

Opening Note

To be used for the opening of the Session on JSS on 15 October 2012

By Henry Hai Li, Chairman of the CMI IWG on JSS

Distinguished delegates, ladies and gentlemen:

It is a great honor for me as the Chair of this session to welcome you all to attend this session on Recognition of Foreign Judicial Sales of Ships!

You would note that according to Conference Programme, if necessary, we may have almost three days, i.e. today, tomorrow, and the day after the Excursion to the Great Wall on 17 October, for discussion in details and in depth all issues in relation to international recognition of judicial sales of ships.

At the beginning of this session, please allow me to express my thanks to the following national MLAs for their making comments and amendment proposals relating to the 2nd Draft Instrument, namely, the MLA of Dominica, Norway, China, France, Malta, Ireland, Japan, USA, Croatia, and Britain. Then, please let me take this opportunity to thank the members of the IWG on JSS for their continuous participation and great contribution to this project, now with us sitting on the floor at this session are Jonathan Lux from UK, Andrew Robinson from South Africa, Frank Smeele from Netherland, those sitting in the audience are Frank Nolan from USA, Benoît Goemans from Belgium, Louis N. Mbamefo from Nigeria, and those who are unfortunately not able to come and join us today.

For this morning, we shall have 6 introductory speeches. The first two speakers, i.e. Jan-Erik Pötschke from Germany and Lawrence Teh from Singapore would give us a brief introduction of the law and practice in relation to judicial sales of ships in civil law and common law jurisdictions respectively. The second two speakers, i.e. William Sharpe from Canada and Frank Smeele from Netherland would address the issue of

policy choices and/or considerations which would have to be taken into account when preparing a draft international instrument on this subject, needless to mention, one from common law prospective and the other from civil law prospective. The fifth speaker, i.e. James Zhengliang Hu from China, will tell us briefly the law and practice in relation to judicial sales of ships in China, in which the Conference is now ongoing and the general attitude of China MLA towards the current draft instrument. The last but not the least speaker, i.e. Andrew Robinson will make on behalf of the IWG a presentation of the Summary and the Concise Analysis of the comments so far received from the national MLAs relating to the 2nd Draft Instrument. Thereafter, we shall spend some time for questions and answers before lunch.

In the afternoon, we shall start our discussions on the wording and provisions of the 2nd Draft Instrument from the beginning to the end article by article. The discussion will be chaired by me and Jonathan Lux, together with Andrew Robinson. It is hoped that at the end of the discussion consensus and/or agreement may be achieved on most if not all necessary amendments on the wording or provisions of the 2nd Draft Instrument. Thereafter, the IWG will try to formulate a revised draft and submit the same to the forthcoming CMI Assembly for their consideration and/or adoption.

Please kindly note that all papers and reference materials used or referred to during this session may be found and downloaded from the Conference Website, i.e. <http://www.cmi2012beijing.org/dct/page/65642>. If you have any problem in this aspect or need any further information or material in relation to this subject, please feel free to contact me at my following email address: henryhaili@henrylaw.cn.

Thank you for your attention.