**INTERNATIONAL WORKING GROUP ON**

**LIABILITY FOR THE WRONGFUL ARREST OF SHIPS**

**INTERIM REPORT FOR CMI ASSEMBLY 2019 IN MEXICO**

Dear Colleagues,

You will recall that the results of the answers to the first questionnaire concerning liability for wrongful arrest (38 replies received from various NMLAs) were analysed and presented by the then Rapporteur in her Tables and Synopsis, published on the CMI website. The results were presented at the New York CMI Conference in 2016. Subsequently, a Discussion Paper with specific questions was prepared for the London CMI meeting in November 2018 seeking feedback and views from representatives of NMLAs and the industry (particularly P&I Clubs) by way of debate.

Following the lively debate at the open working group session on 9th November, 2018, it was determined, at the request of the participants in that debate (and the approval of Ex Co) that the IWG should circulate a specific questionnaire to the individual lawyers who attended the open session and also ask the Presidents of the NMLA’s to circulate the same questionnaire to the maritime lawyers within its membership. The purpose of this has been to explore certain issues relating to wrongful arrest based on the experience of those lawyers in their jurisdictions. Although this is an unusual step, it was regarded as a very significant pilot study which will enable the IWG to make any recommendations to ExCo about taking any future steps on this project.

The further Questionnaire explores a variety of issues which arose in the course of the open session and are addressed in greater detail in the Chairman’s report, which precedes the transcript of the session and which was circulated to NMLAs with the latest Questionnaire.

The IWG has had very interesting responses thus far, from both individual lawyers and industry (but only just 15). However, there is a feeling that given the season when the questionnaire was circulated, and the time allowed for the same, that it would be worthwhile extending the deadline for responses up to 30 November 2019 and, perhaps, re-circulating the questionnaire prior to analysing and collating all answers and producing a further report. This is the recommendation of the IWG and our request as regards the next steps to be followed in this fascinating project.

The Chairman: Dr Aleka Sheppard

Rapporteurs: Edmund Sweetman, Prof. George Theocharidis