

ADMIRALTY IN PERSONAM JURISDICTION  
OF THE HIGH COURT IN SINGAPORE

*Emilia Shipping Incorporated v. State Enterprise for  
Pulp and Paper Industries*<sup>1</sup>

THE Gulf crisis is expected to give rise to considerable litigation concerning the rights and liabilities of parties affected in one way or another by the outbreak of the crisis. In Singapore, the Gulf crisis has, apart from the instant case, spawned one other decision<sup>2</sup> of the High Court. Both these unreported decisions of the High Court concerned the fate of a cargo of wood pulp which was bound for an Iraqi port but was on-carried by the shipowners and discharged in Singapore.

In *Emilia Shipping Incorporated v. State Enterprise for Pulp and Paper Industries* (hereafter referred to as "*the Emilia Shipping case*"), a cargo of wood pulp was loaded on board the "*Ocean Jade*" - which was then time chartered to Meridien Shipping Incorporated - at New Orleans, Louisiana and the cargo was to be delivered to the consignees at the Iraqi ports of Um Qaser or Basrah. The time charterer ran into financial difficulties and repudiated the charterparty. The owners of the vessel took over the running of the vessel including the contracts of carriage entered into by the vessel during the currency of the time charter. After discharging some other cargo at Damman in Saudi Arabia, the vessel was about to proceed to Um Qaser/Basrah when Iraq invaded Kuwait on 2 August 1990. On the same day, the United Nations Security Council passed a resolution (No. 660) condemning the invasion of Kuwait by Iraq and called for Iraq's immediate and unconditional withdrawal from Kuwait. On 7 August 1990, the United Nations Security Council voted to impose economic sanctions against Iraq.<sup>3</sup> These events made

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<sup>1</sup> Admiralty *In Personam* No. 653 of 1990.

<sup>2</sup> See "*Cargo ex Ocean Jade*", Admiralty *In Rem* No. 442 of 1990. In both these cases, the owners of the "*Ocean Jade*" brought proceedings in Singapore against the owners of a cargo of wood pulp which had been carried on board the "*Ocean Jade*". The owners' claim in the action *in rem* was the same as their claim in the admiralty action *in personam*, namely, a claim for the freight, back freight and expenses connected with the on-carriage of the cargo of wood pulp to Singapore. At the time of the commencement of the respective proceedings, the cargo of wood pulp was stored in a warehouse in Singapore.

<sup>3</sup> This was the United Nations Security Council Resolution No. 661 passed on 7 August 1990.