

Series 03/ Session 11

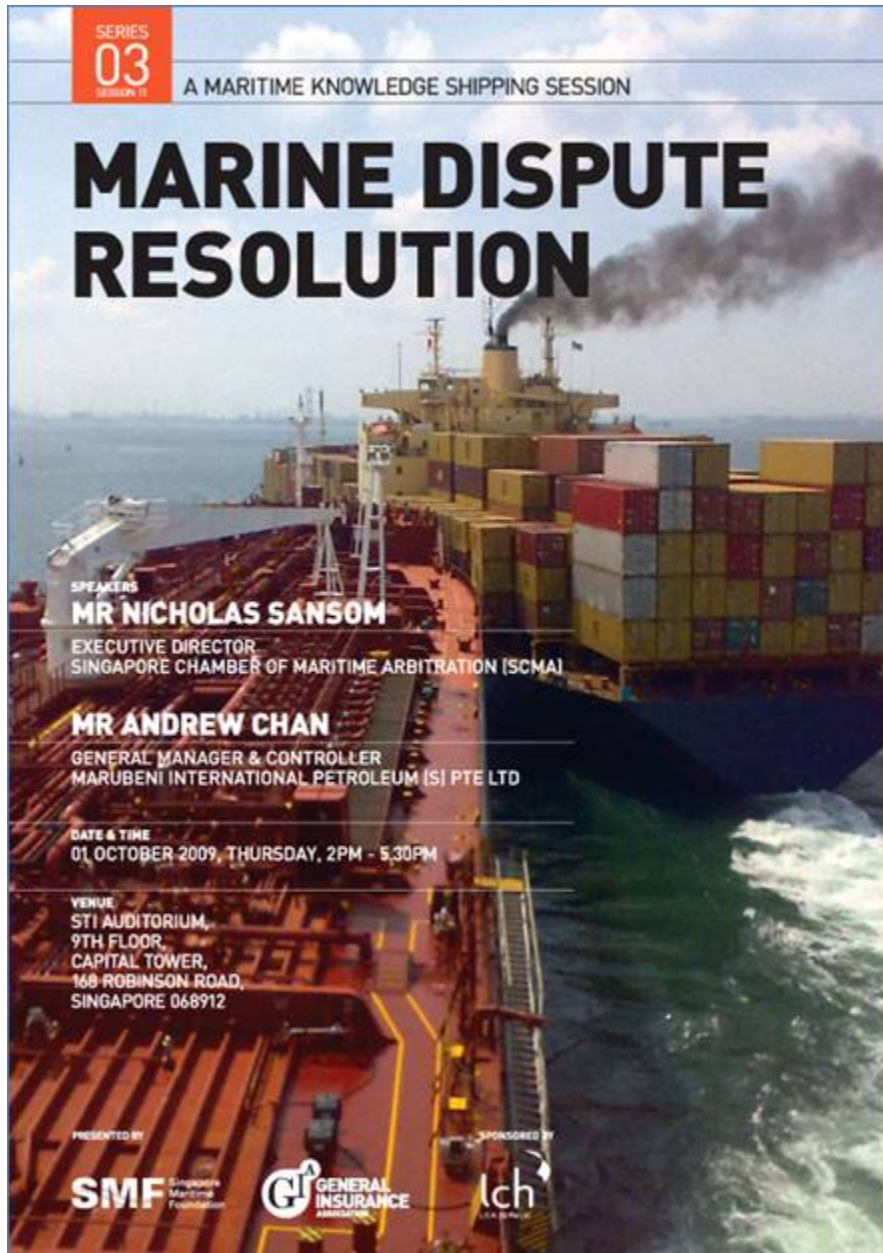
A Maritime Knowledge Shipping Session

# Marine Dispute Resolution

DATE : 1st October 2009, Thursday

TIME : 2pm to 5.30pm

VENUE: STI Auditorium, 9<sup>th</sup> Floor, Capital Tower, 168 Robinson Road, Singapore 06812



**SERIES 03**  
SESSION 11

A MARITIME KNOWLEDGE SHIPPING SESSION

# MARINE DISPUTE RESOLUTION

**SPEAKERS**  
**MR NICHOLAS SANSON**  
EXECUTIVE DIRECTOR  
SINGAPORE CHAMBER OF MARITIME ARBITRATION (SCMA)

**MR ANDREW CHAN**  
GENERAL MANAGER & CONTROLLER  
MARUBENI INTERNATIONAL PETROLEUM (S) PTE LTD

**DATE & TIME**  
01 OCTOBER 2009, THURSDAY, 2PM - 5.30PM

**VENUE**  
STI AUDITORIUM,  
9TH FLOOR,  
CAPITAL TOWER,  
168 ROBINSON ROAD,  
SINGAPORE 068912

PRESENTED BY

**SMF** Singapore Maritime Foundation

SPONSORED BY

**GI** GENERAL INSURANCE ASSOCIATION

**lch** L.C.H. Pte Ltd

*Presented by the Singapore Maritime Foundation and General Insurance Association of Singapore  
Sponsored by L.C.H. Pte Ltd*

*Please fill in attached [registration form](#) and send it to GIA to Hock Yew at [hockyew.yeo@gia.org.sg](mailto:hockyew.yeo@gia.org.sg) by 25 Sep 2009, Friday.*

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**Dear Members,**

The Singapore Maritime Foundation (SMF) and the General Insurance Association of Singapore (GIA) are jointly organising the forthcoming seminar, **Marine Dispute Resolution on Thu 1 Oct 2009**, from 2.00pm to 5.30pm, at the Capital Tower. The talks come to you as part of the Maritime Knowledge Shipping Sessions, a series of seminars where maritime experts are invited to present insights about their specialisations to enhance the maritime knowledge of our insurance professionals and the maritime community.

The seminar is free-of-charge. However, to attend, please fill in with the registration form attached and register by **25 Sept 2009**. The attached poster can also be used if you wish to publicise the event in your office. You will find more details of the seminar below.

We hope that you will be able to encourage your staff and partners to join us for what promises to be a rewarding October afternoon.

Thank you and best wishes

Mark Lim  
Executive Director  
General Insurance Association of Singapore

## **Seminar Details**

### **GUEST SPEAKERS**

**Mr Nicholas Sansom**  
Executive Director  
Singapore Chamber of Maritime Arbitration

**Mr Andrew Chan**  
General Manager, Controller  
Marubeni International Petroleum (S) Pte Ltd

### **ABOUT THE SEMINAR**

This seminar seeks to give participants a better understanding of the various aspects of marine dispute resolution. The two speakers, Mr Nicholas Sansom and Mr Andrew Chan will be sharing their wealth of experience on some of the intricacies and complexities of this topic.

The first speaker, Executive Director of the Singapore Chamber of Maritime Arbitration (SCMA), Mr Nicholas Sansom, will give participants an overview of the various kinds of dispute resolution, the pros and cons of various methodologies from court settlement to marine arbitration. He will also give participants a briefing about the newly established Singapore Chamber of Maritime Arbitration (SCMA).

The second speaker, General Manager of Marubeni International Petroleum (S) Pte Ltd, Mr Andrew Chan, will focus on the operational issues related to marine insurance from the user's perspective, on

cargo trade. He will also share some of the best practices of enforcement and give tips on how to mount a successful claim and the ancillary actions to adopt.

There will also be a Question & Answer session when participants can discuss and raise any burning questions with our speakers.

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## About the speakers



**Mr Nicholas Sansom**  
**Executive Director**  
**Singapore Chamber of Maritime Arbitration (SCMA)**

Mr Nicholas Sansom graduated in law from the London School of Economics and qualified as a barrister-at-law.

Prior to becoming the Executive Director of SCMA in May 2009, Nick was the Head of Marine for Asia at Marsh from 2005, which is a subsidiary of public-listed Marsh McLennan Companies, providing insurance broking and risk advice services.

Before joining Marsh, Nick spent most of his career with the Thomas Miller Group, a privately owned group of companies providing insurance and risk management services, primarily in respect of marine liability and professional indemnity risks. His last position for Thomas Miller was as the principal officer of the Singapore branches of the UK P&I Club and TT Club between 1998 and 2005.

Apart from speaking and lecturing at many conferences and seminars, Nick has been an active member of various trade associations in the transport sector, and was on the drafting groups for various BIMCO and FIATA transport documents. Nick is the current president of the Maritime Law Association of Singapore.

### **Synopsis**

Most hull and cargo insurance policies call for disputes to be resolved by the courts, whereas P&I Club disputes are always dealt with by arbitration. Most bill of lading have a court clause, whereas charter parties have an arbitration clause. Many commodity sale contracts incorporate an arbitration clause. There are three main forms of dispute resolution: courts, arbitration and mediation – the talk will examine the advantages of each.

Nick will then look at the different forms of arbitration – particularly the difference between institutional administered arbitration such as under the International Chamber of Commerce (ICC) or the Singapore International Arbitration Centre (SIAC) and non institutional party autonomy arbitration such as under the London Maritime Arbitrators Association (LMAA) and the new Singapore Chamber of Maritime Arbitration (SCMA).

Most arbitration clauses in maritime carriage and insurance contracts refer to LMAA. Does this need to be so? Should there be a framework for resolving maritime disputes in Asia? The presentation will conclude by discussing what is new about the SCMA and how and when the SCMA can be used.



**Mr Andrew Chan**  
**General Manager, Controller**  
**Marubeni International Petroleum (S) Pte Ltd**

Mr Andrew Chan holds a Bachelor of Law honours degree from the National University of Singapore (NUS) and a Master of Applied Finance degree from University of Adelaide, Australia. He has been admitted as an Advocate & Solicitor in Singapore. He is also a qualified arbitrator and has been accepted as Fellow of Singapore Institute of Arbitrators as well as Fellow of Chartered Institute of Arbitrators, UK in 2009.

In the last 10 years, Andrew has worked as the General Manager and Controller of Marubeni International Petroleum (S) Pte Ltd, an established oil trading company in Singapore which is part of the Japanese sogosha. Amongst his other portfolios, he is in charge of legal, risk management as well as marine insurance. He has also been called on to give opinions on common laws issues to other sister companies.

Possessing an in-depth knowledge of the oil industry and the chartering industry, Andrew is able to apply his legal and financial expertise when advising the company on oil contracts, letter of credit wordings, ISDA negotiations, chartering documents and marine insurance covers to avoid pitfalls and propose solutions. When a dispute arises, Andrew will usually be the key personnel to draw in all relevant departments to ensure that the matter is resolved with the company's interest well protected. In the course of his years with his company, Andrew has been involved in numerous disputes involving arbitrations in both London and Singapore.

Andrew has also lectured on contract laws at the International Trade Institute of Singapore on a part-time basis from about 1994 to 2004.

### ***Synopsis***

Cargoes, especially oil cargoes may cost more than a hundred million US dollars per consignment, and disputes often put revenue and profits at stake. Often, when disputes arise, additional costs such as legal fees and human resource costs are incurred and the cargo value is affected.

Andrew would share his extensive knowledge and experience both as a time/voyage charterer of vessel of various tonnages and buying insurance to cover the potential hazards. He would also share insights about the risks to shipowners when the cargoes are delivered without the presentation of the original Bills of Lading as well as other claims brought by charterers against ship owners.

The co-operation between the charterer and the insurance company is critical when a claim arises as timely actions are required from both partners to cut losses to a minimal. A sound framework in place would ensure smooth information collation and flow before a course of action is taken when a dispute occurs. Co-operation between the insured, the insurance company and the broker starts even before the actual writing of the contract. Take for instance, it would be disastrous to arrest a vessel if the collated information turns out to be factually incorrect due to the lack of communication and an inefficient information-collation system.

This session would be a practical and useful lesson about claims and marine insurance, in particular, on cargo and would provide all a better understanding on how to maintain partnerships with the various stakeholders involved and ensure better communication that would be mutually beneficial to all.

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