



COMITE MARITIME INTERNATIONAL

PRESIDENT

New Orleans, 20th December 2018

NMLA Presidents
Titulary Members
Consultative Members

Dear Presidents, Titulary Members and Consultative Members,

I take this opportunity on behalf of the Executive Council to wish you, your associations and organizations, as well as your respective families, all the best in this Holiday Season, and a Happy, Healthy and Prosperous New Year.

As mentioned in London, I was humbled and honored to be elected President at the Assembly on 9th November 2018, and am well aware of the challenges and hard work that lie ahead. However, with your input and assistance, as well as that of our Executive Councilors, I am confident we will succeed in steering the Comité Maritime International (CMI) in the right direction over the next three years notwithstanding the challenging and difficult times the maritime sector continues to confront.

I take this opportunity to thank Stuart Hetherington, Giorgio Berlingieri and Tomotaka Fujita for their service on the Executive Council and to the CMI, and welcome Beiping Chu (China), John Markianos-Daniolos (Greece), and Tom Birch-Reynardson (United Kingdom) as our new Executive Councilors.

Over the past six weeks I have had the opportunity to visit with or write to a number of you regarding the CMI's work programme and priorities, and the need to ensure the projects we embark on have the full support (and involvement) of our national maritime law associations (NMLAs), as well as the governmental and international agencies and private organizations that comprise the CMI's membership. By way of example, I met with Secretary General Kitack Lim and Legal and External Affairs Director Fred Kenney of the International Maritime Organization (IMO) on 15th November 2018, to discuss possible collaboration between the CMI and IMO on projects of mutual interest. I hope to have similar meetings with other governmental and international agencies and private organizations, as well as NMLA Presidents, in the New Year.

As mentioned in London last month, I urge all of you to read the 23rd October 2018 Report on the Future of the CMI (which was included with the Assembly papers), and provide your comments and input on the issues, conclusions and recommendations contained in the report (ideally, via an email addressed to the undersigned with copy to our Secretary General, Rosalie Balkin, and the Chair of the task force that authored the report, Stephen Knudtzon). Should anyone have difficulty accessing a copy of the 23rd October 2018 report,

please email our Administrative Assistant, Evelien Peters, who will be more than happy to supply you with an additional copy.

In the meantime, the Executive Council has already implemented (or is in the process of implementing) some of the recommendations outlined in the report, will continue to invest in (and improve) the CMI's publications and website (under the stewardship of Taco van der Valk), remains committed to increasing the involvement of younger lawyers in the work of the CMI (with the assistance of Blythe Daly and Robert Hoepel), and will continue its traditional work on high-profile projects (e.g., ratification of the Rotterdam Rules, Judicial Sales of Ships, Implementation and Ratification of International Conventions, Marine Insurance, General Average, Acts of Piracy and Maritime Violence, Offshore Activities, the Database of Judicial Decisions on International Conventions, and Fair Treatment of Seafarers in the Event of Maritime Accident), as well as on newer projects, including, Maritime Law for Unmanned Craft, Cybercrime in Shipping, Polar Shipping, Ship Financing Security Practices, Liability of Classification Societies, Restatement of the Lex Maritima, Ship Nomenclature, and Liability for Wrongful Arrest. The relevance and value of the CMI's work in these areas is perhaps best exemplified by the respectful reference by the English Court of Appeal in the 11th December 2018 judgment in *The Alkyon* (at paragraphs 70-76) to the "most helpful survey of the applicable laws and legal tests" in the area of wrongful arrest conducted by the CMI International Working Group on Wrongful Arrest (chaired by Aleka Sheppard, whose commentary on the subject was also noted with approval by the Court of Appeal).

The Executive Council remains committed to improving communication (and transparency) with NMLAs, Titulary Members and Consultative Members, improving relations with the governmental, international and other organizations the CMI interacts with, and increasing awareness of the CMI's broad expertise and capabilities in maritime law. In this regard, I will do my best to communicate with you on a quarterly basis, seek your comments and input on issues that may arise from time to time, and keep you advised of relevant developments. Needless to say, you should also feel free to communicate with the Executive Council at any time you deem it appropriate or necessary (and we will endeavor to reply in a timely manner).

Finally, I would be grateful for your assistance in publicizing the 2019 CMI Young Persons Essay Prize (yCMI Essay Prize), and attach for ease of reference John Hare's 18th October 2018 memorandum and revised yCMI Essay Prize Rules. Please note the topic for the 2019 yCMI Essay Prize is *Unmanned Ships and Cybercrime: How Will Technology and a New Crimewave Rock the Boat of Traditional Maritime Law and Marine Insurance Practice and Principle*, and the closing date for entries is 30th April 2019.

I look forward to seeing you at the Assembly in Mexico City on 2nd October 2019, and in the meantime, will write to you again after our Management Committee meeting in Antwerp on 12th March 2019, and the Executive Council's virtual/email meeting (scheduled for the week of 1st April 2019).

Once again, on behalf of the Executive Council, our best wishes for this Festive Holiday Season, and may your resolutions for the New Year all come true.

Yours faithfully,



Christopher O. Davis



**COMITÉ MARITIME INTERNATIONAL
YOUNG PERSONS ESSAY PRIZE (YCMI ESSAY PRIZE)**

To EXCO From John Hare
Re yCMI Essay Prize 18 October 2018

At the request of EXCO at Genoa, I have completed the restructuring of the CMI Essay Prize for young persons (under 35). You have received previous versions of the Prize Rules that have now been settled as Ver 7, attached. Stuart and I thought "yCMI Essay Prize" was catchy enough to pull younger writers in.

I approached a list of possible judges, mostly academics, from as broad a selection of jurisdictions as feasible. About a third replied with enthusiasm. I am not of a mind to chase the others, but we can always supplement the list of panellists as necessary.

The idea of a panel was to set up a pool of judges from which EXCO can appoint probably three judges each year. The judges can also have an input about the topics chosen each year. I envisage that it will be judges-for-courses and that we will try to seek out an expertise appropriate to the topic. In fact I asked those who agreed to join the panel to indicate any particular expertise or that they are generalists.

I will in due course make recommendations to EXCO for the appointment of two judges from the panel for the 2019 adjudication – on the basis that I will act as the third judge for the first year or two if EXCO so approves.

These are the necessary steps in London.

EXCO is asked to

1. approve the yCMI Prize Rules, Ver 7;
2. appoint those judges on the attached list shown as having agreed to serve; and agree to confirm to the panel any on the list who indicate a willingness after the London meetings;
3. agree that there will be an essay Prize for 2019, to be awarded at the 2019 Assembly;
4. approve the scope of the essays for 2019 to reflect the topic of the joint Unmanned Ships, Cybercrime and Marine Insurance IWGs' London seminar. So as not to make the scope too narrow, it is proposed essays have relevance to the following: *Unmanned ships and cybercrime: how will technology and a new crimewave rock the boat of traditional maritime law and marine insurance practice and principle.*
5. approve the following timescale for the 2019 prize:
 - a. *yCMI Essay Prize and topic to be announced at the London Assembly*
 - b. *immediately thereafter, publication, with a summary of the rules and deadline, on the CMI website and Newsletter*
 - c. *closing date for entries 30 April 2019 (required by the Rules to be no later than 6 months after the Assembly)*
 - d. *further publication is proposed as follows:*
 - i. *on LinkedIn*
 - ii. *by letter to all MLAs from the Secretary-General*

- iii. *by letter to a selection of maritime law teaching institutions enclosing an A4 poster and a request that the poster be displayed on an appropriate noticeboard (JEH to oblige)*
- iv. *by one advertisement to be placed in Trade Winds and or Lloyd's List (EXCO to consider?).*

Once entries are received by the Secretary-General (in anonymous format as required by the Rules) I should be apprised of the titles, and will make recommendations to EXCO for the appointment of two judges with me as the third judge. Judges' appraisal of the best essay will be by majority decision. The intention is that all judges should peruse all submissions – this to ensure consistency in the adjudication process.

I am happy to convene the process and act as a judge for the first two or three years to get it off the ground.

John Hare



**COMITÉ MARITIME INTERNATIONAL
YOUNG PERSONS ESSAY PRIZE (YCMI ESSAY PRIZE)**

The yCMI Essay Prize was established in 2005 and has been awarded occasionally since that time. It is designed to promote research and writing in the field of maritime law, especially among younger persons at an early stage of their careers.

These are the current yCMI Essay Prize ("the Prize") Rules:

The yCMI Essay Prize for original and unpublished writing on maritime law is awarded in accordance with these Rules:

1. The Prize will usually be awarded annually, though the CMI shall have the discretion to withhold an award in any year in which there is no CMI international event other than its annual Assembly; or where in the opinion of the judges there is no essay deserving of the award. The CMI shall have the discretion to share the prize among more than one winner.
2. The Prize shall be funded by the CMI and or the CMI Charitable Trust. The process for inviting submissions, adjudicating and awarding the Prize shall be handled by the CMI Executive Council (EXCO) and its Secretariat, in consultation with the yCMI Committee.
3. Unless otherwise decided by EXCO, the Prize shall be an invitation made to the winner to attend the next CMI International Colloquium, Symposium or Conference, free of registration fee and with refund of the winner's airfare (economy class return from the winner's home city) and two night's accommodation at a suitable hotel in the event city. Winners shall be responsible to obtain necessary visas timeously to enable them to travel to the event city. Visa costs shall be reimbursed by the CMI.
4. To be eligible for the Prize, candidates shall be younger than 35 years on the closing date for submission of essays for adjudication as below, and shall at that time be members of, or accredited by a National Maritime Law Association. Evidence of compliance with these criteria shall be submitted with essay scripts.
5. The judges and the award of the Prize

EXCO will appoint a panel of at least three judges each year to assess essays submitted, and to recommend to EXCO whether or not to award the Prize, and if so, to whom. Subject to the remaining provisions of this paragraph, decisions of EXCO relating to the appointment of judges and the awarding of the prize shall be final. Judges may be appointed *ad hoc* for their particular expertise in relation to a specific essay topic, or have a standing appointment, in the sole discretion of EXCO.

The identity of the judges will be made known on the CMI website for any particular year under adjudication. Should any candidate have good reason to believe a judge would be inappropriate to adjudge his or her submission, he or she may submit such reason(s) requesting recusal, in confidence and in writing, to EXCO. EXCO decisions regarding such request shall be final.

Timetable of deadlines for submission of essays:

- a. EXCO shall, before each Assembly, resolve whether a Prize is to be awarded for the year to follow, and shall decide whether or not a specific topic or subject matter should be the subject of the essay. That resolve shall be announced at the Assembly and shall thereafter immediately be publicised in the CMI Newsletter, on the CMI website and in such other manner as EXCO considers fit.
 - b. Such publication shall publicise also the closing date for submissions which shall be no later than 6 months following the Assembly at which the announcement is made.
 - c. The Prize shall be awarded to the best essay submitted in relation to the topic nominated by the Council, or, in the absence of nomination, on any topic relevant to maritime law. Where no specific topic is nominated by EXCO for any year, preference may be given in the adjudication process to essays covering topics currently under review by the CMI, as evidenced on its website.
 - d. Essays should not exceed 6,000 words, including footnotes, but excluding table of contents and index.
 - e. Candidates are advised to use OSCOLA (Oxford Standard for the Citation of Legal Authorities available for download at www.law.ox.ac.uk/research-subject-groups/publications/oscola) or similar formatting of their submissions, paginated, with title page, table of contents and where appropriate, an index.
 - f. All candidates wishing to submit an essay for consideration for the prize shall apply to the CMI Secretary-General at secretary-general@comitemaritime.org for an anonymous submission code. Each essay, in both printed and electronic format, shall then be submitted anonymously, making use of that code. Any author who makes mention of his or her name in his/her essay shall be disqualified.
 - g. Essays, identified only by code, shall be delivered with four individually bound hard copies to the CMI Secretariat in Antwerp (at the address given on its website) by due date, and by an electronic copy in pdf format sent by due date to secretary-general@comitemaritime.org.
 - h. When submitting essays, authors must supply the Secretary-General with a separate page stating the author's code, name, nationality, contact email and telephone number; the title of the work; and the following statement:
"This essay is entirely the author's own original and unpublished work. All extracts quoted from the work of others are suitably identified as quotes, and are footnoted as to source".
 - i. Essays must be submitted in English or French. In the latter case, it would help the adjudication process if candidates are able to submit an English translation.
6. The Prize winner will be announced not later than two months prior to the CMI event which the Prize winner will be invited to attend to present a paper based upon his or her winning essay. The essay will require editing by the winner into a paper of sufficient length to accommodate its presentation within an available timeslot at the forthcoming event. This is usually 20 – 30 minutes. Winners will be asked to prepare illustrative slides, and an abstract of their paper prior to the event for uploading onto the CMI event website.
 7. Unsuccessful candidates will be notified accordingly, but neither EXCO nor the Secretariat will be able to enter any correspondence relating to the award of the Prize. No correspondence between candidates and judges shall be permitted unless initiated by a judge.
 8. The CMI reserves the right to publish any essays submitted for the yCMI Essay Prize (whether prizewinners or not) in its Yearbook and or on the CMI Website, although authors may also publish elsewhere.
 9. The yCMI Essay Prize will be awarded only once to the same person.