



Institute of Chartered Shipbrokers Singapore Branch

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QUARTERLY NEWSLETTER

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Singapore Maritime Week 2019

by Capt. Subhangshu Dutt

Widely recognised as Asia's anchor maritime and offshore event, Sea Asia 2019 is the anchor maritime event held in conjunction with the Singapore Maritime Week.

The Conference welcomed close to 15,000 international participants from 80 countries and 440 exhibitors occupying 9,088sqm net exhibition space. The strong international nature of the show was reflected in some 13 national pavilions.

Over the years, it has established strong working relationships and support from the Maritime and Port Authority of Singapore and key industry associations. Sea Asia is recognised globally as the leading platform for the maritime industry to interact, explore business opportunities, hear the latest insights and find new products and services. Positioning Singapore to stay ahead of competition.

Over 400 professionals attended 13th edition of Singapore Maritime Lecture. The 13th Singapore Maritime Lecture saw eminent industry heavyweights share their insights on global trade and technological developments applicable in the maritime industry earlier today with over 400 C-Level executives.

During his keynote titled "Whither Singapore as a Maritime Hub?", Mr Chan Chun Sing, Singapore's Minister for Trade and Industry spoke about how Singapore can position itself for the future amidst changes in the maritime industry.

The highly acclaimed Sea Asia conference took place alongside the exhibition over three days. The conference featured an extensive gathering of industry heavyweights and high-profile international speakers sharing thought leadership and addressing critical issues and potential solutions from a commercial perspective. In addition, the well curated conference programme and the high-level delegate participation further reinforced Sea Asia's role as a leading forum for analysis and debate in the global maritime industry.

Singapore recognised as Top Leading Maritime Capital of the World for fourth consecutive time. Singapore has secured the top spot in the Leading Maritime Capitals of the World 2019 (LMC) report. (**Contd. on page 2**)



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Developed by DNV GL and consultancy firm Menon Economics, the fourth edition of the LMC report was unveiled earlier this morning during Singapore Maritime Week 2019. Singapore has been ranked first in the past three editions of the LMC report, since 2012. The LMC report assesses a total of 15 maritime capitals across five pillars – Shipping, Maritime Finance and Law, Maritime Technology, Ports and Logistics, Attractiveness and Competitiveness. Under each pillar, a comprehensive set of indicators was used to benchmark the maritime capitals.

This year, Singapore retained the top position in three pillars – namely Shipping, Ports and Logistics as well as Attractiveness and Competitiveness.

Looking forward to Maritime Week 2021!



Mr Chan Chun Sing (centre) Minister for Trade and Industry during the 13th Singapore Maritime Lecture.

News Potpourri

Insufficient training cited over US destroyer collision with a tanker off Singapore

The National Transportation Safety Board (NTSB) in Washington said Monday that the August 21, 2017, collision between the USS John S McCain and the tanker Alnic MC was caused by insufficient training, inadequate bridge operating procedures and a lack of operational oversight.

Ten sailors aboard the John S McCain died in the accident and 48 were injured when the ships collided in the Middle Channel passage of the Singapore Strait Traffic Separation Scheme. There were no injuries to the crew of the Alnic MC.

OPEC Oil Production Drops to Eight-Year Low

OPEC oil output hit an eight-year low in July as a further voluntary cut by top exporter Saudi Arabia.

Saudi Arabia is sticking to its plan of voluntarily restraining output by more than called for by an OPEC-led supply deal to support the market.

The United States re-imposed sanctions on Iran in November after pulling out of a 2015 nuclear accord between Tehran and six world powers.

Among countries with higher output, Gulf producers Kuwait and the United Arab Emirates both raised supply while remaining below their OPEC targets.

OPEC oil output hit an eight-year low in July as a further voluntary cut by top exporter Saudi Arabia deepened losses caused by U.S. sanctions on Iran and outages elsewhere in the group, says a survey published in Reuters.

Maersk's Advantageous Trading Access with TradeLens

Maersk has responded to a call by forwarders to share efforts to standardise digitisation through its TradeLens platform.

Maersk is committed to embracing international standards and working with the bodies and organisations that help to drive digitisation broadly.

Maersk pledges to 'welcome' forwarders onto TradeLens digital platform, reports The LoadStar.

Maersk has responded to a call by forwarders to share efforts to standardise digitisation through its TradeLens platform, saying it is "cultivating diverse membership" and welcomes all-comers.

This month, former DSV executive Steve Walker warned that the forwarding industry was at risk of losing out as shipping lines look to take control of data.

Britain joins US mission to patrol Strait of Hormuz

Under new prime minister Boris Johnson, the UK has decided to join a US-led coalition to safeguard shipping through the Strait of Hormuz after a string of incidents in the region over the past three months.

While exact operational details are being determined, the mission is intended to improve coordination between different countries' militaries and commercial shipping.

A number of other countries are expected to join the mission, including Australia.

To be able to appeal or not - That is the question!

by Punit Oza

One plays multiple roles on the professional arena and in my case, they are of a dry bulk shipping professional, a law grad keenly interested in the latest maritime legal developments and a passionate believer in the value of Maritime Singapore. Here is an issue that brings all these professional aspects together.

In a recent case - [Silverburn Shipping vs Ark Shipping](#) - the English High Court decided that the Classification requirement as per Clause 9A of Barecon'89 was an absolute obligation and a condition of the contract. The case is quite interesting on its own and the judgement is clear and structured. A pleasure to read and I would invite even the non-legal professionals to look at this one.

While the quality of the decision and judgement is outstanding, the more interesting fact is that this decision overturned the decision of the Arbitration Tribunal. As is most common in most industrial and commercial contracts (and shipping is no exception), the parties usually resort to dispute resolution through the route of arbitration and since the arbitrators are either legal professionals and commercial men, well versed in the relevant industry, they usually deliver a commercially acceptable and legally correct decision. In theory, the parties get what they deserve and move on to "business as usual". However, we all know that to err is human and the Arbitration Act 1996 provides for very specific grounds on which a party can appeal this arbitration decision in the English courts. An error on the point of law is one of those grounds, which is polite way of saying that either the arbitrators did not frame the correct question, or they did not apply the legal principle correctly. The right to appeal on a point of law under Arbitration Act is the crucial and saving aspect of this case and Carr J has been exemplary in considering all the aspects and giving a very reasoned judgement. More than that, he has now incrementally added his own small piece to the jigsaw puzzle known as "judge-made" English Law.

This is the way common law develops as new decisions lead to precedents being set and these principles are then followed in

subsequent decisions if the facts of the case or matter in question is same or similar. In summary, the right to appeal helps get "justice" for the parties and also creates "law" which are pointers for future decision making in similar cases. Both these factors are hugely important and beneficial.

All good so far. How is this connected to Maritime Singapore, you ask? The arbitration in the above case was conducted in London under the London Maritime Arbitrators Association (LMAA) rules. LMAA arbitrations are conducted under Arbitration Act 1996, which allows a right to appeal on a point of law. A similar body in Singapore is Singapore Chamber of Maritime Arbitration (SCMA) and its rules or Singapore Law does not provide for such a mechanism. As already mentioned, this appeal mechanism has multiple merits. The judge was able to formulate the questions of law much more accurately and clearly and therefore create a rich vein of legal interpretations and concepts. While the finality of an arbitration award has its own merits, it is but natural that arbitrators do err from time to time and if they do so on a point of law, the appeal is indeed justifiable and essential. Even with SCMA arbitration, the applicable law in nearly all the maritime cases is still English Law, which is essentially common law and common law is built on previous case law or precedents. If the appeals are not allowed, the creation of such law is greatly hampered and hurts the appeal of SCMA for sure – pun intended! It is also noteworthy that SCMA has only recently started publishing awards while LMAA has been doing so for quite some time. The point being that lesser the public sources to report the decisions, the lower are the prospects of developing the law.

Having said above, there is currently a consultation in Singapore on allowing a right to appeal on a point of law from an arbitration decision. If successful in changing the law, it will be helpful and positive. Maritime Singapore is a vibrant and thriving eco system and SCMA will surely find its rightful place in that eco system and reinforce its appeal.

HAPPENINGS @ THE BRANCH



Professional Talk - 29 Jan 2019

A detailed look at the South East Asian OSV market and the potential commercial opportunities available in a recovering market" was presented by Capt. Mike Meade AFNI MICS.



Professional Talk - 15 May 2019

LNG Bunkering: Delivering the Fuel of Choice for Vessels was presented by Mr Saunak Rai, FICS.



Professional Talk - 30 May 2019

Freight Derivatives for Dummies was presented by Ms Karina Albers, FCI Arb.

ABOUT THE AUTHOR

Mr. Punit Oza is a Fellow of the Institute of Chartered Shipbrokers and sits on the Executive Committee of the Singapore Branch of ICS. He has over 26 years of experience in Dry Bulk Shipping. He also holds LLB from University of London. Mr. Oza currently holds the dual positions, being the head of Systems, Processes & Competence for Torvald Klaveness Dry Bulk as well as the head of Klaveness Asia Pte Ltd, Singapore.

2019 Prize Giving Award & Ceremony

The Institute of Chartered Shipbrokers, Singapore Branch, held its Annual Prize Giving Ceremony on the 28th February 2019. The ceremony gave the local shipping community to an opportunity to recognise all the candidates who excelled in the academic year 2017-2018 examinations.

Networking and cocktails session that followed proved to be a relaxed evening for everyone. Not only did the attendees grab the chance to meet and interact with the prize winners, but also found the chance to meet industry colleagues very valuable and thus many stayed back till quite late in the evening. The evening was initially kicked off by the MC for evening Ms Sophia Low, MICS and was followed by a word of welcome by our chairman Capt. Subhangshu Dutt, FICS.

The Guest of Honour for the evening was Mr David Chin, Immediate Past Executive Director, Singapore Maritime Foundation.

Mr Vikrant Khanna was the Best Overall Student Award which was sponsored by MPA Singapore. Each of the 16 individual awards was presented by one of the local industry leaders representing the sponsoring organisation of each award.



Ms Morgan Rossiter - **Best in Legal Principles in Shipping Business** paper (Sponsor: TATA NYK Shipping Pte Ltd)

Mr Chris Zainal - **Best in Dry Cargo Chartering** paper (Sponsor: NORDEN Shipping Singapore Pte Ltd)

Mr Lio Yu Feng - **Best in Ship Operations & Mgmt** paper (Sponsor: Anglo-Eastern Ship Management Singapore Pte Ltd)

Mr Vikrant Khanna - **Best in Ship Sale & Purchase** paper (Sponsor: Braemar ACM Shipbroking Pte Ltd)

Mr Afzal Machingal - **Best in Tanker Chartering** paper (Sponsor: Eastport Maritime Pte Ltd)

Mr Ang Poh Lai - **Best in Liner Trades** paper (Sponsor: X-Press Feeders)

Mr Sim Qing Hao - **Best in Port Agency** paper (Sponsor: GAC Singapore Pte Ltd)

Mr Ang Poh Lai - **Best in Logistics & Multimodal Transport** paper (Sponsor: Transworld Group Singapore)

Mr Jonathan Heng - **Best in Port & Terminal Mgmt** paper (Sponsor: ICS Singapore Br)

Mr Jon Loken - **Best in Offshore Support Industry** paper (Sponsor: Swire Pacific Offshore Operations Pte Ltd)

Mr Vikrant Khanna - **Best in Economics of Sea Transport & Int'l Trade** paper (Sponsor: Torvald Klaveness)

Ms Morgan Rossiter - **Best in Shipping Law** paper (Sponsor: HFW)

Mr Viknesh Jeg Pillay - **Best in Marine Insurance** paper (Sponsor: Louis Dreyfus Company)

Ms Lynn Chow Bao Ling - **Best in Shipping Finance** paper (Sponsor: M3 Marine Group)



Here is the list of the award winners:

Mr Moitra Somenath - **Best in Introduction to Shipping** paper (Sponsor: The Baltic Exchange)

Mr Vikrant Khanna - **Best in Shipping Business** paper (Sponsor: G2 Ocean)

Compiled by: Branch Secretariat
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