



WINTER 2008

- Audaces fortuna iuvat -

MARLAW is about to enter its fourth year and the maritime issues at stake worldwide grow up in number and size.

MARLAW is a forum for think-tank opinion and discussion on issues of shipping law. The views from international scholars, lawyers and entrepreneurs are welcome as long as such views are free and uncommitted. There are already plenty of fora called by international organizations and national associations at which the attendee takes the shape of a "delegate" and is supposed to take instructions or check with the head of his bench before speaking up to make a genuine contribution out of his brain. A considerable amount of positive thinking and of brilliant ideas are thrown into the dustbin and wasted off outside the Conference room. The calculation is truly impossible, though possibly a great deal of solutions never come out of the mouth in the always long and tedious process of making a Convention. MARLAW seeks to provoke such good thinking which, we feel, is looking for a place right to be on time before it vanishes off due to the majority silent rule. At MARLAW no delegations, representations, positions or policy statements are sought or even desired. We are concerned with discussion and debate, as we believe these must precede the arrival of "good law" despite the leading role of the "law of compromise" nowadays.

We meet every two years for examining the maritime issues that have cropped up. We issue and distribute these "newsletters" for keeping the attention on-going, for receiving suggestions and for taking advantage of the great work that goes adrift against the competition of lobbying techniques and political gearing forces. These will go out every three months as from 2009.

New topics on board

Our workshop has focused attention on the following matters.

- Door to door transport: the UNCITRAL Convention of 2008.
- Limitation of Liability for maritime claims. Who can limit? Who should not be able to limit?

MARLAW NEWS

- Substandard vessels and quality shipping. Another route for enhancing safety at sea?
- Criminal laws in respect of navigation and vessel's operations. The EU approach.
- General Average: the effect of places of refuge and piracy at sea.
- The SUA Convention and IMO's initiatives on Piracy at Sea.
- Salvage revisited. The anniversary of the LOF.
- The world financial crisis and "cancellation" solutions. Interpretations on the doctrine of frustration of contracts. Comparative laws.
- Marine Pollution and Liability for residues. Are cargo owners liable as producers of waste? The "ERIKA" precedent.
- London Arbitration and the EU: "The Front Comor" case.
- The crisis of uniformity. Regional/National laws versus International Rules.

The readers' views on the interest of the above topics and potentially of others not mentioned will be highly appreciated.

Next meeting

The next MARLAW's venue will be Portoroz (Slovenia), a lovely location by the seaside within close distance from Trieste (Italy). The date will be September 2009, from the 22 through 25.

Contributions

Attached is a paper on the subject of "PIRACY: LEGAL ISSUES", which flushes into one of the most frustrating and troublesome realities in the last months.

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Titus and Caius

TITUS

- Good morning, Caius
- Yes. I am your friend whom you promised to bring two shipments of 20 casks of palm oil each from the Leptis Magna last year.
- What a terrible memory! For Minerva that you are mad!
- Well Caius, you have a contract with me to perform.
- Of course, I paid 200 sestercia per roaring men.
- Then, what is it now?
- Are you kidding, Caius? And my money?
- But you, my friend, that is unlawful!
- You may be right, Caius.

CAIUS

- Sorry, who are you?
- Let me see. You did not receive it? Well, true, we were friends in the glorious days of Adrianus.
- Titius, I am very busy. Nothing is alike since the great Marcus Aurelius passed away in Germania.
- Well, how much did you pay for the carriage? Was it by a trirreme ship?
- I could not feed my own dog, with that money!
- We must talk afresh. The freight will be 10.000 per men plus stevedoring 50,000.
- Sorry, nothing is on the desk. The market has risen considerably.
- Well, sorry, You can try out with the Phaenicians and the Syracuse's pirates. And remember, times go rough and freight must pay for everything.
- Good evening Titius, my good friend.

