge, UK
9-13 September 2024

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 (9 September)

- 09:00-09:45 **Opening remarks:**
- introduction to the contractual work of BIMCO
 - briefing for all participants for arbitration hearing.

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

- 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

- 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 in Cambridge**

Day 2 (10 September)

The legal relationships created between owners and time charterers

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

- 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.*

18:00 **Evening off in Cambridge**

Day 3 (11 September)

Tour of Legal London

08:00-09:00 *Train from Cambridge to Kings Cross Station*

09:00-11:30 **Guided tour of Legal London with Imogen Rumbold**

11:30-12:45 *Lunch*

13:00-14:30 **Visit to law firm (Watson Farley, Stephenson Harwood, or HFW)**

15:00-16:30 **Visit to P&I Club**

Evening off in London



Day 4 (12 September)

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

09:00-10:00 **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

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

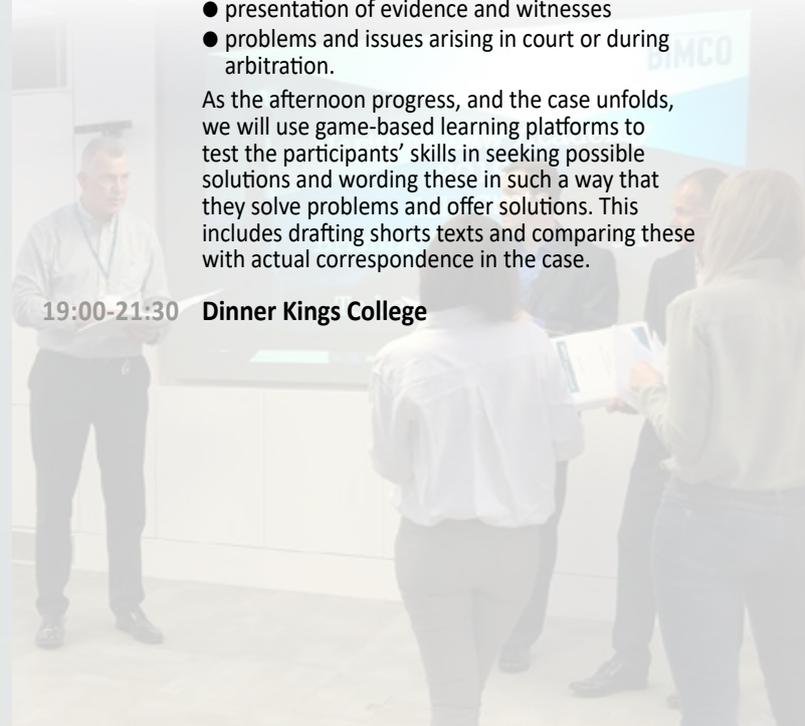
Building on the basic principles from the morning sessions, the speaker(s) will set the scene for a full afternoon session, describing in detail a case – its cause, problems, dilemmas and the solutions which eventually brought the case to an end.

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.

19:00-21:30 **Dinner Kings College**



Day 5 (13 September)

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.

09:00-12:00 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 12:00 – no exceptions accepted!

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

12:00-13:00 Lunch and group preparations

13:00-15:00 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.

15:00 The end of the BIMCO Maritime Law Academy 2024

Speakers



Baris Soyer

Professor Soyer is the Director of the Institute of International Shipping and Trade Law at Swansea University (www.swansea.ac.uk/law/istl). He is a member of the British Maritime Law Association and British Insurance Law Association. He is the author of Warranties in Marine Insurance published by Cavendish Publishing (2001), Marine Insurance Fraud published by Informa Publishing and of an extensive list of journal articles published in elite journals such as Lloyd's Maritime and Commercial Law Quarterly, Journal of Business Law, Cambridge Law Journal, Edinburgh Law Review, Law Quarterly Review, Torts Law Journal and Journal of Contract Law. He sits on the editorial boards of the Journal of International Maritime Law, Shipping and Trade Law and editorial committee of the Lloyd's Maritime and Commercial Law Quarterly (International Maritime and Commercial Law Yearbook). He currently teaches Admiralty Law, Charter parties: Law and Practice and Marine Insurance on the LLM Programme, and is the Director of Shipping and Trade LLM programmes at Swansea.



Stephen Mackin

Stephen is a partner at Clyde & Co. He specialises in shipping and energy related issues, particularly those arising from the carriage of oil, gas and LNG by sea involving charter parties and bills of lading. His areas of expertise are oil, gas and LNG tanker related issues including disputes arising from oil shortage, cargo contamination, unsafe port/berth disputes and market loss claims.

He works for a wide entirely international client base of shipowners, charterers, insurers and cargo owners. Stephen has a first class B.Sc (Hons) Degree in Maritime Studies and before qualifying as a solicitor, he was a navigating officer with Shell Tankers (UK) Limited. Stephen has practical experience of the operation of VLCC's, Product Tankers, LNG Tankers and Bulk carriers. Stephen is an experienced BIMCO trainer.



Jean Koh

Jean is a partner at HFW in London and specialises in shipping litigation, focusing on contractual shipping disputes including charter parties, bills of lading, cargo claims, commodities/trade disputes, ship sale and purchase disputes, bunker disputes and shipbuilding disputes. She represents owners, charterers, shipyards and their insurers based internationally but has a geographical focus on the Japanese market, having worked in Tokyo for 6 months there.

On the casualty side, Jean also handles wet shipping disputes, in particular fire and explosions on container vessels due to undeclared dangerous cargoes and/or engine explosions, groundings on reef, unsafe port disputes, crane collapses, damage caused by sulphur cargo, liquefaction of cargo and general average incidents. Jean has worked at the HFW in Shanghai and Pireaus.



Mike Phillips

Mike is a partner in the Dispute Resolution Group at Watson Farley & Williams, London. Mike specialises in shipping, contentious ship finance and ship and offshore vessel construction. Mike's clients include shipowners, traders, insurers, banks, funds and shipyards.

With over 20 years' of practice in the marine and international trade sector, Mike has a wealth of knowledge and experience which he brings to bear to help clients resolve their most complex and difficult problems. Representing some of the largest and most well-known companies in the marine and international trade sector, Mike is known as both an exceptional lawyer and a clever strategist. Equally at home in London arbitration or multi-jurisdictional Court proceedings, Mike has a strong record of success for clients in a wide range of matters from shipping and cargo claims, groundings and vessel fires through to complex multi-vessel finance enforcement. On the construction side, Mike represents shipyards and buyers on a range of construction projects from super-yachts through to complex offshore vessels and rigs.

Mike regularly delivers training to industry professionals, on a bespoke basis for clients, and through the leading industry association, BIMCO.

The Legal 500 2019 has called Mike "outstanding" and Chambers 2019 says that he is "confident, practical and good at reading his opponents' minds".

Mike was shortlisted as Legal 500 Transport Lawyer of the Year in 2019. He was recognised as one of the Top 10 Maritime Lawyers of 2017 in Lloyd's List Top 100 most influential people in the Shipping Industry and won the UK Client Choice Awards for Shipping & Transport in 2015.



Grant Hunter

Grant Hunter is BIMCO's Director for Standards, Innovation and Research investigating the future of the shipping business to help BIMCO deliver digitalised products and services to members and the wider industry. He has worked in the shipping industry for over 40 years.

Grant began his shipping career at sea in 1978, followed by eight years working ashore in the commercial and operations department of P&O Bulk Shipping in London. He has worked for BIMCO since 1997 – the past 25 years as Head of Contracts and Clauses.

Grant has a Master's degree in Maritime Policy and Law from the London School of Economics (LSE).



Venue

Trinity Hall
Trinity Lane
Cambridge CB2 1TJ
United Kingdom

Accommodation

WYNG Gardens
Thompsons Lane
Cambridge CB5 8AQ
United Kingdom

*Accommodation
from Sunday,
8 September to
Friday, 13 September
2024 (5 nights)
are 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).



For more information, please contact:

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www.bimco.org/events

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