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"Maritime War Games" published in the "Cargo", 21.7.2019

The oil tanker "Grace 1" registered under the Panamanian flag, and according to foreign publications owned by "Russian Titan Shipping" a subsidiary of "TNC Gulf" circumvented Africa after sailing 23,000 – miles and for a number of weeks from an Iranian port, intending to pass Gibraltar on a voyage to Syria.

When about to pass Gibraltar (according to a report in the British publication "The Guardian") a British commando unit "captured" the vessel by means of a helicopter landing on the vessel and also by armed personnel who boarded from launches which surrounded the vessel. The crew was held for questioning and the vessel is presently held at anchor off Gibraltar.

The capture itself is attributed to the co-operation between Britain and the U.S.A. as part of the "cold war" between the U.S.A. and Iran. The questions arise as to the legal grounds, if at all, for the capture of the vessel.

It appears that the British forces, based their actions on no less than the sanctions imposed by the European Union on Syria, in January 2012, as a result of the continuing suppression of part of the civilian population of Syria and the abrogation of their civil rights by the Syrian Authorities.

The European Union promulgated Regulation No. 36/2012 which is a series of regulations and instructions imposing sanctions and orders barring the supply of ammunition, military equipment and software relating thereto and including, for example, the export of oil from Syria and the supply of equipment intended for oil exploration and exploitation and also the prohibition of financing and

loans relating to the oil industry and the production of electricity in Syria.

Within this framework the sanctions included various elements identified by the European Union as being responsible for the violent suppression of the civilian population in Syria and an additional list of various corporations which were identified as belonging or as being connected to personnel and organizations included in the first list.

At the head of the list is Bashar El Assad, holder of diplomatic passport No. D1903 who "earned" the "right" to be included in the list as from 23.5.2011, by "virtue" of his responsibility for the suppression and the brutal repression of demonstrators.

The question then arises, having regard to the above, what was the function and connection of the "Grace 1" to the European Union's sanctions of 2012? The tanker was not engaged in the export of oil from Syria and the above action by Britain was in relation to the import (the acquisition) of oil and not to its supply by Syria.

It appears that the Grace 1 was not seized for trading in oil, but because the vessel was intended to supply oil to the Syrian refinery known as the "Baniyas Oil Refinery" whose head office is situated at Latakia.

In 2014 the "Second list" of the Sanctions Regulations of 2012, was expanded to include additional corporations including the above refinery which is described as being a subsidiary of a corporation known as "General Corporation for Refining and Distribution of Petroleum Products" which is a unit of the Syrian "Ministry of Petroleum and Mineral Resources" and in this capacity provides financial support to the Syrian regime.

Accordingly the tanker Grace 1 "attracted" capture and arrest by virtue of its carrying oil to a Syrian refinery and because the income from the refining of the oil would have financed the Syrian regime which is subject to the sanctions imposed by the European Union in 2012 and/or 2014.

This is the official reason for the seizure of the vessel – which was effected by a British commando unit which out of all the countries in the European Union was the country which enforced the sanctions of the European Union and which country is in process of leaving the European Union!

It cannot be ignored that the "Grace 1" is a "copy paste" of the "capture and detention" practice of the Israeli Navy and is in alignment with a series of judgments given by the Deputy President of the Israel Maritime Court by the Hon. Judge Mr. Ron Sokol who has ruled that the Court is empowered under the "Naval Prize Act." of 1864 to order the capture, confiscation and sale of vessels attempting to breach the naval blockade off the coast of Gaza (judgments handed down in the matters of the "Estelle", "Mariyenne" and "Zaytouna-Oliva").

From a strictly legal point of view it can be contended that the capture of the Grace 1 under the sanctions imposed by the European Union is in contravention of the "Maritime Law" UNCLOS, of the United Nations which establishes freedom of navigation and safe passage for ships.

On the other hand, the question arises – whether a vessel sailing from Iran carrying oil intended for an installation or a corporation subject to sanctions imposed by the European Union is engaged in "innocent passage" and whether an infringement of sanctions imposed by the European Union by a vessel carrying oil to a prohibited port constitutes an infringement of the relevant law of a country being passed by the vessel is engaged in "innocent passage". The answer is negative having regard to the provisions of Article 19.2(g) of UNCLOS.

Presently according to maritimetraffic.com the Grace 1 is still anchored off at Gibraltar. It remains to be seen whether a diplomatic or legal solution will be forthcoming.

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