

TABLE OF CONTENTS

PART I - ORGANIZATION OF THE CMI

	PAGE No.
Constitution	10
Rules of Procedure	36
Guidelines for proposing the election of Titulary and Provisional Members	39
Headquarters of the CMI	40
Members of the Executive Council	40
Honorary Officers	46
Standing Committees	48
International Working Groups	49
Member Associations	50
Provisional Members	96
Members Honoris Causa	97
Titulary Members	98
Consultative Members	124

PART II – THE WORK OF THE CMI

JUDICIAL SALES OF SHIPS	
<i>Opening Note</i> , by Henry Hai Li	130
<i>Concise summary of various commentaries received relating to the 2nd Draft Instrument</i> , by Andrew Robinson	132
<i>Judicial sale of ships in Germany as an example for a civil law concept</i> , by Jan Erik Pötschke	143
<i>Judicial sale of vessels in Asia-Pacific common law jurisdiction</i> , by Lawrence Teh	150
<i>Towards an international instrument for recognition of judicial sales of ships – Policy aspects</i> , by William M. Sharpe	166
<i>Towards universal recognition of foreign judicial sales of ships?</i> , by Frank Smeele	182
<i>Comments and amendment proposals on the Second Working Draft of Instrument on recognition of foreign judicial sales of ships</i> , by James Zhengliang Hu	194
<i>Report of the CMI IWG on recognition of foreign judicial sales of ships</i>	209

Table of contents

<i>Letter to Presidents re judicial sales of ships 25 March 2013</i>	212
<i>A proposed draft international convention on recognition of foreign judicial sales of ships (known as the “Beijing Draft”), Done at Beijing on 19 October 2012</i>	213
<i>Commentary on the Beijing Draft – A proposed draft international convention on recognition of foreign judicial sales of ships, by CMI IWG on recognition of foreign judicial sales of ships</i>	220
SALVAGE CONVENTION	
<i>Report on discussions and decisions related to the 1989 Salvage Convention, by Stuart Hetherington and Diego Chami</i>	230
<i>ISU opening address and closing comments, by Robert Wallis</i>	254
<i>Salvage Convention review – Salvors’ proposals for environmental salvage award, by Kiran Khosla</i>	258
ROTTERDAM RULES	
<i>The Rotterdam Rules in Beijing, by Michael F. Sturley</i>	266
<i>Rotterdam Rules and the underlying sales contract, by Alexander von Ziegler</i>	273
<i>On the international transport laws’ uniformity which the Rotterdam Rules aims for, by Zhang Yongjian</i>	287
<i>An analysis and assessment on the Rotterdam Rules in China’s marine industry, by Si Yuzhuo and Zhang Jinlei</i>	300
<i>Updating the rules on international carriage of goods by sea: the Rotterdam Rules, by Kofi Mbiah</i>	310
<i>The limitation of liability of the carrier from an allocation of risks point of view, José Vicente Guzmán</i>	322
<i>The UN Convention on the contracts of international carriage of goods wholly or partly by sea – The “Rotterdam Rules” – Practical implications for carriers, by Andrew Bardot</i>	327
<i>Corrections to the original text of the Rotterdam Rules</i>	332
YORK ANTWERP RULES	
<i>Report on the meetings of the CMI Ad Hoc Working Group on General Average, by Bent Nielsen and Richard Shaw</i>	336
REGULATION OF OFFSHORE ACTIVITY-POLLUTION LIABILITY AND OTHER ASPECTS	
<i>An international convention on off-shore hydrocarbon leaks?, by Steven Rares</i>	340
FAIR TREATMENT OF SEAFARERS	
<i>A report on the Session at Beijing on Fair Treatment of Seafarers by Giorgio Berlingieri</i>	362
PIRACY	
<i>Piracy today – An update, by Andrew D. Taylor</i>	366

Table of contents

MARINE INSURANCE

- Mandatory insurances in international conventions,*
by Dieter Schwampe and Pengnan Wang 378

THE WESTERN AND EASTERN CULTURAL INFLUENCE ON MARITIME ARBITRATION AND ITS RECENT DEVELOPMENT IN ASIA

- Impact of eastern and western culture on arbitration and latest development of arbitration in China* ,by Yu Jianlong 388
- The eastern and western cultural influences on maritime arbitration and its recent development in Asia,* by Philip Yang 396

ARCTIC/ANTARCTIC LEGAL ISSUES

- Regulatory challenges for international arctic navigation and shipping in an evolving governance environment,* by Aldo Chircop 408
- Legal challenges for maritime operations in the Southern Ocean,* by Donald R. Rothwell 428

THE SHIPBUILDING INDUSTRY IN ASIA

- Trade financing laws and practices of China,* by Saibo Jin 448
- Standby letters of credit in China: Law and cases review,* by Saibo Jin 473
- Security risks arising from sale of ships (completed and under construction),* by Peter S. K. Koh 484

THE FUTURE OF THE CMI IN THE DECADES TO COME

- The future of the CMI,* by Stuart Hetherington 504

YOUNG CMI

- Arrest of ships and judicial sales of vessels – South Africa,* by Patrick Holloway 512
- Laws and practice of ship arrest in PRC Maritime Courts,* by Margot C. R. Luo 526
- A growing need for supply vessels in the offshore industry in South American countries: the “knock-for-knock” liability regime, is it the answer?,* by Javier Franco-Zárata 534
- Offshore activity – New regulations,* by Violeta S. Radovich 539
- Enforcement on shipping companies by creditors,* by Yiannis Timagenis 548
- Ship arrest in Germany,* by Olaf Hartenstein 563
- Report on Young CMI events in Beijing Conference,* by Yingying Zou and Yiannis Timagenis 570

SHANGHAI ADD-ON

- Brief reflections of almost 20 years in Shanghai,* by Peter Murray 576
- Speech at the 40th International Conference of the CMI,* by Xie Zhenxian 580
- Practising maritime law from the perspective of a Chinese lawyer,* by Wang Hongyu 585

*Table of contents***PART III – STATUS OF RATIFICATIONS****Status of the ratifications of and accessions to the Brussels International Maritime Law Conventions**

– Editor’s notes	591
– Collision between vessels, 23 rd September, 1910	592
– Assistance and salvage at sea, 23 rd September, 1910	594
– Protocol to amend the international convention for the unification of certain rules of law relating to Assistance and salvage at sea, 23 rd September, 1910	597
– Limitation of the liability of owners of sea-going vessels and protocol of signature, 25 th August 1924	598
– Bills of lading and protocol of signature “Hague Rules 1924”, 25 th August 1924	599
– Visby Rules, 23 rd February 1968	605
– SDR Protocol, 21 st December 1979	607
– Maritime liens and mortgages, 10 th April 1926	608
– Immunity of State-owned ships, 10 th April 1926	609
– Civil jurisdiction, 10 th May 1952	611
– Penal jurisdiction in matters of collision and other incidents of navigation, 10 th May 1952	613
– Arrest of sea-going ships, 10 th May 1952	620
– Limitation of the liability of owners of sea-going ships, 10 th October 1957	625
– Limitation of the liability of owners of sea-going ships of 10 October 1957, 21 st December 1979	630
– Stowaways, 10 th October 1957	631
– Carriage of passengers by sea, 29 th April 1961	631
– Nuclear ships, 25 th May 1962	632
– Carriage of passengers’ luggage by sea, 27 th May 1967	633
– Vessels under construction, 27 th May 1967	633
– Maritime liens and mortgages, 27 th May 1967	634

Status of the ratifications of and accessions to the IMO conventions, in the field of private maritime law:

– Editor’s notes	635
– Civil liability for oil pollution damage hydrocarbures (CLC 1969), 29 November 1969	636
– Civil liability for oil pollution damage, 19 November 1976	644
– Civil liability for oil pollution damage, 1969, 27 November 1992	648
– Intervention on the high seas in cases of oil pollution casualties, 1969, 29 November 1969	652

Table of contents

– Intervention on the high seas in cases of pollution by substances other than oil, 1973, as amended, 2 November 1973	656
– Establishment of an International Fund for compensation for oil pollution damage, 18 December 1971	658
– Establishment of an International Fund for compensation for oil pollution damage, 19 November 1976	661
– Establishment of an International Fund for compensation for oil pollution damage, 27 November 1992	663
– International Convention on the Establishment of an International Fund for compensation for oil pollution damage, 1992, 16 May 2003	667
– Maritime Carriage of nuclear material (NUCLEAR 1971), 17 December 1971	668
– Athens Convention relating to the Carriage of passengers and their luggage by sea, 13 December 1974	669
– Athens Convention relating to the Carriage of passengers and their luggage by sea, 19 November 1976	672
– 1974 Athens Convention relating to the Carriage of passengers and their luggage by sea, 29 March 1990	674
– Protocol of 2002 to the Athens Convention relating to the carriage of passengers and their luggage by sea, 1974, 1 November 2002	674
– Limitation of Liability for maritime claims, 19 November 1976	675
– Limitation of Liability for maritime claims, 1976, 2 May 1996	682
– Salvage, 1989, 28 April 1989	684
– Oil pollution preparedness, response and co-operation 1990, 30 November 1990	688
– Protocol on preparedness, response and co-operation to pollution incidents by hazardous and noxious substances, 2000, 15 March 2000	691
– Liability and Compensation for damage in connection with the carriage of hazardous and noxious substances by sea, 1996, 3 May 1996	692
– Civil Liability for Bunker Oil Pollution Damage, 2001, 23 March 2001	692
– Suppression of unlawful acts against the safety of maritime navigation, 1988 (SUA 1988), 10 March 1988	694
– Suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, 1988 (SUA PROTOCOL 1988), 10 March 1988	698
– Convention for the suppression of unlawful acts against the safety of maritime navigation (SUA 2005), 14 October 2005	702

Table of contents

Status of the ratifications of and accessions to United Nations and United Nations/IMO conventions in the field of public and private maritime law	
– Editor’s notes	703
– Code of Conduct for liner conferences, 6 April 1974	704
– Carriage of goods by sea, 31 March 1978	706
– International multimodal transport of goods, 24 May 1980	707
– United Nations Convention on the Law of the Sea (UNCLOS 1982), 10 December 1982	707
– Registration of ships, 7 February 1986	710
– The Liability of operators of transport terminals in the international trade, 19 April 1991	711
– Maritime liens and mortgages, 1993, 6 May 1993	711
– Arrest of Ships, 1999	712
Status of the ratifications of and accessions of UNESCO Conventions	
– UNESCO Convention on the Protection of the Underwater Cultural Heritage	712
Status of the ratifications of and accessions to UNIDROIT conventions in the field of private maritime law:	
– UNIDROIT Convention on international financial leasing, 1988	714
Conferences of the Comité Maritime International	715