Director’s report

While there has been no shortage of achievements in 2017–18, as the following pages make clear, these are all the more significant for having occurred against the backdrop of a sudden and unparalleled generational turnover of personnel, with all four of the remaining former Directors of the IML leaving the University – Hilton Staniland, Yvonne Baatz, Mikis Tsimplis and Filippo Lorenzon. Happily Hilton and Yvonne were able to continue participating in the delivery of our annual Maritime Law Short Course, running for the 45th time this year, but the absence of all four of them will be keenly felt at the IML. Even so, the rebuilding of our capacity has already begun, with the welcome news that Robert Veal, no stranger to anyone who has had dealings with us in recent years, has accepted the offer of a lectureship with effect from September 2018.

The annual Donald O’May Lecture was in 2017 delivered at the Law Society by Gross LJ, speaking on the topic “A good forum to shop in: London and English Law post-Brexit”, with the added bonus of press coverage the next day. 2018 will be somewhat unusual year for the Lecture in that it coincides with the presence in London of much of the global shipping law community for the biennial conference of the Comité Maritime International and we are pleased to be able to take advantage of the synergies which this has made possible with the host of that gathering, the British Maritime Law Association. We acknowledge in particular the generosity of the BMIA’s financial assistance towards the costs of the 2018 Lecture. We take heart from the fact that year after year we are inclined to attract top-tier drawcards willing to devote time and effort to this, the major London event in our calendar, exemplified by Hamblen LJ as this year’s speaker. The topic of the 2018 lecture is “Charterers’ orders – to indemnify or not to indemnify”.

The Private International Law interest group launched not long ago goes from strength to strength, with a well-attended evening seminar in April 2018 at Clyde & Co in London organised by Filip Šaranović, who will lead the group in 2018–19 and plans more such events in the coming year.

The Sea Traffic Management project (STM), now approaching its close with a major conference due to take place in London in November 2018, has kept several of us busy in the past year including Professors Tsimplis and Lorenzon, ably supported by Research Fellow Spyridon Papadas. Our links with Her Majesty’s Government in public policy formulation are also thickening: roundtable discussions with the IML were held with senior visiting officials from the Department for Business, Energy and Industrial Strategy and the Cabinet Office; further afield we were sought out by the High Commissioner for Antigua and Barbuda and the Laksman Kadirgamar Institute in Sri Lanka. The second atmospheric pollution workshop, an initiative of Mikis Tsimplis with assistance from Chemuan Li, brought us much credit locally.

Our publications have not slackened off in pace: during 2017–18 the fourth edition of Maritime Law, increasingly the standard textbook on the subject, was published by Informa Law from Routledge, and we maintained our London profile with the launch of the second edition of The Law of Yachts and Yachting, by Richard Coles and Filippo Lorenzon, kindly hosted by Gateley plc in the shadow of St Paul’s Cathedral; we could literally have shouted about it from their rooftop had we been so inclined. The IML and Law School were also considerably assisted by financial and other assistance from several benefactors: Ince & Co, Gard AS, Clyde & Co, Informa Law, Routledge, Campbell Johnston Clark, Tatham Macinnes and Holman Fenwick Willan, whom we sincerely thank for their support.

As in 2016–17, we had more requests from prospective academic visitors outside the UK than our limited seating space in the Philippa Kaye Library could accommodate. We introduced this year an expectation that visiting scholars would each hold a seminar to expose the wider Law School to their work, and the first two of these, by Zeng Enxiu of South China Normal University, Guangzhou in May 2018 and Quan Ye of Southeastern University, Nanjing in July, both drew a good turn out and generated lively dialogue.

I close as always with the warmest words of appreciation for the untiring efforts of our Senior Administrator Clare Brady and IML Librarian Sara Le Bas, who together constitute the backbone of our operations on which all our successes great and small are built. Without them the IML would struggle to make its presence felt and all my academic colleagues join me in thanking them for their invaluable continuing role in keeping the IML going.

Professor Andrew Serdy
Southampton, August 2018
Global engagement

1 San Francisco
Robert Veal presented a paper on the liabilities of autonomous ship operations at the 22nd Biennial Seminar of the Board of Marine Underwriters of San Francisco (2–3 May 2018).

2 Fort Lauderdale
13–14 November 2017 Richard Coles attended the MYBA Superyacht Brokers’ Seminar in Fort Lauderdale, Florida, USA where he participated as a speaker on yacht chartering and sale and purchase.

3 Panama City
13–14 October 2017 Andrew Serdy attended the OST Maritime Law Colloquium in Panama City with Richard Coles and Mikis Tsimplis. Richard and Andrew presented a joint paper entitled “Ship Registration and Brexit”, while Mikis spoke on the IMO Ballast Water Convention.

4 STM project venues
Mikis Tsimplis and Spyridon Papadas presented and discussed STM project findings at workcamps in Venice in September 2017, Tallinn (Estonia) in March 2018 and Valencia in July 2018.

5 Torbay
Kathy Goddard gave a presentation in May 2018 to the World Ship Society, Torbay and East Devon Branch, entitled ‘Reducing Air Pollution from Ships’.

6 London
Kathy Goddard was a participant in the November 2017 Maritime Air Quality Strategy Stakeholders Workshop, Department for Transport.

7 Nice
22–23 February 2018 Richard Coles attended the MYBA Superyacht Brokers Intermediate Seminar in Nice where he spoke on yacht chartering and sale and purchase.

Monaco
Andrew Serdy presented a paper entitled ‘The Jurisdiction of the International Court of Justice to Delimit the Continental Shelf Boundary with Colombia more than 200 Miles off Nicaragua: Do Two Wrongs Make a Right?’ at the 9th Conference of the (International Hydrographic Organisation and International Association of Geodesy) Advisory Board on the Law of the Sea, Monaco, 12 October 2017.

8 Turin
Jingbo Zhang delivered lectures on ‘International Sales of Goods on Shipment Terms’ at the International Training Centre of ILO, in Turin, Italy on 12–13 April 2018.

9 Malmö
Robert Veal presented a paper on the international regulation of autonomous ships at Oceans Trends 2018, co-organised by the World Maritime University and the University of Nantes (09–10 August 2018).

10 Istanbul
Francis Rose delivered a paper on ‘Modernising English Marine Insurance Law’ at the 5th International Congress of Maritime Law, hosted by Marmara University in Istanbul in May 2018.

11 Guangzhou
Jingbo Zhang gave a presentation on ‘Delivery of Goods without A Bill of Lading’ at the Guangzhou Maritime Court, in Guangzhou, China on 8 December 2017. She also visited various institutions in Xiamen and Guangzhou on behalf of the Southampton Law School.
Courses and events

The Short Course
For 45 years, the Maritime Law Short Course at Southampton has been providing innovative maritime law training to delegates from around the world. As the only comprehensive residential course on maritime law that is available in the UK, the course is renowned for combining a top quality learning environment with world leading expertise.

Held between 20 August and 7 September 2018, up to six intensive one hour sessions were organised per day and interspersed with question and answer sessions, case studies and informal discussions.

This year 26 delegates from across the world attended the course. Delegates were provided with the latest legal materials, giving a lasting resource for themselves and colleagues after the course. A number of social events were also organised to complement the study sessions. These included a boat tour around Southampton harbour, trips to HMS Victory and the Bombay Sapphire gin distillery and a farewell dinner, thus giving the participants the opportunity to forge global connections across all of the maritime professions and make lasting connections. We look forward to welcoming delegates to the 46th course in 2019.

Wednesday Practitioner Seminars
The Wednesday Seminar Series has now run for over twenty years. It is a weekly seminar programme with expert speakers from across the shipping profession who kindly give up their valuable time to come and share their experience with our students. The seminars are primarily aimed at our maritime and commercial law LLM & LLB students however all that are interested are welcome to attend. We would like to thank those who have spoken in the past and always welcome new volunteers!

Inaugural Private International Law Group event
On Monday 16 April, the Institute of Maritime Law held a conference at the London office of Clyde & Co. The conference, entitled “Jurisdiction and Arbitration Clauses and Direct Action” was organised by Dr Filip Saranovic of the IML’s Private International Law Interest Group. The panel was chaired by Luke Parsons QC (Quadrant Chambers) and the speakers were Dr Ugljesa Grusic (UCL), Professor Yvonne Baatz (University of Southampton), and Rob Collins (Clyde & Co LLP). This successful event was the first in a series focusing on forum shopping and tactical proceedings in international commercial litigation and arbitration. The series provides a unique blend of both academic and practitioner perspectives on topical issues in this highly complex area of the law. We look forward to the next conference in 2019, details will be announced on the IML website and social media pages.

35th Donald O’May Lecture
The Donald O’May Lecture has been a flagship event of the Institute for over a third of a century and has always been used as the forum for the academic delivery of authoritative and challenging papers of interest to practitioners. The 2017 lecture was held 1st November at the Law Society. Delivered by The Rt. Hon. Lord Justice Gross, it was titled “A good forum to shop in: London and English Law post-Brexit”. We are grateful for the ongoing support and sponsorship of Ince & Co. The lecture was also kindly sponsored by Routledge and Informa Law, both of whom were present on the night with representatives at stands.

The photograph above shows (L to R): Peter Rogan of Ince & Co (chair), Gross LJ, Professor Andrew Serdy and Ms Vasanti Selvaratnam QC (proposer of the vote of thanks).
Sea Traffic Management (STM) Validation project

Sea Traffic Management connects and updates the maritime world in real time, with efficient information exchange. Through data exchange among selected parties such as ships, service providers and shipping companies, STM is creating a new paradigm for maritime information sharing, offering tomorrow’s digital infrastructure for shipping. STM reduces risks and makes the maritime transport chain more efficient. Its services allow personnel on-board and ashore to make decisions based on real-time information. These services enable more just-in-time arrivals, optimised routes and speed, reduced administrative burden and decreased risk related to human factors.

Our team during 2017–18 comprised Professor Mikis Tsimplis, Professor Filippo Lorenzon, Spiros Papadas, Dr Meixian Song and Dr Sophie Stalla-Bourdillon. The main task undertaken by the University of Southampton has been to assess the legal feasibility of STM and its compatibility with the international maritime law framework. During that year, Spiros Papadas presented the legal findings in project meetings in Venice in September 2017, Tallinn in March 2018 and Valencia in July 2018. Together with Professor Andrew Serdy, who is now overseeing the final stages of the project, he will also be attending the Final Conference of STM, which will take place on 13-14 November 2018 at the headquarters of IMO in London. Some of the key legal findings are expected to be published in the near future in an article that Spiros wrote with Professor Mikis Tsimplis, in the Journal of Navigation.

The second task was to assess the impact STM would have on the commercial aspect of shipping and advise on STM’s business model. The role of the IML was pivotal in this respect, as our team managed to create a rapport with BIMCO and present the case for STM. This effort has already borne fruit in the form of the draft of a new BIMCO Traffic Management System (STM) Clause for Voyage Charter Parties which, if adopted by BIMCO’s Documentary Committee later this year, can be expected to have a significant behind-the-scenes impact on shipping for years to come. Our team is also reporting on the potential cyber-security obligations of the STM, work led by Dr Stalla-Bourdillon, and on aspects of European legislation with potential STM interest.

2nd Atmospheric Pollution workshop
The 2nd Atmospheric Pollution workshop was held at University of Southampton on 7 September 2017. This was a follow-up to the Atmospheric Pollution workshop held July 2016. Last time, our participants had suggested a number of initiatives around technological innovations and behavioural changes. This second workshop focused on policy, regulation and broader sociological solutions.

The workshop was organised in cooperation between the Institute of Maritime Law and the Law School within the University of Southampton, with funding contributions from the Law School. We would like to thank all the workshop participants for their contribution to the constructive and engaging discussions. Visiting Senior Research Fellow Ms Kathleen Goddard delivered a presentation titled ‘Reducing Air Pollution from Ships: An International Perspective’, joined by colleagues from across the University, local Council and business representatives. Please visit the Projects section of our website to find the report and presentations.
Institute members

Institute Members have invaluable experience within the maritime industry and constantly contribute, produce and teach to an outstanding level and remain at the forefront of the ever-developing shipping industry.

Mr Richard Coles
Richard is a Senior Research Fellow at the Institute of Maritime Law and a Consultant to Gateley Plc, a national commercial law firm. Since the mid 1990’s, his work has focused on the superyacht sector, representing yacht owners, brokers, trade associations and banks.

Mr John Dunt
John Dunt is a Senior Research Fellow whose interest is in marine insurance and, in particular marine cargo insurance on which he has written and edited two books and published a number of articles. He continues to be consulted for his expertise in his field, particularly in relation to the Institute Cargo Clauses.

Ms Kathleen Goddard
Kathleen Goddard is a Visiting Senior Research Fellow in the Institute of Maritime Law. Kathleen devotes her time to research and writing. She is currently engaged in research relating to reducing air pollution from ships.

Professor James Davey
James is Professor of Insurance & Commercial Law at the University of Southampton Law School. He has written extensively on insurance contact law, and draws upon his expertise in behavioural economics and regulatory theory to provide a critical analysis of judicial and governmental law-making.

Sir Bernard Eder
Sir Bernard Eder became a member of the IML in 2015. He specialises in commercial litigation and international arbitration with a particular interest in shipping, international trade, banking, energy (oil and gas) and insurance/reinsurance.

Dr Johanna Hjalmarsson
Johanna Hjalmarsson has been working at the University of Southampton since 2004. Her main areas of interest are insurance law, notably marine insurance, carriage of goods by sea and enforcement of maritime claims.
Robert is a Lecturer in Law at the University of Southampton. His research interests include Admiralty, marine policy and the law of the sea. In recent times, Robert has been actively involved in developments at the IMO on the regulation of remotely controlled and autonomous ships about which he has written extensively.

Filip is a Lecturer in Maritime Law. His research interests are primarily in the fields of private international law, commercial litigation and maritime law. He is now in charge of the IML’s Private International Law Interest Group.

Meixian is a Lecturer in Law at the University of Southampton, member of Institute of Maritime Law and currently contributes within the IML to the Sea Traffic Management Validation Project funded by the EU. Meixian’s main academic research interests are marine and non-marine insurance law, carriage of goods by sea and contract law.

Francis Rose is an Emeritus professor. He has written extensively and in due course, a number of his books will be complemented by coverage of Carriage of Goods by Sea (to begin with the eponymous chapter in the encyclopaedic English Private Law), with a view eventually to bringing the whole work together into a definitive exposition of the principles and rules of Maritime Law.

Andrew began a three-year term as Director of the Institute of Maritime Law. His research interests encompass ocean resources issues including the continental shelf and deep seabed regimes along with international fisheries law focusing on transboundary fish stocks, and institutional aspects of the law of the sea.

Jenny joined the Institute in March 2014, following her appointment as a Lecturer in Maritime Law at the University of Southampton. Jenny’s main research interests are international sale of goods, carriage of goods by sea, letters of credit and other international banking payment mechanisms.

Richard continues as an active member of the Governing Board of the IML. Richard also draws on his experience in command at sea to give a perceptive commentary on the ships in port when the LLM students and Short Course delegates are taken on a passenger boat around Southampton Water.

In January 2017 Andrew began a three-year term as Director of the Institute of Maritime Law. His research interests encompass ocean resources issues including the continental shelf and deep seabed regimes along with international fisheries law focusing on transboundary fish stocks, and institutional aspects of the law of the sea.
Publications

Johanna Hjalmarsson continues to be the editor of Lloyd’s Shipping and Trade Law, The Ratification of Maritime Conventions and Lloyd’s Law Reporter.

Francis Rose has revised the International Sales chapters of Benjamin’s Sale of Goods, 10th ed. (2017).

He also continues to edit Lloyd’s Maritime and Commercial Law Quarterly, the International Maritime and Commercial Law Yearbook and the Restitution Law Review; and to produce annual editions of Blackstone’s Statutes on Commercial and Consumer Law and Blackstone’s Statutes on Contract, Tort and Restitution.

Also published by IML members in 2017-18:

Coles, Richard and Filippo Lorenzon, The Law of Yachts and Yachting, 2nd ed., Informa Law from Routledge, 2018

Coles, Richard (Consulting Editor) and Watt, Edward, 3rd Ed, Ship Registration: Law and Practice, Informa Law from Routledge, 2018

Eder, Bernard, ‘Cross-undertaking in damages for ship arrest: an opportunity missed’ (2018) 18 Lloyd’s Shipping & Trade Law, 7, 1

Hjalmarsson, Johanna, Trip Charterparties and their binary endgames Lloyd’s Maritime and Commercial Law Quarterly, 2018, 376–397

Hjalmarsson, Johanna, Maritime law in 2017: a review of developments in case law monograph published by Informa Law, 36 pp

Hjalmarsson, Johanna, Insurable interest in cargo – equity at last, Lloyd’s Shipping and Trade Law, 18(4), 2018, 6–8

Hjalmarsson, Johanna, Proof of fraud – raising the standard, Lloyd’s Shipping and Trade Law, 18(1), 2018, 7–10

Hjalmarsson, Johanna, Two decisions on carriage of passengers, Lloyd’s Shipping and Trade Law, 18(1), 2018, 10–12

Hjalmarsson, Johanna, A deliberately set fire, Lloyd’s Shipping and Trade Law, 18(2), 2018, 7–8

Hjalmarsson, Johanna, What is the UK limit of liability for wreck?, Lloyd’s Shipping and Trade Law, 17(10), 2017, 3-5


Saranovic, F., Rethinking the Scope of Freezing Injunctions, Civil Justice Quarterly, 3, 2018 383


Todd, Paul, Damages for breach of an arbitration agreement, Journal of Business Law, 2018, 404

Veeal, Robert, Maritime Autonomous Surface Ships: autonomy, manning and the IMO, Lloyd’s Shipping and Trade Law, 18(5), 2018, 1–4

Zhang, J, Disregarding Non-documentary Conditions in Letters of Credit: Is It as Easy as It Appears to Be?, Lloyd’s Maritime and Commercial Law Quarterly, 2018, 527–551
The Institute of Maritime Law houses the specialist Philippa Kaye law library, a unique and comprehensive resource available to visiting scholars and maritime specialists. Leading academics from around the globe, practitioners from the City and post-graduates in maritime law are regular visitors. A recently refurbished reading room is also available, containing over 40 journal titles on regular subscription and a substantial amount of IMO and UNCTAD documentation. The library is not a lending library but we do welcome applications from academics and researchers from around the globe who wish to come and use the library for private research.


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@southampton.ac.uk

40+ journal titles on regular subscription and a substantial amount of IMO and UNCTAD documentation

Visiting academic programme

Here at the Institute of Maritime Law we are proud of the resources we have built over many years for our Philippa Kaye Library in Maritime Law. Spaces are available for a limited number of academics and researchers from around the globe who wish to come and use the library for independent private research. Should you wish to enquire about the opportunity to spend time in our Library as a Visiting Academic then please get in touch by emailing our Senior Administrative Officer Miss Clare Brady – c.l.brady@southampton.ac.uk

This past year we have once again been close to full with visitors from China, Serbia, UK and Turkey. As mentioned in the Director’s report we have also had the addition this year of presentations to our staff and students by visitors, reporting on their work and research during their stay with us. We would like to thank both Zeng Erxiu of South China Normal University, Guangzhou and Quan Ye of Southeastern University for presenting their work to our Law School.

“My one-year research experience as a visitor in IML from September 2017 to September 2018 proved my choice a wise one. The abundant research resources, the full support for research work and the communication with other academics enabled and enhanced the achievements of my research. IML members were helpful to us visitors. When I offered to give a presentation I got not only detailed research advice from my Professor Yvonne Baatz, but also lots of feedback from those who attended my presentation, for their help I will always remember. In a word, my one year stay in IML was fruitful academically and really much more unforgettable because of all those people I luckily met there.”

Professor Zeng Erxiu
Law School of South China Normal University
The team

**Director**
Professor Andrew Serdy

Mr Richard Coles
Professor James Davey
Mr John Dunt
Sir Bernard Eder
Ms Kathleen Goddard
Dr Johanna Hjalmarsson
Professor Francis Rose
Dr Filip Saranovic
Mr Richard Pilley
Dr Meixian Song
Professor Paul Todd
Mr Robert Veal
Dr Jingbo (Jenny) Zhang

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Miss Clare Brady

**Institute Librarian**
Mrs Sara Le Bas

**Research Fellow**
Mr Spiros Papadas