



## COMITE MARITIME INTERNATIONAL, AISBL

### **Minutes of the Assembly Meeting held on Tuesday, 1 October 2013 at 2.30pm at the Shelbourne Hotel, Great Hall, Dublin, Ireland**

1. **Report of the Credentials Committee**

Benoit Goemans reported on behalf of the Credentials Committee (himself and Christopher Davis) that all members present were able to vote at the meeting. (A list of attendees is attached to these minutes).

2. **Memorials**

The Assembly kept some moments of silence in remembrance of:

Professor Anthony Antapassis, MLA of Greece

Panos Mavroyiannis of Greece

Vlassis Makris of Greece

George W Healy III, MLA of the USA

Michael Marks Cohen, MLA of the USA

George Chandler III, MLA of the USA

Jeremy J.O. Harwood, MLA of the USA

Pierre Latron MLA of France

Hucum Tulgar of MLA of Turkey

3. **Approval of the Minutes of the Assembly held in Beijing on 19 October 2012**

The Minutes of the Assembly held in Beijing on 19 October 2012 were adopted.

4. **Matters arising from the Minutes of the Assembly held in Beijing on 19 October 2012**

There were no matters arising, other than matters to be dealt with in the Agenda.

5. **Report of the President**

The President summarised the written report which had been circulated together with the Agenda, a copy of which is attached to these Minutes.

6. **Finances**

- (a) Treasurer's report and presentation of accounts year ended 31 December 2012

Benoit Goemans presented the accounts and noted that the budgeted income of EUR 116,248 had been received against expenditure of EUR 278,401. Reserves were at EUR 613,518 at the end of 2012.

- (b) Report of the Chair of the Audit Committee

In the absence of Liz Burrell, Mans Jacobsson presented the report of the Audit Committee

In his presentation Måns Jacobsson referred to the fact that in its report the Audit Committee had mentioned that some of the documentation of the expenses for the Beijing meeting had not been available to the External Auditor. He emphasised that the Audit Committee did not in any way suggest that the expenses in question had not been incurred or that these expenses had not been incurred properly. He mentioned that it had been established that the documentation was in fact available in China and that the Secretary-General had, with the assistance of a translator, examined these documents in Shanghai and was satisfied that all expenses had been accounted for. Måns Jacobsson added that the Beijing Conference had unfortunately resulted in a deficit; this deficit had not been covered by the CMI but by five major Chinese shipping companies, for which the CMI was extremely grateful.

It was noted that in the light of the observations of the Audit Committee, the Executive Council had decided that organisers of future CMI events would be requested to produce a set of accounts with supporting documentation within a short period of time after the Conference, Symposium or Colloquium for submission to the Treasurer.

The Treasurer's report was approved and the Audit Committee report was noted by the Assembly.

- (c) Budget for 2013  
(d) Subscriptions for 2013

Benoit Goemans reported on the draft budget for 2014, as recommended by the Executive Council, which was adopted on the basis of a level of subscriptions as being set by the Assembly in 2009 together with a 5% early bird discount. The invoices are to be sent out early in the new year. The Treasurer apologised for the late sending out this year due to administrative difficulties in the Antwerp office.

Ecuador expressed some concern that the proposed budget would result in a negative result for the year. The Treasurer pointed out that in recent

years the budget has been prepared to result in a substantial loss in order to reduce reserves, at the behest of the Assembly and that it is now intended to seek to revert to producing a balanced budget after next year, now that the reserves have been reduced substantially in accordance with the intentions of the Executive Council and Assembly.

The proposed budget and subscriptions were approved by the Assembly.

(e) Report on collection of outstanding subscriptions

Benoit Goemans reported on unpaid subscriptions and noted that for 2013 82% of payments had been made, but a further 6% was in the pipeline. In respect of past years, he referred to the fact that discussions had taken place with the Spanish and Venezuelan MLAs and steps are under way to improve their positions to enable payments to be made, some of which have already been made in respect of arrears. Further communications are to be entered into with the Dominican Republic in that respect. Unfortunately accommodation has not been able to be reached with Costa Rica or Guatemala (both of which have been inactive for a number of years) and the Executive Council sought the Assembly's approval to take steps to expel those members unless arrears are paid before the next Assembly meeting, where notices of expulsion will be put forward. It was also noted that correspondence is to be entered into with Russia in respect of its arrears.

These steps were approved by the Assembly.

(f) Approval of the nomination of De Mol, Meuldermans and Partners BVBA as auditors for 2013 accounts

This was approved by the Assembly.

(g) CMI Charitable Trust

Tom Birch Reynardson gave a report in respect of the Charitable Trust and noted that investment income in 2013 was £15,971 and expenses for charitable activities, that is expenditure including travel and accommodation for CMI lecturers and publications and website administration, was £6,696.

This report was noted by the Assembly.

7. **Members**

(a) Titulary Members / Nominations

The following individuals were elected by acclamation of the Assembly as Titulary members:

- (i) John Hare (South Africa)
- (ii) Frazer Hunt (Australia & New Zealand)
- (iii) Olivia Murray (United Kingdom)
- (iv) Igor Vio (Croatia)
- (v) Cécile Bellord (France)

(b) Expulsion of MLAs of (a) Morocco and (b) Tunisia

The Moroccan and Tunisian MLAs were expelled, there not having been any response to the President's correspondence to them advising them of their defaults in paying subscriptions and giving them notice of the expulsion motion.

(c) New MLAs

Applications to become a member of the CMI were made by Poland and India.

Poland - The President reported that over the last couple of years former President Karl Gombrii and he had been liaising with the new association and an application had now been received by the Executive Council for it to be admitted as a member of the CMI. The Executive Council was in favour of that application.

India - The application of India had also been considered by the Executive Council. Tom Birch Reynardson and others had been assisting this new Indian Association to be formed and to comply with the requirements of the CMI for membership. The Executive Council was satisfied that its membership was representative of the country, although based in the premier maritime area of India, namely Mumbai.

Accordingly, the Executive Council recommended acceptance of the applications of Poland and India and that proposal was accepted with acclamation by the Assembly. Pawel Mickiewicz (Poland) and VJ Mathew (India) were present at the meeting and warmly welcomed.

(d) Provisional member:

Dan Malika Gunasekera (Sri Lanka)

Dan Malika Gunasekera had made an application to the Executive Council to be admitted as a provisional member to enable him to seek to form a maritime law association in Sri Lanka. The Executive Council proposed that he be granted provisional membership status and this was approved by the Assembly with acclamation.

(e) New consultative members.

The International Association of Classification Societies Ltd and the International Maritime Law Institute (IMLI) in Malta had applied for consultative membership status. The President reported that it was somewhat of a surprise to many members of the CMI that neither of these organisations was already a Consultative member of the CMI and the Executive Council recommended their acceptance as such. The Assembly approved the conferring of Consultative member status on the International Association of Classification Societies Ltd and IMLI.

8. **Work in Progress**

(a) Acts of Piracy and Maritime Violence

Andrew Taylor, the Chairman of this Working Group tabled a written report and gave a verbal presentation noting that although Somali piracy had fallen in recent years there has been an increase in piracy and armed robbery in the Gulf of Guinea.

(b) Fair Treatment of Seafarers

In the absence of Olivia Murray who had been present at the Symposium but had had to return to London, Giorgio Berlingieri presented her written report which had been tabled. It was noted that the Executive Council had approved a joint project with Seafarers' Rights International (SRI) and the IWG, which involves drafting and sending a questionnaire to governments and MLAs with an overall objective of promoting generally the subject of fair treatment for seafarers in the event of a maritime accident.

(c) Recognition of Foreign Judicial Sales of Ships

The Rapporteur of this IWG, Andrew Robinson, tabled a report and confirmed that an international sub-committee had met on Saturday and Sunday, 28 and 29 September 2013. The purpose of which was to consider the presentations made by NMLAs regarding the proposed draft international convention which had been prepared as a result of the Beijing Conference and circulated on 25 March 2013. He then identified the main issues that had arisen in their discussions in respect of each of the articles of the draft Convention and noted that the IWG will endeavour to prepare a final report before 29 October 2013, which is intended to include a final draft instrument, a suitable commentary on that document, as well as a historical review of the project. NMLAs will be encouraged to provide feedback from the ship owning and ship financing industries, liaise with relevant regional, national and local administrations in order to inform them of the progress of the draft instrument and respond with any further comments by 31 January 2014. Prior to the Hamburg Conference in June 2014 it is suggested that a day and a half be reserved to allow for further discussion and a clause by clause review of the final instrument and that a day of the Conference in Hamburg should suffice to finalise the draft instrument and to put it before a plenary session at the Hamburg Conference.

(d) Marine insurance

This topic had been under discussion at the Symposium and the Chairman of the IWG, Dieter Schwampe, referred to the discussions which had taken place and tabled a report which identified the claims made against the 1992 fund in the "Alfa 1" case in which the vessel concerned had obtained insurance with a non-IG insurance company on a fixed premium basis and subject to a limit of liability of €2million which was below the CLC limit for the ship. Having hit a submerged object and sunk, claims for oil pollution damage amounting to €13.3million were made. The insurer had issued certificates to the Central Port Authority of Piraeus to the effect that its insurance was in force satisfying the requirements of the 1996 and 1992 CLC Conventions and the Greek authorities had accordingly issued a certificate pursuant to the annex to the 1992 CLC. In light of this real example of the system failing the Executive Council had approved the IWG seeking the views of the ICS and the International Group of P&I Clubs. The

work of the IWG is ongoing.

(e) Cross-border Insolvency

In the absence of Christopher Davis who had had to return to New Orleans prior to the Assembly meeting, the Rapporteur, Sarah Derrington, gave a brief report. The written report was tabled and this, like marine insurance, had been the subject of discussion and presentations at the Symposium. Some 12 replies to the questionnaire had been received to date and further responses are sought.

(f) Arctic/Antarctic Legal Regimes (see enclosure)

A written report was tabled by the Chairman of the IWG, Nigel Frawley, and he reported that most of the business of the IWG had been conducted by email and another physical meeting is planned at the Hamburg Conference in June 2014. The work plan of the IWG is to prepare an inventory of the legislative material the IMO/ICS and BIMCO are currently studying and which might have applicability in the polar regions, to undertake a review of private maritime law conventions for their applicability and non-applicability in the Arctic and southern oceans, to consider aspects of a pollution liability regime specifically for the polar regions and to continue the study of certain public and private maritime law conventions and regulations and their applicability and non-applicability in the polar regions.

(g) Review of the Rules on General Average

The Chairman of this working group, Bent Nielsen, reported that the International Sub-Committee Meeting had taken place on 28 and 29 September and considerable progress had been made in identifying contentious issues and seeking to achieve compromises on those contentious issues. The Chairman was hopeful that a further ISC meeting early next year will see further progress made in time for an ISC meeting to be held in Hamburg at the time of the Conference next year.

(h) Rotterdam Rules

The Chairman of this IWG, Tomotaka Fujita, tabled a report and referred to the fact that 24 States have signed the Rotterdam Rules and two States have currently ratified the Rules. He also referred to the fact that work is continuing by the UNCITRAL Working Group IV (e-commerce) and Vincent de Orchis had monitored that work in New York earlier this year. Both of them had noted that it is important to make sure that any draft provisions do not create any inconsistency with e-commerce provisions contained in the Rotterdam Rules and therefore the IWG will carefully watch progress at UNCITRAL Working Group IV.

The President reported that he had received an email a few days previously from Michael Coffee in the US State Department who had advised "we continue to work with other agencies on our transmittal package. Our conversations have been quite productive and helpful. Hopefully, we are close on a package". The President noted that once the package has been agreed with the other agencies within the US

Government, it will be sent by the Secretary of State to the White House for the President's approval and for the President to send it on to the Senate.

(i) Offshore activities - Pollution liability and related issues

The acting chairman of this working group, Patrick Griggs, tabled a report and advised the Assembly that a questionnaire had been forwarded to NMLAs and some responses had been received. He also noted that approaches had been made to a number of exploration companies with mixed success. Patrick Griggs noted that the industry fears, and would strongly resist, any attempt to create an international regime to regulate off-shore activities including issues of liability and compensation for pollution. The industry considers that regulation of off-shore reparations should be the sole responsibility of the governing agencies in each country who issue exploration and exportation licenses. Patrick Griggs suggested that the most useful thing that the CMI can do is to produce guidelines or draft regional or bilateral agreements which might assist those countries that do not have the necessary facilities to prepare such documentation.

The President noted that Richard Shaw's health has not been good for some months and the entire CMI family sent their best wishes to him and his family at this difficult time. Patrick Griggs who will be visiting him soon will be conveying those wishes on behalf of the CMI.

9. **Standing Committees**

(a) Jurisprudence on Maritime Conventions

The President reported that Audile Plegat had been engaged for a period of six months to prepare summaries of cases dealing with international maritime conventions in order to extend the work which has been done voluntarily for many years by Francesco Berlingieri. The President stressed the importance of as many delegates as possible getting to meet Audile Plegat who was present at the Symposium and identify a researcher within their membership who can liaise with her and provide her with details of significant cases dealing with the identified Conventions. The President stressed that this is a significant project for the CMI and is costing a substantial sum of money and therefore the co-operation of NMLAs was imperative in assisting in this task.

(b) Promoting ratification of maritime conventions

Deucalion Rediadis tabled a written report and referred to the presentations that had been made at the Symposium on this topic. He referred to the letter which the President of CMI had sent to NMLAs earlier this year and the responses which have so far been received. It was noted that in addition to seeking to have more conventions ratified and in particular those of special significance to NMLAs, including the Rotterdam Rules, the Wreck Removal Convention, the HNS Convention and the Athens Convention, the purpose of this exercise is to assist NMLAs to form closer relationships with government officials working in the transport sector.

(c) Young Members

Taco van der Valk, the Chairman of this Standing Committee, referred to the sessions taking place, concurrently with the Assembly, as well as the initiatives which are being taken in relation to LinkedIn. The President urged NMLAs to encourage their younger members in particular to engage with the LinkedIn group.

(d) Constitution Committee

Benoit Goemans reported that the Constitution Committee is considering what changes can be made to improve the Constitution and will seek to report in time for the Assembly meeting in Hamburg next year.

(e) York Antwerp Rules 2004 - Rate of Interest

Bent Nielsen, the Chairman of this Standing Committee, advised that having taken advice from the financial sector and on the basis of that advice has recommended setting the rate of interest at 2.75% under the York Antwerp Rules 2004, Rule XXI for the coming year. This was approved by the Assembly.

The President thanked all Chairs and Rapporteurs of the International Working Groups and Standing Committees for their work throughout the year.

10. **Publications (Yearbook and News Letter), Website and Handbook on Maritime Conventions**

Giorgio Berlingieri gave his report and noted that a large number of Yearbooks had been made available to delegates at the Symposium and that the latest issue of the News Letter had also been published. He also noted that the Handbook on Maritime Conventions is still a work in progress and the texts of the Conventions which are to be included in the Handbook are awaited from Frank Wiswall. The website continues to be managed by Admission in Australia.

11. **Conference and Colloquium:**

(a) The Conference and Assembly Meeting (2014)

Dieter Schwampe gave a PowerPoint presentation of the hotels which are being considered for the meeting to take place from 15 to 17 June 2014, together with an optional add-on in Berlin. This presentation was well received by delegates.

(b) Colloquium (2015)

The President of the Turkish MLA, Kerim Atamer, proposed that a Colloquium be held in Istanbul in May or June 2015. This proposal was welcomed and accepted by the Assembly.

(c) Conference (2016) New York

Bob Clyne of the US MLA reported that work is underway in preparation for this Conference. As yet, a Conference organiser and venue have not been

appointed or booked but proposals have been made and discussions have taken place with the Secretary-General and President of the CMI with a view to advancing the arrangements in the near future.

12. **CMI Regional office in Singapore**

The President reported that this office had been incorporated in Singapore and with the likely appointment of Lawrence Teh as Administrator for CMI, the work which had been envisaged for this office will largely be undertaken by him, that is encouraging formation of MLAs in the region, in countries such as Malaysia, Thailand, Laos, Vietnam and Cambodia.

13. **CMI - The Future**

The President reported, in the absence of Liz Burrell, that she had agreed to chair an ad hoc committee to consider whether or not there were ways in which the CMI could improve its operations. She had formed an ad hoc committee, at the request of the President, arising from the suggestion made by the President of the US MLA at the Beijing Conference when "the future of the CMI" had been discussed.

14. **Elections**

- (a) The Chairman of the Nominating Committee, Bent Nielsen, advised that as a result of its deliberations the Nominating Committee recommended that Christopher Davis be appointed as a new Vice-President, that Lawrence Teh, Benoit Goemans and Nigel Frawley be appointed Administrator, Treasurer and Secretary-General respectively and that the two vacant positions of Executive Councillors be filled by Alexander Von Ziegler and Dieter Schwampe. In addition, the Nominating Committee recommended the re-election of Dihuang Song as Executive Councillor. Making his remarks the Chairman of the Nominating Committee regretted that the CMI Executive Council will no longer have a female member as a result of the retirement of Johanne Gauthier. He expressed the hope that that would not deter others from seeking nomination in future.

The President noted that Nigel Frawley had recently advised that he did not wish to be re-elected as Secretary-General on account of his advancing age and therefore foreshadowed that at the Executive Council meeting immediately following the Assembly meeting, an interim Secretary-General would be appointed by the Executive Council, pursuant to the Constitution and that person was likely to be John Hare, who is well known to members of the CMI, having previously served on the Executive Council for many years and chaired the IWG on marine insurance.

There being no other nominations the above persons were elected to the positions identified by acclamation.

- (b) The President proposed on the recommendation of the Executive Council that Jean-Serge Rohart be elected Member and President Honoris Causa and that Rosalie Balkin, Director of Legal Affairs and External Relations Division of the IMO, be elected Member Honoris Causa. Karl Gombrii spoke in favour of the election of Jean-Serge Rohart as Member and President Honoris Causa and referred to his long record of service with the CMI including as Executive Councillor and subsequently President of

the CMI. He concluded that Jean-Serge Rohart had indeed been giving exceptional service to the CMI, as envisaged by the Constitution for somebody to be elected as Member Honoris Causa, and invited the Assembly so to elect him.

Patrick Griggs spoke in favour of the election of Rosalie Balkin as Honoris Causa and referred to the close co-operation which the CMI had received from Rosalie Balkin in her various roles over many years in working at the IMO. He referred to her leading the Australian delegation at the IMO in October 1987 and her election as Vice Chairman of the Committee at its 68th Session in 1993 and appointment as Director Legal and External Relations Division in 1998.

The Assembly acclaimed both the election of Jean-Serge Rohart as President Honoris Causa and Rosalie Balkin as Member Honoris Causa. Both made gracious speeches of thanks to the CMI.

(c) Retirement of Bent Nielsen as Chair of the Nominating Committee

The President reported that the Executive Council, pursuant to the Constitution, had decided to invite Johanne Gauthier to be Chair of the Nominating Committee in succession to Bent Nielsen, who had advised that he wanted to retire from this role, and she has agreed to undertake that role.

15. **Retirements**

The President noted that the retirement of Nigel Frawley as Secretary-General marks the end of a period of about 10 years when Nigel Frawley had organised all meetings of the CMI and worked closely with Presidents Patrick Griggs, Jean-Serge Rohart, Karl Gombrii and himself. He said that if any of those Presidents had looked good to members of the CMI it was largely due to the hard work and organisational skills of Nigel Frawley. Karl Gombrii echoed those comments and referred to the number of occasions that he and Nigel Frawley had worked hard and harmoniously in arranging meetings during his Presidency and how much he valued the good humour and company of the Secretary-General. Jean-Serge Rohart also expressed his appreciation and gratitude to Nigel Frawley for his assistance during his Presidency. A presentation of a whisky decanter was made to Nigel Frawley in thanking him for all the hard work he had given to the CMI over an extremely lengthy period of time.

The President also recognised the significant contribution made by Bent Nielsen as Chair of the Nominating Committee. Whilst pointing out that that role was not particularly onerous it required a considerable degree of tact and good sense, which Bent Nielsen had exhibited for a number of years in performing that role. A presentation was made to Bent Nielsen in recognition of his service to the CMI, which will of course continue in his role as Chairman of the IWG reviewing the York Antwerp Rules. The Assembly acclaimed Bent Nielsen for his contribution to the CMI.

The President also thanked the retiring members of the Executive Council, Wim Fransen, Sergei Lebedev and in particular Johanne Gauthier who despite her onerous judicial duties had managed to make a significant contribution to the Executive Council and the business of CMI. She was the first, and so far, only

female member to serve on the Executive Council. Her wise advice and assistance will be missed on the Executive Council.

All retirees were acclaimed by the Assembly.

16. **General**

In conclusion the President thanked the Irish MLA and its organising committee for putting together such a successful meeting. In addition he thanked all presenters of papers and others who had contributed to the success of the meeting.

There being no other business the meeting closed at 4.35pm.



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**President**

**Secretary-General**



Attachment "A" to the Minutes of the Assembly held at the Shelbourne Hotel Dublin  
on Tuesday October 1, 2013

<b>Country</b>	<b>Name of Nominee</b>	<b>Salutation</b>	<b>Remarks/Designation</b>
Argentina	Esteban Vivanco	Mr	
Argentina	Jorge Radovich	Mr	
Australia & NewZealand	Frazer Hunt	Mr	
Australia & New Zealand	Sarah Derrington	Ms	
Australia & New Zealand	Judge Steven Rares	Mr	
Belgium	Karel Stes	Mr	
Belgium	Benoit Goemans	Mr	
Belgium	Wim Fransen	Mr	
Brazil	Nelson Carolcan Silva Filho	Mr	
Brazil	Rucemeh L. Gomes Pereira	Mr	
Brazil	Pedro Calmon Filho	Mr	
Canada	John O'Connor	Mr	
Canada	William Sharpe	Mr	
Canada	John Harquail	Mr	
China	Chen Mi	Mr	
China	Dihuang Song	Mr	
China	Qi Ji	Ms	
Croatia	Igor Vio	Mr	
Denmark	Henrik Thai Jantzen	Mr	
Ecuador	ose Modesto Apolo	Mr	
Finland	Henrik Ringbom	Mr	
France	Philippe Boisson	Mr	
France	Patrice Rembanville-Nicolle	Mr	
France	Luc Grellet	Mr	
Germany	Dieter Schwampe	Mr	
Germany	Tilo Wallrabenstein	Mr	
Greece	Deucalion Rediadis	Mr	
Greece	Lia Athanassiou	Mr	
Greece	Yiannis Timagenis	Mr	
Ireland	Helen Noble	Ms	
Italy	Giorgio Berlingieri	Mr	
Malta	Ann Fenech	Ms	
Mexico	Ignacio Melo	Mr	
Mexico	Ignacio Melo Jr.	Mr	
Netherlands	Taco Van Der Valk	Mr	
Japan	Tetsuro Nakamura	Mr	
Japan	Tomotaka Fujita	Mr	
Republic of Korea	Byung Suk Chung	Mr	
Republic of Korea	Hyun Kim	Mr	
Nigeria	Louis Mbanefo	Mr	
Nigeria	Rita Uruakapa	Ms	

Norway	Karl-Johan Gombrii	Mr
Norway	Erik Rosaeg	Mr
Norway	Andreas Meidell	Mr
Singapore	Lawrence Teh	Mr
Slovenia	Mitja Grbec	Ms
South Africa	Andrew Robinson	Mr
South Africa	John Hare	Mr
Spain	Rodolfo A. Gonzalez-Lebrero	Mr
Spain	Eduardo Albors	Mr
Spain	Tomas Fernandez-Quiros	Mr
Sweden	Jorgen Almelov	Mr
Sweden	Mans Jacobsson	Mr
Sweden	Mikaela Tamm	Ms
Switzerland	Alexander Von Ziegler	Mr
Switzerland	Thomas Burckhardt	Mr
Turkey	Kerim Atamer	Mr
Turkey	Sevilay Kuru	Ms
Turkey	Emine Yazicioglu	Ms
United Kingdom	Andrew Taylor	Mr
United Kingdom	Patrick Griggs CBE	Mr
United States	Bob Parrish	Mr
United States	Pat Bonner	Mr
United States	Bob Clyne	Mr



# COMITE MARITIME INTERNATIONAL

## President's Report to the CMI Assembly

A lot of hard work has taken place over the last 12 months and progress has been made on a number of fronts. Although significant structural changes took place as a result of the Steering Committee report of a few years ago, (when subscriptions were drastically reduced, including the abolition of subscriptions for titular members) the changes to which I am about to refer will not be felt so keenly in the hip pocket of National Maritime Law Associations, but they are, perhaps, equally significant to the development and future of the CMI.

### Administrative arrangements

You may not be aware that the CMI has been without administrative assistance in Antwerp since early in the year. Pascale's replacement, Hilde, underwent surgery at the beginning of the year and her employment was terminated when it became apparent that she was unable to return to the office. Steps are continuing to find a part time replacement. This has placed added burdens on a number of the Executive team.

In April this year, I visited Antwerp and met with the resident Belgian members of the Executive Council, Wim Fransen (Administrator) Benoit Goemans (Treasurer), together with the Vice President, Giorgio Berlingieri and the Presidents of the Belgian, French and Swiss MLAs, with a view to seeking their support for changes to the administration of the CMI. With the retirement of Wim Fransen and the appointment, which I trust the Assembly will be making at this meeting, of an Administrator from outside Belgium, some changes needed to be made. As a result of my discussions in Antwerp in April and with the support of the Belgian MLA, the Executive Council decided at its virtual meeting in May to agree to the following proposals:

1. The registered office of the CMI be moved from the building where Wim Fransen's firm operates to a historic building known as Ernest Van Dijckkaai. (The building was originally constructed by a successful agent and shipbroker in 1896 as a town house on the River Scheldt; on the ground floor he operated his office as a shipowner, ship broker, shipping agent and importer of coal. It was later occupied as a Michelin star restaurant "La Rade"). It is presently owned by the Belgian Shipowners' Association. We held our meeting in Antwerp in its most beautifully restored meeting room which will be available for use by the CMI in the future. (A sketch of the building, photograph of the meeting room and the brass plate which is to be affixed to the building are **attached** to this report). A reception was held in the ground floor premises of the Eugene Van Mieghem museum that evening. It is a most suitable venue for an Association, like the CMI, which has been in existence for about the same length of time as the original building.
2. The building will also house the CMI Library, including Yearbooks, News Letters, Travaux Preparatoires etc. Once again, this will be a most suitable place to house this valuable archive.
3. It has also been agreed to change the title of the Treasurer to "Treasurer (and Head Office Director)". An amendment to the Constitution will be brought forward next year at

the Assembly, together with any other changes recommended by the Constitution committee which are supported by the Executive Council. It was also agreed by the Executive Council that the Treasurer would engage a personal assistant on a part time basis as well as a bookkeeper on a part time basis to assist him in that task.

### **The Management Committee**

This ad hoc committee, consisting of the President, the two Vice-Presidents and the Secretary-General met in New York at the time of the US MLA Spring Meeting, and accomplished a considerable amount of work, including having a meeting with representatives of the organising committee of the US MLA for the 2016 CMI Conference.

### **Finances**

As you can see from the financial reports for the 2012 calendar year we have by reason of the 2011 subscription holiday and the 50% discount applied last year (2012), together with the early bird discount of 10%, reduced our reserves to EUR 613,518. In my view this is close to where they should be, but I would like to hear the views of National Maritime Law Associations.

The budget which was prepared for the Assembly meeting in Beijing for the 2013 year was based on the level of subscriptions at the Rotterdam Assembly (23 September 2009), that is the same subscriptions as for 2010 less a 10% early bird discount, which would result in a loss in the 2013 year of EUR 28,101. We will aim to send out the invoices at the beginning of the year in future. I apologise that they were so late this year.

### **Work Projects of the CMI**

You will hear reports at the Assembly meeting of the activities of the IWGs since Beijing. A considerable amount of work has gone on since that time. I would particularly like to thank the Chairmen and Rapporteurs who have worked so hard on our behalf. I would like to make a special reference to Bent Neilsen and Taco Van der Valk in relation to the Review of the Rules on General Average and the extensive questionnaire that they prepared. They will be working hard over the weekend in Dublin to analyse all the responses which have been received and I commend all those many Associations who have so far responded to that questionnaire (more than 20 responses as at 9 September 2013).

I would also like to express an enormous debt of gratitude for the hard work done by Henry Li and his team on the Recognition of Foreign Judicial Sales of Ships topic. Henry had hoped to conclude this project in Beijing but sadly that was not to be the case. They too will have worked hard over the weekend in Dublin. The Executive Council decided that by reason of the Constitution of the CMI it was necessary to conclude the Judicial Sales work at a CMI Conference. It is for that reason that we have made special arrangements for next year's event in Germany to be called a Conference. (It should only take a day or so to conclude that topic and the format for the meeting will be similar to Dublin). The Judicial Sales topic will therefore be conducted in the usual manner of a CMI Conference. There will be a Plenary Session when it concludes. For those who are not interested in that particular topic there will be alternative seminar presentations taking place. The usual Assembly Meeting will also take place at that meeting.

I referred earlier to my visit to Antwerp in April this year. At the same time I visited, together with Benoit Goemans, Wim Franssen, Karel Stes and Alexander Von Ziegler, the office of Françoise de Kerchove, the Ambassador-Director of the Cabinet of Foreign Affairs, Foreign Trade and European affairs, within the office of the Deputy Prime Minister, Minister of Foreign Affairs, Foreign Trade and European Affairs of the Kingdom of Belgium. He indicated at that meeting that the Belgian Government would be prepared to host a diplomatic conference on a topic such as Judicial Sales, if the usual organs of the United Nations were unwilling to do so. (That would be dependent on there being no change in the government by the time such an occasion arose).

I should also make special reference to the IWG on Offshore Activities which Richard Shaw was chairing. Unfortunately due to his serious health issues we have had to call back to service Patrick Griggs CBE, our former President. I would like to thank Patrick for stepping into the

breach and ensuring that a questionnaire was sent out quite recently. Richard is very much in our thoughts and we wish him well.

Other IWGs have also been active, including Marine Insurance under Dieter Schwampe, who has produced a most comprehensive report on the responses thus far to the Questionnaire.

I also want to pay tribute to Louis Mbanefo and Deucalion Rediadis who have been driving, in conjunction with the International Chamber of Shipping, the Promotion of Ratification of Maritime Conventions Standing Committee. Some Associations, clearly with Holland in the forefront, have produced extremely useful reports of their activities and consultations with their governments. All NMLAs can learn from that experience and take part in galvanising their country to give greater priority to the ratification of conventions in the maritime law area than they have done hitherto.

Whilst on the subject of the Dutch MLA I would also like to thank and congratulate its President Taco Van der Valk for the magnificent work he has been doing in managing the CMI's introduction to the world of LinkedIn. I would urge all NMLAs to become involved, and especially urge you to encourage your younger members to participate in the group that Taco has set up. Similarly I am proud of the support we have given to young lawyers, both at IMLI and from the Ravenna Summer School, who we have assisted to come to Dublin to make presentations to us. (I am sure the late Michael Marks Cohen would enthusiastically applaud the CMI's efforts in that regard. It was Michael, at the Buenos Aires Colloquium, who encouraged the CMI and the CMI Charitable Trust to spend more money on education).

I should also express our thanks to a number of individuals who have represented the CMI over the last 12 months at various functions.

- Deucalion Rediadis attended a workshop on the HNS Convention at the IMO in London;
- Vince De Orchis attended an UNCITRAL meeting in New York on its proposed Model Laws on Electronic Documents;
- Karl Gombrii attended BIMCO's 100th Meeting Session in Paris;
- Karl Gombrii monitored the work by BIMCO on the Voy Rules on our behalf;
- Sergei Lebedev has attended a Counter Terrorism workshop in Moscow;
- Tom Birch Reynardson attended the inaugural meeting of the Indian MLA in India.

In addition Patrick Griggs and Mans Jacobbson both attended and spoke at the 100th Session of the IMO Legal Committee, and both had nice things to say about the CMI and its involvement with the IMO Legal Committee over the years;

### **Jurisprudence Database**

I am delighted to say that we have engaged Ms Audile Plegat to undertake the task, over the next six months, of enlarging our database of maritime cases on particular conventions. We negotiated a contract with her through the office of Reed Smith, (Luc Grellet and his colleagues) and we are very grateful to Luc for all his and their assistance. Please nominate someone in your jurisdiction that she could be in contact with to perform this task or please send her any cases (or summaries with English translations) in your jurisdiction which deal with the Conventions listed in the **attached**. She will be attending the meeting in Dublin. I hope you will introduce yourselves to her in Dublin.

## **Consultative Members**

I am delighted that we will be introducing two new Consultative members to the CMI family at this Assembly. It is a wonder to many of us that neither IMLI nor IACS have been accorded that status previously. Our relationship with IMLI goes back many years and is very active. Many members of the CMI lecture there regularly and we meet their travel costs to go to Malta to do so. We have also had a long association with IACS and I am very pleased with this development.

## **Singapore Regional Office**

In another development in the course of the last twelve months, the Singapore authorities registered the representative office of the CMI in Singapore on 25 April 2013. That registration is valid for one year. As you know, this office has been set up for a three year period, with a primary focus of looking to encourage the formation of Maritime Law Associations in that region, with a particular emphasis on countries such as Malaysia, Thailand, India, Cambodia, Vietnam and Laos.

## **Publications and Website**

The Berlingieri family continues to produce our most important publications the Yearbook and News Letter. We all owe a huge debt of gratitude to Francesco and Giorgio and their staff for continuing to produce these invaluable publications. The absence of administrative assistance in Antwerp has made the task of updating the contact details of NMLAs particularly difficult but we will strive to improve this in the next year, and keeping the information fresh on the website.

## **The Future of CMI**

As a result of the session held at the Beijing Conference at which the "Future of CMI" was discussed, I requested Liz Burrell of the US MLA to head up a sub-committee, outside the Executive Council, to consider this topic. It may be recalled that at that session in Beijing the President of the US MLA proposed such an initiative, that is to conduct "a detailed examination of the role of the CMI". Liz Burrell has gathered together a group to assist her in that task consisting of Diego Chami, Ioannis Markianos-Danivlos, Karel Stes, Ying Ying Zou and Stephen Knudtzon. I look forward to receiving their suggestions and report in the forthcoming year.

## **D&O Insurance**

We have been talking for quite a long time about obtaining D&O insurance to protect the directors and officers of the CMI. I am hopeful that this will have been put in place by the Assembly meeting in Dublin and I am grateful for the work done by Benoit Goemans in that respect.

## **Communication with NMLAS**

We now have contact details for mailing direct to members of NMLAs from the website for the following NMLAs: Argentina, Australia and New Zealand, Belgium, Brazil, Bulgaria, Canada, Denmark, Dominican Republic, Germany, Italy, Norway, Panama, Switzerland, Turkey and USA. I would ask the rest of you to assist by sending us the email addresses for all your members - or at least one point of contact for automatic mailing to them. If you need assistance setting up your systems so that they expand to all members with an email address after a manual control for spam please contact Erik Rosag of the Norwegian MLA ([eric.rosag@jus.nio.no](mailto:eric.rosag@jus.nio.no)).

## **Retirements**

I would like to take this opportunity to express my thanks to those who are stepping down from official positions within the CMI. I hope they will continue to have a long association with the CMI. Johanne Gauthier was the first female member (and thus far the only one) on the Executive Council. She joined the Executive Council, at the same time as I did, in 2001. Notwithstanding her duties as a judicial officer in Canada she has participated since she has been Vice-President on the informal management committee that has met once a year and has provided invaluable assistance to both Karl Gombrii and me in that role. I shall be seeking the approval of the

Executive Council to appoint her to take up Bent Nielsen's role as Chairman of the Nominating Committee.

Wim Fransen became Administrator in the same year, 2001. He has therefore been the public face, in Antwerp, of the CMI and the Secretariat has operated under his supervision in a nearby office since that time. We are grateful to him for his loyal service over those twelve years.

Sergej Lebedev's terms of office on the Executive Council are coming to an end in Dublin and we thank him for his contributions over the last six years.

As I have mentioned, Bent Nielsen is stepping down from chairing the Nominating Committee. He has chaired the Nominating Committee since 2004 and all of us who have been appointed to the CMI Executive since that time (or had our terms renewed) are particularly grateful to him. Whilst it is not an onerous role it requires delicacy and tact to perform and Bent has those qualities in abundance. His wise counsel, over many years, is something for which we should all be grateful. Bent is also one of the indefatigable CMI lecturers at IMLI. Happily, he will continue to chair the IWG on the Review of the York Antwerp Rules.

I look forward to meeting you in Dublin.

**Stuart Hetherington**  
President of CMI

13 September 2013



**Proefdruk ter goedkeuring dd. 02.09.2013**

koper gepolijst 280x176x2mm

opmerking:

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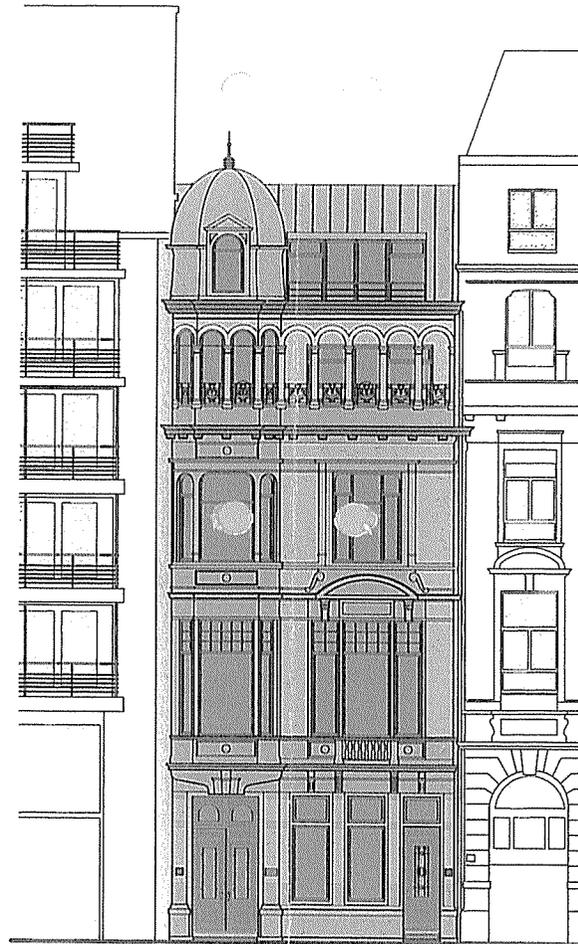
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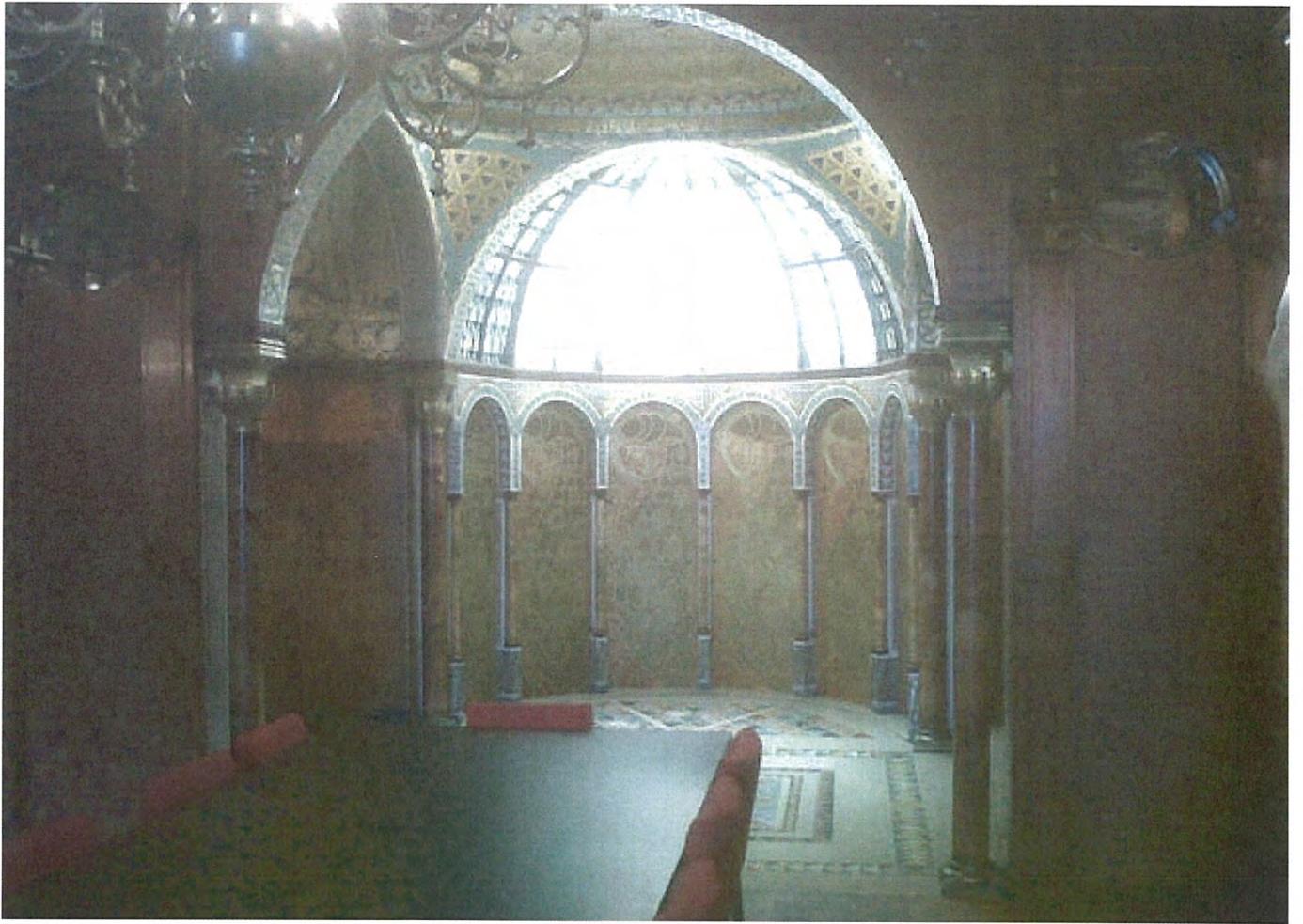
'HET REDERSHUIS' VAN DE KONINKLIJKE  
BELGISCHE REDERSVERENIGING

De restauratie van het historisch pand Ernest Van Dijckkaai 8 te Antwerpen, België

'THE SHIPOWNERS' HOUSE' OF THE ROYAL BELGIAN  
SHIPOWNERS' ASSOCIATION

The restoration of the historical building at the Ernest Van Dijckkaai 8 in Antwerp, Belgium





## Schedule of Conventions

1. The Salvage Convention 1910
2. The 1910 Collision Convention
3. The 1924 Bill of Lading Convention and its 1968 and 1979 Protocols (Hague-Visby Rules)
4. The 1926 Convention on Maritime Liens on Mortgages
5. The 1952 Arrest Convention
6. The CLC 1969-1992
7. The Fund Convention 1971-1992
8. The Limitation Convention (LLMC) 1976
9. The 1976 Athens Convention on the Carriage of Passengers and their Luggage by Sea
10. The Hamburg Convention 1978 (Hamburg Rules)
11. United Nations Convention on the Law of the Sea 1982
12. SUA Convention 1988
13. The Salvage Convention 1989