

MASS LEGAL CONSIDERATIONS

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SOME STAKEHOLDERS BELIEVE...



Legal challenges are viewed as the most significant obstacles in making autonomous ships a reality.

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LEGAL ISSUES: HURDLES OR GUIDEPOSTS?

FOR SAFE IMPLEMENTATION AND TO GUIDE INVESTMENT



Credits: Tiny Buddha; iStock

TOP 10 KEY LEGAL RISKS BEING ASSESSED

- Evolving risk landscape
- Compliance with existing conventions/laws
- New MASS Convention
- Remote operators
- Charterparties
- Lack of legal precedent
- Conformity with other transportation sectors
- “Vessel” – defined?
- Experts (litigation)
- Unknowns – what have we not thought about?



SO WHAT ARE THE LAWYERS DOING?

Legal Precedent



Crawl



Walk



Run



Leap

FIRST STEPS IN THE MASS LEGAL DISCUSSION ON OPERATIONS



- TYPE (of “vessel” or watercraft)
- DEGREE (of autonomy)
- LOCATION (of operations)
- Exceptions or Equivalencies?

TYPE



Credits: Yara, Kongsberg, ASV, Sea Machines, ASKO, DARPA/DOD, WorldCargoNews.com, gCaptain.com

DEGREE OF AUTONOMY

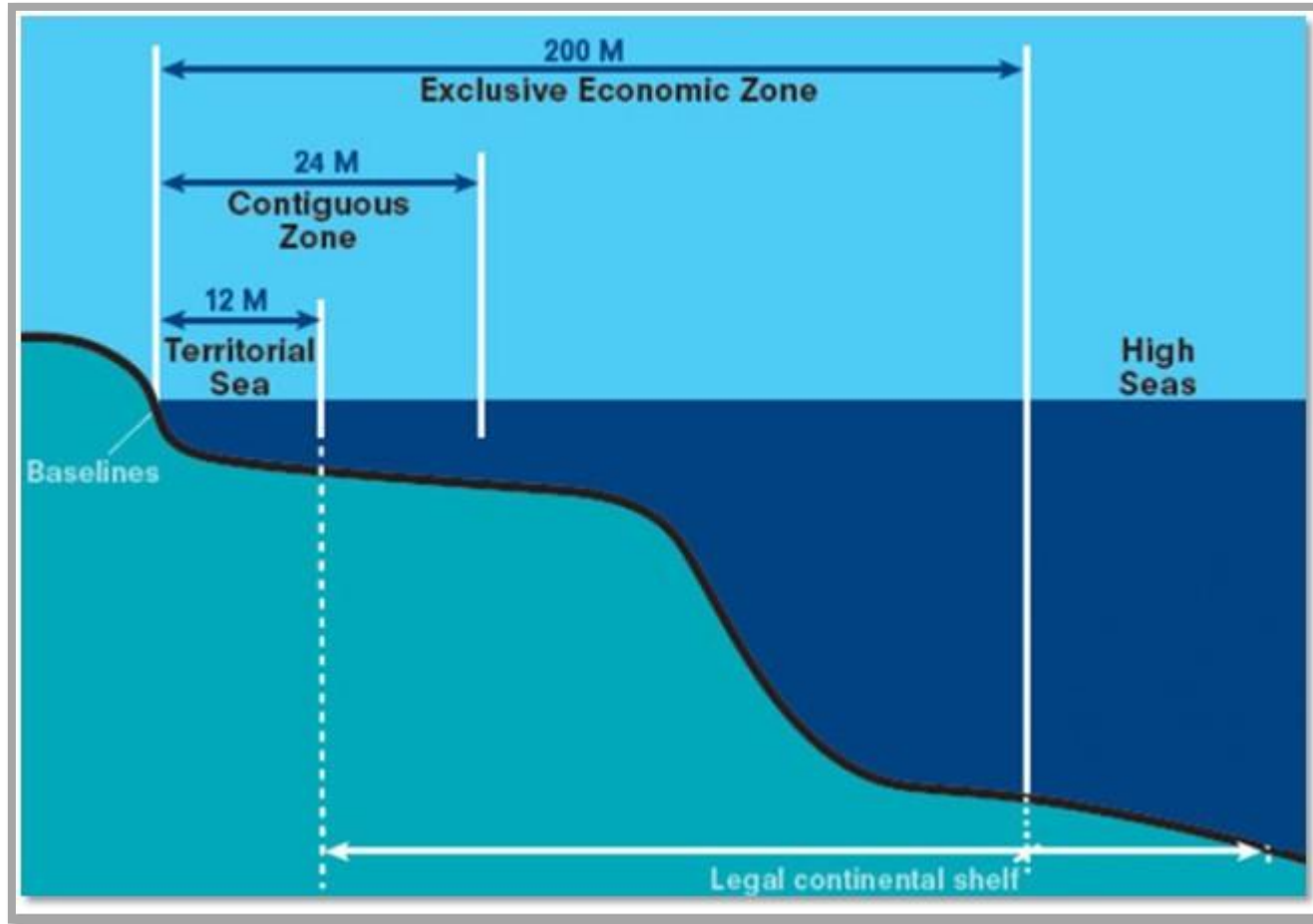
IMO MARITIME SAFETY COMMITTEE



- 1: Automated processes and decision support
- 2: Remotely controlled ship W/ seafarers onboard
- 3: Remotely controlled ship W/O seafarers onboard
- 4: Fully autonomous/automated ship



LOCATION: INTERNATIONAL OR DOMESTIC WATERS



EXCEPTIONS AND EQUIVALENCIES

Current Legal Framework



Develop New Legal Regime

HYPOTHETICAL



Credit: Fandom

Vessel 1: MASS Trump

Handymax bulk carrier

Cargo: Wheat

US flag

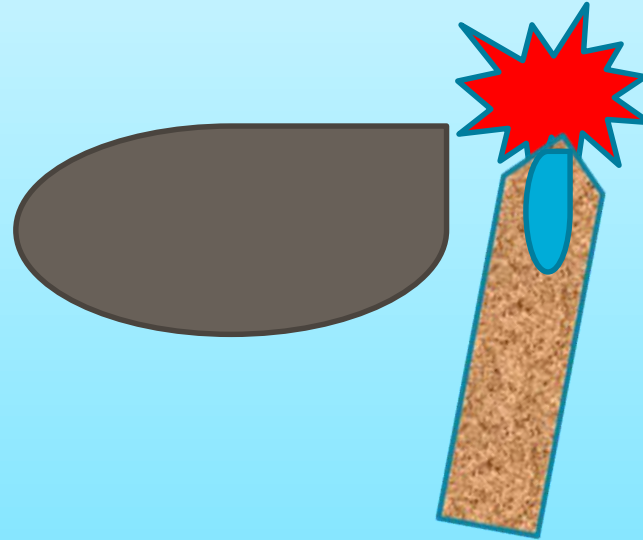
Owner: US

Unmanned - remote monitor

Singapore ROC

Remote Operator: Licensed US 3/M

Autonomous software: Korean



Vessel 2: MT Brexiteer

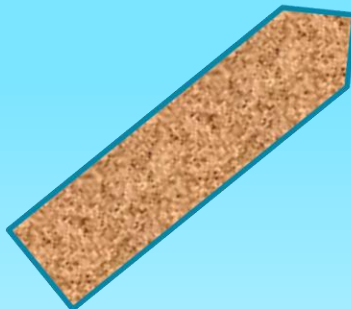
Tanker vessel (Heavy crude)

Marshall Islands flag

Owner: Danish

Master: British

Manned: Filipino crew (12)



23.00 hrs

Fog

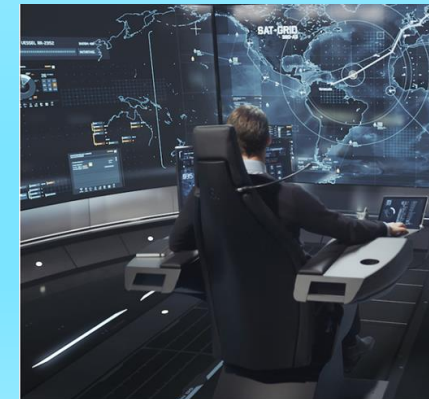


Image credit: Rolls-Royce

MOB Image Credit: CDC.gov

THE RESPONSE

P-E-P (PEOPLE - ENVIRONMENT - PROPERTY)



- SAR
- Damage control and firefighting
- Notifications
- Environmental Response
- Salvage and Tow *Trump MASS*



Credit: Military.com

THE INVESTIGATION

- Coast Guard
- National Transportation Safety Board
 - Rules of the Road/COLREGS
 - Drug and Alcohol Testing
 - Interviews and documentation collection
- Error in navigation algorithms and Cyber-security – how to investigate?



THE ENFORCEMENT

- Jurisdiction and Authority
- Criminal
- Product liability



THE LITIGATION

- Between Involved Vessels:
 - Liability for negligent acts
 - Error in navigation algorithms
 - Seaworthiness
 - Product liability
 - Limitation of Liability
- Best practices and custom
- New types of experts
- Legal precedent for MASS incidents
- Defendants

Credit: cannalawblog.com



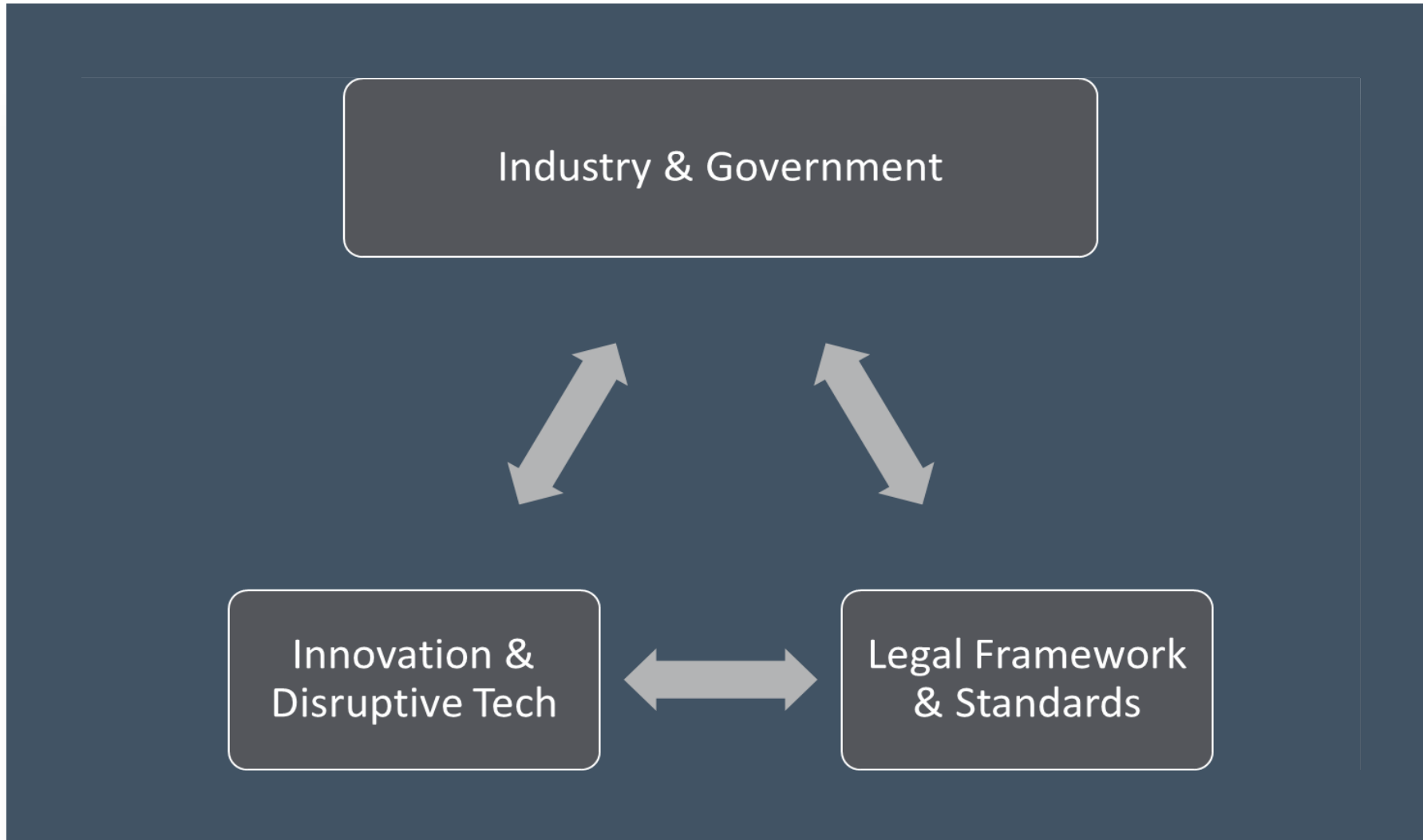
THE LITIGATION - CONTRACT DISPUTES

- Charterparty - Contracting Parties
- Cargo damage
 - Hague and Hague-Visby Rules
 - Error in navigation (or management) liability exception
 - AI? Programmers? Remote Operator?
 - Carrier liable for failure to exercise due diligence to make vessel "seaworthy"



SUCCESS TRIANGLE FOR MASS DEVELOPMENT

LAWYERS = ADVISORS AT EVERY STEP IN PROCESS



QUESTIONS



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