



Charterparties and piracy today

Paul Todd

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Until recently there were very few charterparty cases involving piracy. This changed with the recent spate of attacks off the coast of Somalia. This book centres on eight recent piracy cases, all but two of which arise from Somali attacks. In none of the charterparty cases was provision made explicitly for piracy, and possibly no thought was given to piracy, when the relevant clauses were drawn up or agreed. The consequence has been effectively to make the outcomes a matter of chance. On no basis can this be desirable. The cases demonstrate the need for charterparties to make explicit provision for piracy. The cases fall into three groups, cases where cargo is delayed or damaged due to capture, those involving off-hire, and those involving war clauses. Though the book centres on the recent cases, it also examines the general law that they apply. It discusses recent initiatives, also arising from the Somali attacks, by BIMCO and INTERTANKO, to draft charterparty clauses specifically dealing with piracy, including BIMCO's 2013 revisions. The Somali episode seems to be over, but it leaves a legacy for the development of the law, and for the drafting of charterparty clauses for the future. Paul Todd has been teaching law for nearly 38 years, and is a Professor of Commercial and Maritime Law at the University of Southampton.

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