

CMI NEWS LETTER

Vigilandum est semper; multae insidiae sunt bonis.

Spring 1989 (June 89) — COMITE MARITIME INTERNATIONAL — Printemps 1989 (Juin 89)

QUARTERLY

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BULLETIN TRIMESTRIEL

CMI Assembly - April 7, 1989

Assemblée du CMI - 7 avril 1989

Attending — Présents

OFFICERS — MEMBRES DU BUREAU

President Président	:	Francesco Berlingieri
Vice-Presidents Vice-Présidents	:	William Birch Reynardson Nicholas J. Healy Anatoliy Kolodkin J. Niall McGovern Allan Philip José Domingo Ray Jan C. Schultsz Jean Warot
Secretary General Executive Secrétaire Général Exécutif	:	Jan Ramberg
Members of the Executive Council Membres du Conseil Exécutif	:	José Luis Goñi William Tetley Lionel Tricot
Secretary General Administrative and Treasurer Secrétaire Général Administratif et Trésorier	:	Henri Voet
Administrative Officer Conseiller Administratif	:	Miss H. Schrynenmakers Mrs. A. Philippart G.E. Bouton Henri Voet Jr.

DELEGATES — DÉLEGUÉS

ARGENTINA	:	José Domingo Ray (*)
BELGIQUE	:	Roger Roland Jozef Van Den Heuvel Leo Delwaide
BRASIL	:	Pedro Calmon Filho Mrs. Gloria Motta
BULGARIYA	:	Ivan Vladimirov Ivanov
CANADA	:	William Tetley (**)
CHINA	:	Gao Zhunlai Mrs. Lei Min Mrs. Fu Hueizhong
ČESKOSLOVENSKO	:	Bohuslav Klein
DENMARK	:	Allan Philip Bent Nielsen

BUNDESREPUBLIK DEUTSCHLAND	: Prof.Rolf Herber
DEUTSCHE DEMOKRATISCHE REPUBLIK	: Dr.Ralf Richter
ESPAÑA	: José Luis Goñi (**) José M. Alcantara
FINLAND	: N.G.Palmgren
FRANCE	: Claude Boquin Philippe Boisson
IRELAND	: J.Niall McGovern (*)
ITALIA	: Giorgio Berlingieri
JAPAN	: Hisashi Tanikawa Tomotsuguy Kobayashi
JUGOSLAVIA	: Mrs.Vesna Polic Curčić
MAROC	: Mohamed Margaoui
NETHERLANDS	: Jan C.Schultsz (*)
NIGERIA	: Fola Sasegbon
NORWAY	: Thor Falkanger
POLAND	: Z. Brodecki
PORTUGAL	: Mario Raposo
SUISSE	: Rudolf Th.Sarasin : Alexander von Ziegler : Stephan Cueni
SWEDEN	: Jan Ramberg (*) Claës Palme
UNITED KINGDOM	: D.J.Lloyd Watkins
U.S.A.	: Richard W. Palmer Francis O'Brien Kenneth Volk Frank Wiswall Jr.
URSS - USSR	: A.Kolodkin (*) Kalpin

Opening of the Assembly Meeting

The President remembered Mr. Gyselynck (Belgium), Mr.Nagendra Singh (India), Mr.Donald O'May (United Kingdom) and Mr.Suchorzewski (Poland) who had deceased since the previous Assembly meeting. They had all taken a very active part in CMI affairs - Mr.Nagendra Singh as an authority in maritime law of the greatest repute and as Vice-President of the CMI for a long period of time - and had been of the greatest importance for the CMI.

Ouverture de l'Assemblée

Le Président évoque la mémoire de MM. Gyselynck (Belgique) Nagendra Singh (Inde) Donald O'May (Royaume Uni) et Suchorzewski (Pologne) qui sont décédés depuis la précédente réunion de l'Assemblée. Ils avaient pris une part très active aux affaires du C.M.I. - M.Nagendra Singh comme autorité réputée en matière de droit maritime et longtemps comme Vice-Président du C.M.I. - et ont été d'une grande importance pour le C.M.I.

(*) Already mentioned as Vice-President
(*) Déjà mentionné comme Vice-Président

(**) Already mentioned as member of the Executive Council
(**) Déjà mentionné comme membre du Conseil Exécutif.

New Member Associations

The China Maritime Law Association

Mr.Gao Zhunlai informed about the creation of the China Maritime Law Association which will replace China Council for the Promotion of International Trade as a member of the CMI. The Assembly approved with acclamation the creation of the China Maritime Law Association.

The Maritime Law Association of Turkey

The President informed that preparatory steps had been taken to create a maritime law association in Turkey. The Assembly authorized the President and the two Secretary Generals to accept this Association as a new member of the CMI after having ensured that its constitution conformed with the requirements under CMI Constitution.

The Maritime Law Association of Ecuador

The President informed that preparatory steps had been taken to create a maritime law association in Ecuador. The Assembly authorized the President and the two Secretary Generals to accept this association as a new member of the CMI after having ensured that its constitution conformed with the requirements under the CMI Constitution.

New Titulary Members

The Assembly approved with acclamation the following as new Titulary Members of the C.M.I. :

Belgium	:	Paul Goemans Victor Janssens
Brasil	:	Luis Antonio Severo da Costa Maria Cristina de Oliveira Padilha
Canada	:	David Brander-Smith
Denmark	:	Jørgen Bredholt Flemming Hasle Flemming Ipsen Alex Laudrup Christian Lund Jes Anker Mikkelsen Uffe Lind Rasmussen
Ireland	:	Miss Petria McDonnell Christopher Dorman
Italy	:	Miss Giorgetta M. Boi Enzo Morelli Professor Enzio Volli
Japan	:	Norihiko Nagai
Portugal	:	Eduardo Henrique Serra Brandão
Sweden	:	Lars Boman Robert Romlöv Professor Jan Sandström
U.S.A.	:	George W. Healy III James F. Moseley Kenneth Volk

Nouvelles Associations Membres

The China Maritime Law Association

M.Gao Zhunlai a informé l'Assemblée de la création de l'Association de Droit Maritime de Chine qui remplacera le China Council for the Promotion of International Trade comme membre du CMI. L'Assemblée a approuvé par acclamation la constitution de la China Maritime Law Association.

L'Association Turque de Droit Maritime

Le Président a informé que des démarches préliminaires avaient été entreprises en vue de la formation d'une Association Turque de Droit Maritime. L'Assemblée a autorisé le Président et les deux Secrétaires Généraux à accepter cette Association comme nouveau membre du CMI après s'être assurés que ses statuts répondent bien aux conditions imposées par les statuts du CMI.

L'Association Equatorienne de Droit Maritime

Le Président a informé que des démarches préliminaires avaient été effectuées en vue de la formation d'une Association de Droit Maritime en Equateur. L'Assemblée a autorisé le Président et les deux Secrétaires Généraux à accepter cette Association comme nouveau membre du CMI après s'être assurés que ses statuts répondent bien aux conditions imposées par les statuts du CMI.

Nouveaux Membres Titulaires

L'Assemblée a salué par des applaudissements l'élection des personnes suivantes en qualité de Membres Titulaires du C.M.I. :

Belgique	:	Paul Goemans Victor Janssens
Brésil	:	Luis Antonio Severo da Costa Maria Cristina de Oliveira Padilha
Canada	:	David Brander-Smith
Danemark	:	Jørgen Bredholt Flemming Hasle Flemming Ipsen Alex Laudrup Christian Lund Jes Anker Mikkelsen Uffe Lind Rasmussen
Irlande	:	Melle Petria McDonnell Christopher Dorman
Italie	:	Melle Giorgetta M. Boi Enzo Morelli Professeur Enzio Volli
Japon	:	Norihiko Nagai
Portugal	:	Eduardo Henrique Serra Brandão
Suède	:	Lars Boman Robert Romlöv Professeur Jan Sandström
U.S.A.	:	George W. Healy III James F. Moseley Kenneth Volk

Election of a member of the Executive Council

The nominating committee suggested Dr. Frank L.Wiswall Jr.(Reston, USA) as a new member of the Executive Council. The Assembly accepted this nomination with acclamation.

XXXIVth CMI International Conference - Paris 1990

a) Agenda of the Conference

The President informed that the Executive Council has suggested that the following subjects be dealt with by the Conference:

1. Uniformity of the Law of Carriage of Goods by Sea in the 1990's.
2. CMI Uniform Rules for Sea Waybills.
3. Electronic Transfer of Rights to Goods in Transit.

Uniformity of the Law of the Carriage of Goods by Sea in the 1990's

The President will himself act as President for the first subject. A meeting of the International Subcommittee took place on the 4th of April, 1989. The Subcommittee decided to commence its work by studying the following issues :

- I. Scope of Application of the Uniform Rules.
- II. Liability of the Carrier.
- III. Time Limits.
- IV. Jurisdiction and Arbitration.

The Working Group which had prepared the subject will meet again in Paris 6-7 June, 1989. The report from the meeting of the International Subcommittee will be sent to the National Maritime Law Associations and their suggestions and comments, if any, are expected before 20 May so that they can be taken into consideration by the Working Group. A new meeting of the International Subcommittee will take place in London 4-5 September, 1989 and a further meeting is planned during mid-December 1989.

CMI Uniform Rules for Sea Waybills

The President of the International Subcommittee, Sir Anthony Lloyd, has prepared the draft Uniform Rules on the basis of the deliberations by the International Subcommittee. This draft together with explanatory notes will be sent to the Member Associations by the end of April 1989. Their comments are expected by the end of July 1989. No further meeting of the International Subcommittee is planned before the Conference.

Electronic Transfer of Rights to Goods in Transit

Professor Jan Ramberg has by the Executive Council been nominated President of the International Subcommittee on Elec-

Election d'un membre du Conseil Exécutif

La commission des présentations a proposé le Dr.Frank Wiswall Jr.(Reston, USA) comme nouveau membre du Conseil Exécutif. Cette proposition a été approuvée par applaudissements.

XXXIVème Conférence Internationale du CMI - Paris 1990

a) Ordre du jour de la Conférence

Le Président a informé que le Conseil Exécutif avait proposé les sujets suivants comme devant être traités à la Conférence :

1. Uniformisation de la loi du transport de marchandises par mer dans les années 1990.
2. Règles Uniformes du CMI relatives aux lettres de transport maritime.
3. Transfert électronique des droits sur les marchandises en cours de transport.

Uniformisation de la loi du transport de marchandises par mer dans les années 1990.

Le Président du CMI présidera personnellement les discussions du premier sujet. Une réunion de la commission internationale s'est tenue le 4 avril 1989. La commission internationale a décidé de commencer ses travaux par l'étude des questions suivantes :

- I. Champs d'application des Règles Uniformes.
- II. Responsabilité du transporteur.
- III. Prescriptions.

IV. Juridiction et arbitrage.

Le groupe de travail qui a préparé le sujet se réunira à Paris les 6/7 juin 1989. Le rapport de la réunion de la commission internationale sera envoyé aux Associations Membres dont on souhaite recevoir les remarques et suggestions éventuelles avant le 20 mai afin qu'elles puissent être prises en considération par le groupe de travail. Une nouvelle réunion de la commission internationale aura lieu à Londres les 4/5 septembre 1989; une réunion complémentaire est prévue pour la mi-décembre 1989.

Règles Uniformes du CMI relatives aux lettres de transport maritimes.

Le Président de la commission internationale, Sir Anthony Lloyd, a préparé un projet de Règles Uniformes sur base des délibérations de la commission internationale. Ce projet ainsi que des notes explicatives seront envoyés aux Associations Membres à la fin avril 1989; leurs commentaires éventuels sont souhaités pour la fin juillet 1989. Aucune autre réunion de la commission internationale n'est prévue avant la conférence.

Transfert électronique des droits sur les marchandises en cours de transport.

Le professeur Jan Ramberg a été nommé par le Conseil Exécutif président de la commission internationale sur le transfert

tronic Transfer of Rights to Goods in Transit. His first draft report has been sent to the Member Associations and is annexed to the documentation for the Assembly meeting. The first meeting of the International Subcommittee will take place in London on May 31, 1989, when the further timetable will be decided upon. Probably two more meetings of the International Subcommittee will be required before the Conference.

b) Organization and date of the Conference

The President of the French Maritime Law Association, Mr.Claude Boquin, informed that the Conference will take place at the Grand Hôtel in Paris. This hotel is close to the Opera and 300 rooms had already been reserved for the delegates during the Conference.

Also, 200 additional rooms had been reserved at other hotels in the vicinity (Hotel Meurice and Hotel Concorde). The opening ceremony will take place on Sunday 24 June in the afternoon and the final Assembly meeting will take place on Saturday 30 June. An excursion is planned for Wednesday 27 June.

The Assembly expressed its thanks to Mr.Boquin for the excellent preparations for the Conference.

Assembly 1990

It was decided that the concluding Assembly meeting on Saturday 30 June should also be at the same time the ordinary Assembly meeting for 1990.

Other work in progress

Private International Maritime Law

The President reported that the answers submitted by the Member Association will form the basis of a study performed by the Institute of Maritime Law of the University of Southampton, of which Professor D.Jackson is the Director. The study is expected to be ready by the end of April 1989 and will be sent to the Member Associations. The project has been sponsored by the CMI Charitable Trust and will be edited as a new CMI publication.

Implementation of International Conventions

The President informed that so far replies had only been received from six Member Associations. He urged that the Member Associations which had not yet replied should do so as soon as possible. It appeared that the International Association of Legal Science (IALS) meeting will take place in Montreal 1990 which will also deal with interpretation of maritime law conventions. Professor W. Tetley will be present at that meeting and has offered to also act as a CMI observer.

Case-law on Maritime Law Conventions

The President informed that reports had been received from some Member Asso-

électronique des droits sur les marchandises en cours de transport. Son premier projet de rapport a été envoyé aux Associations Membres et est annexé à la documentation pour la réunion de l'Assemblée. La première réunion de la commission internationale aura lieu à Londres le 31 mai 1989; à cette occasion les réunions ultérieures seront décidées. Il est envisagé que deux réunions supplémentaires de la commission internationale seront nécessaires avant la conférence.

b) Organisation et date de la conférence

Le Président de l'Association Française du Droit Maritime, M.Boquin, informe l'Assemblée que la conférence aura lieu à Paris au Grand Hôtel. Cet hôtel est proche de l'Opéra et 300 chambres ont dès maintenant été réservées pour les délégués à la conférence. Deux cents chambres supplémentaires ont été réservées dans d'autres hôtels (Hôtel Meurice et Hôtel Concorde) proches du lieu de la conférence. La cérémonie d'ouverture aura lieu le dimanche 24 juin 1990 dans l'après-midi et la dernière réunion, celle de l'Assemblée, se tiendra le samedi 30 juin 1990.

L'Assemblée a exprimé ses remerciements à M.Boquin pour l'excellence des préparations de la conférence.

Assemblée du CMI 1990

il a été décidé que la réunion de clôture du 30 juin constituera en même temps celle statutaire de l'Assemblée pour 1990.

Autres travaux en cours

Droit International Maritime Privé

Le Président a signalé que les réponses soumises par les Associations Membres constitueront la base d'une étude faite par The Institute of Maritime Law of the University of Southampton, dont le professeur D.Jackson est président. Cette étude est attendue pour la fin avril 1989 et sera adressée aux Associations Membres. Le projet a été rendu possible grâce à l'intervention du CMI Charitable Trust et sera édité sous forme de publication du CMI.

Mise en oeuvre des Conventions Internationales

Le Président a signalé que seulement six réponses d'Associations Membres avaient été reçues jusqu'à présent. Il a insisté pour que les Associations Membres n'ayant pas encore répondu le fassent aussitôt que possible.

La réunion de The International Association of Legal Science (IALS) aura lieu à Montréal en 1990 et traitera également de l'interprétation des Conventions de droit maritime. Le professeur W.Tetley sera présent à cette réunion et a offert d'y participer en tant qu'observateur du C.M.I.

Jurisprudence se rapportant aux Conventions

Le Président signale que des rapports ont été reçus de quelques Associations

ciations. If a sufficient number of reports are received by the end of September 1989 summaries of the cases might be included in the CMI YEARBOOK for 1989. In connection with this project Mr. Alcantara suggested the creation of an "Information Bureau" which could, against remuneration, make available information on maritime law. The President asked Mr. Alcantara to prepare a note on this proposal which could be sent to the Member Associations for their comments.

Co-operation with Intergovernmental Organizations

a) Co-operation with IMO in respect of the draft Convention on Salvage.

The Assembly expressed its thanks to Bent Nielsen (Copenhagen) for the valuable work he had performed so far by representing the CMI in IMO-meetings. He will represent the CMI at the Diplomatic Conference starting 17th of April, 1989. Bent Nielsen reported to the Assembly on the main issues for discussions at the Conference. It is expected that the so-called "compromise" will be debated, since the various interests may challenge the principle that a "normal" award will be sufficient to include salvage to avoid damage to the environment as well.

b) Co-operation with IMO and UNCTAD in respect of Maritime Liens & Mortgages

The President informed about the present status of the deliberations within the international joint group of experts which will meet again in London towards the end of September 1989. In principle, the CMI Lisbon Draft is still upheld. Matters which will be further discussed include the list of maritime liens and the classification of the right of retention. Further, it is probable that an article regarding temporary registration of bareboatchartered ships will be added.

CMI Charitable Trust

Mr. Birch Reynardson reported on the present status of the CMI Charitable Trust. The expenses for 1988 amounted to 40.000 £ Sterling of which 38.000 £ Sterling had been spent on sponsoring of Seminars (Shanghai, Tulane, Lagos) and on researches within the field of maritime law. The net assets of the Trust presently amounted to 150.000 £ Sterling.

Mr. Birch Reynardson urged that the Maritime Law Associations which had not yet contributed to the Trust should do so. The target of the Trust has been set at net assets amounting to 500.000 £ Sterling.

Professor Healy informed that the creation of an "American CMI Foundation" has now been approved in the United States. This will encourage contributions via the Foundation to the CMI Charitable Trust,

Membres. Si un nombre suffisant de rapports sont reçus à la fin septembre 1989, un résumé des divers cas pourrait être inclus dans l'ANNUAIRE CMI pour 1989/1990. En relation avec ce projet, M. Alcantara suggère la création d'un "Bureau d'Information" qui pourrait, moyennant rémunération, fournir les informations dont il dispose en matière de droit maritime. Le Président a demandé à M. Alcantara de préparer une note relative à sa proposition qui pourrait être adressée pour commentaires aux Associations Membres.

Collaboration avec les Organisations Intergouvernementales

a) Collaboration avec OMI en liaison avec le projet de Convention sur l'Assistance

L'Assemblée a exprimé ses remerciements à M. Bent Nielsen (Copenhague) pour le travail considérable qu'il a fourni jusqu'à présent en représentant le CMI aux réunions de l'IMO. Il représentera le CMI à la Conférence Diplomatique débutant le 17 avril 1989. M. Bent Nielsen a fait rapport à l'Assemblée sur les points principaux en discussion à la Conférence. On s'attend à ce que le "compromis" ainsi nommé soit mis en discussion; en effet, les différents intéressés pourraient mettre en cause le principe qu'une indemnité "normale" sera suffisante pour inclure également l'assistance en vue d'éviter des dommages à l'environnement

b) Collaboration avec OMI et CNUCED en matière de priviléges et hypothèques maritimes

Le Président a donné des informations sur l'état des délibérations au sein du groupe international d'experts qui se réunira à nouveau à Londres vers la fin septembre 1989. En principe, le projet CMI de Lisbonne est toujours maintenu. Les points qui seront encore discutés comprennent la liste des priviléges maritimes et la classification du droit de rétention. Par ailleurs, il est probable que sera ajouté un article concernant l'enregistrement temporaire des navires affrétés coque nue.

CMI Charitable Trust

M. Birch Reynardson a fait rapport sur l'état du CMI Charitable Trust. Les dépenses de 1988 se sont élevées à GBP 40.000. dont GBP 38.000. ont été utilisées pour le parrainage de séminaires (Shanghai, Tulane, Lagos) et pour des recherches dans le domaine du droit maritime. Les avoirs nets du Trust s'élèvent actuellement à GBP 150.000.

M. Birch Reynardson a insisté auprès des Associations n'ayant pas encore contribué au Trust pour qu'elles le fassent prochainement. L'objectif fixé au Trust est d'atteindre un avoir net de GBP. 500.000.

Le professeur Healy a signalé que la création d'une "American CMI Foundation" avait été approuvée aux Etats Unis. Ceci favorisera les contributions au CMI Charitable Trust via cette fondation,

since contributions will now be tax deductible.

Report of the Treasurer

The Treasurer commented on the balance sheet as of 31 December, 1988 and on the receipts and expenses for the year 1988. The Assembly granted with thanks release to the Treasurer.

Budget and Contributions to the CMI for 1989

The Treasurer introduced the budget for the year 1989, which includes the rates of annual contribution of the Member Associations and of the Titulary Members as per a schedule that has not varied over the recent years. His proposals were received and approved by the Assembly.

Other matters

The President informed that an International Maritime Law Institute had been set up by IMO in Malta. The President had participated in meetings there to elaborate modules for education in maritime law which will start in October 1989. The purpose of the Institute would be to provide education particularly to students from developing countries on a post-graduate level. The education would cover public as well as private maritime law.

The President of the Belgian Maritime Law Association, Mr. Roland, expressed on behalf of the Assembly his thanks to the President for his highly successful and valuable work for the benefit of the CMI which during the present week had included not only Executive Council and Assembly meetings but also a meeting on Uniformity of the Law of the Carriage of Goods and a very successful Seminar on the law of Bareboat Chartering.

Brussels Conventions

RIDERS TO THE STATUS OF THE RATIFICATIONS OF AND ACCESSIONS TO THE BRUSSELS INTERNATIONAL MARITIME LAW CONVENTIONS

ACCESSION BY HAITI

On 19 April 1989 was registered with the Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, the accession by Haïti to the

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO THE CARRIAGE OF PASSENGERS BY SEA AND PROTOCOL DONE AT BRUSSELS ON 29 APRIL, 1961

According to the provisions of Article 18 of the Convention, the accession will apply with regard to Haïti on July 19, 1989.

RATIFICATION BY DENMARK

On May 2, 1989 was registered with the Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, the ratification by Denmark of the

ces contributions étant maintenant devenues déductibles fiscalement.

Rapport du Trésorier

Le Trésorier fait le commentaire du bilan arrêté au 31 décembre 1988 et du compte des recettes et dépenses pour l'année 1988. L'Assemblée donne décharge au Trésorier et exprime ses remerciements.

Budget et cotisations au CMI pour l'année 1989

Le Trésorier présente le budget pour l'année 1989 qui comprend la fixation du montant des cotisations annuelles des Associations Membres et des Membre Titulaires suivant un tableau qui n'a pas varié depuis plusieurs années. Ses propositions sont approuvées par l'Assemblée

Autres sujets

Le Président informe qu'un Institut International de droit maritime a été fondé par l'OMI à Malte. Le Président y a participé à des réunions ayant pour but d'élaborer des modules en vue de l'éducation en droit maritime qui commencera en octobre 1989. Le but de l'Institut serait de procurer, particulièrement aux étudiants provenant des pays en voie de développement, une éducation à un niveau supérieur. L'éducation s'étendrait au droit maritime public et privé.

Le Président de l'Association Belge de Droit Maritime, M. Roland, exprime au Président au nom de l'Assemblée, ses remerciements pour son activité hautement réussie et extrêmement précieuse au profit du CMI, durant la présente semaine qui a comporté non seulement les réunions du Conseil Exécutif et de l'Assemblée, mais aussi celle sur l'Uniformisation de la loi du transport de marchandises par mer ainsi qu'un séminaire couronné de succès sur les chartes-parties coque nue.

Conventions de Bruxelles

AJOUTES A L'ETAT DES RATIFICATIONS ET ADHESIONS DES CONVENTIONS INTERNATIONALES DE DROIT MARITIME DE BRUXELLES

ADHESION D'HAITI

Le 19 avril 1989 a été déposé auprès du Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique l'instrument d'adhésion d'Haïti à la

CONVENTION INTERNATIONALE POUR L'UNIFICATION DE CERTAINES REGLES EN MATIERE DE TRANSPORT DE PASSAGERS PAR MER, ET PROTOCOLE, FAITE A BRUXELLES LE 29 AVRIL 1961

Conformément aux dispositions de l'article 18 de la Convention, cette adhésion entrera en vigueur à l'égard d'Haïti le 19 juillet 1989.

RATIFICATION PAR LE DANEMARK

Le 2 mai 1989 a été déposé au Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, l'instrument de ratification par le Danemark de la

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO ARREST OF SEAGOING SHIPS DONE AT BRUSSELS ON MAY 10, 1952

According to the provisions of Article 14b) of the Convention, the ratification will apply with regard to Denmark on November 2, 1989.

IMO Conventions

RIDERS TO THE STATUS OF THE RATIFICATIONS OF AND ACCESSIONS TO THE IMO CONVENTIONS IN THE FIELD OF PRIVATE MARITIME LAW

- INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION OF OIL POLLUTION DAMAGE (FUND 1971)

Accession :

Vanuatu 13 January, 1989
Canada 24 January, 1989

- PROTOCOL TO THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION OF OIL POLLUTION DAMAGE (FUND PROT 1976)

Accession :

Vanuatu 13 January, 1989
USSR 30 January, 1989

- ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (PAL 1974)

Accession :

Vanuatu 13 January, 1989

- PROTOCOL TO THE ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (PAL PROT 1976)

Accession :

Vanuatu 13 January, 1989
USSR 30 January, 1989

- INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE (CLC 1969)

Accession:

Canada 24 January, 1989
Egypt 3 February, 1989
St.Vincent & the Grenadines
19 April, 1989

- PROTOCOL TO THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE (CLC PROT 1976)

Accession :

Vanuatu 13 January, 1989
Canada 24 January, 1989
Egypt 3 February, 1989

- PROTOCOL OF 1984 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE 1969 (CLC PROT 1984)

Accession :

St.Vincent & the Grenadines
19 April, 1989

CONVENTION INTERNATIONALE POUR L'UNIFICATION DE CERTAINES REGLES SUR LA SAISIE CONSERVATOIRE DES NAVIRES DE MER, FAITE A BRUXELLES LE 10 MAI 1952

Conformément aux dispositions de l'article 14b) de la Convention, cette ratification entrera en vigueur à l'égard du Danemark le 2 novembre 1989.

Conventions OMI

AJOUTES A L'ETAT DES RATIFICATIONS ET ADHESIONS DES CONVENTIONS DE L'OMI EN MATIERE DE DROIT MARITIME PRIVE

- CONVENTION INTERNATIONALE PORTANT CREATION D'UN FONDS INTERNATIONAL D'INDEMNISATION POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (FUND 1971)

Adhésion :

Vanuatu 13 January, 1989
Canada 24 January, 1989

- PROTOCOLE A LA CONVENTION INTERNATIONALE PORTANT CREATION D'UN FONDS INTERNATIONAL D'INDEMNISATION POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (FUND PROT 1976)

Adhésion :

Vanuatu 13 January, 1989
USSR 30 January, 1989

- CONVENTION D'ATHENES RELATIVE AU TRANSPORT PAR MER DE PASSAGERS ET DE LEURS BAGAGES (PAL 1974)

Adhésion :

Vanuatu 13 January, 1989

- PROTOCOLE A LA CONVENTION D'ATHENES RELATIVE AU TRANSPORT PAR MER DE PASSAGERS ET DE LEURS BAGAGES (PAL PROT 1976)

Adhésion :

Vanuatu 13 January, 1989
USSR 30 January, 1989

- CONVENTION INTERNATIONALE SUR LA RESPONSABILITE CIVILE POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (CLC 1969)

Adhésion :

Canada 24 January, 1989
Egypt 3 February, 1989
St.Vincent & the Grenadines
19 April, 1989

- PROTOCOLE A LA CONVENTION INTERNATIONALE SUR LA RESPONSABILITE CIVILE POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (CLC PROT 1976)

Adhésion :

Vanuatu 13 January, 1989
Canada 24 January, 1989
Egypt 3 February, 1989

- PROTOCOLE DE 1984 PORTANT MODIFICATION A LA CONVENTION INTERNATIONALE SUR LA RESPONSABILITE CIVILE POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES 1969 (CLC PROT 1984)

Adhésion :

St.Vincent & the Grenadines
19 April, 1989

- CONVENTION ON LIMITATION OF LIABILITY
FOR MARITIME CLAIMS
(LLMC 1976)

Accession :
German Democratic Republic

17 February, 1989

- CONVENTION SUR LA LIMITATION DE LA
RESPONSABILITE EN MATIERE DE CREANCES
MARITIMES (LLMC 1976)

Adhésion :
République Démocratique Allemande

Personalia

C H I N A

The Board of the newly created China Maritime Law Association replacing the former section of the China Council for the Promotion of International Trade is composed as follows :

CHINA MARITIME LAW ASSOCIATION
1, Fuxingmenwai Street, Beijing, China
Telex: 222288 TPLAD CN - Fax: 8011369

President : Mr. Zheng Hongye

Vice-Presidents: Mr. Wang Shoumao,
Mr. Cheng Wanzhu
Mr. Shen Zhicheng,
Mr. Chen Zhongbiao,
Mr. Lu Zhongren

Executive Committee:

Chairman: Mr. Gao Zhunlai
Vice-Chairmen Mr. Zhu Zengjie,
Mr. Li Jiahua,
Mr. Chi Jingxian,
Mr. Liu Shujian

Le Bureau de l'Association Chinoise de Droit Maritime récemment créée en remplacement de la section du China Council for the Promotion of International Trade est composé comme suit :

The new Board of the French Maritime Law Association is composed as follows :

Le nouveau Bureau de l'Association Française du Droit Maritime est composé comme suit :

ASSOCIATION FRANCAISE DU DROIT MARITIME
M. Philippe BOISSON, Conseiller Juridique
Bureau Veritas, Cedex 44, 92077 Paris La Défense
Telex: 615368 FBVSMS - Téléph: (1) 42.91.52.71

Président	M. Claude BOQUIN
Présidents Honoriaires	M. Jean WAROT M. Jacques POTIER M. Jacques VILLENEAU M. Pierre LATRON
Vice-Présidents	M. François DROUAULT M. Alain TINAYRE
Secrétaire Général	M. Philippe BOISSON
Secrétaires Généraux	M. Jean Claude BUHLER
Adjoint	M. Pierre DARDELET
Trésorier	M. Jean-Serge ROHART
Conseiller	Mme Françoise MOUSSU-ODIER
Membres	M. Raymond ACHARD M. Pierre ALBERTINI M. Patrick ALLARD M. Marcel ANGENAULT M. François ARRADON M. Jacques BERTHON M. Guillaume BRAJEUX M. Emmanuel FONTAINE M. Jean FRANCOIS M. J-François LE GARREC M. Jean-Claude MATHIVON M. Emmanuel du PONTAVICE Mme Martine REMOND-GOUILLOUD

I N D I A

At the annual General meeting of The Maritime Law Association of India held on 11 February 1989, the following were elected unanimously as Members of the Executive Committee for a period of five years as from 11 February, 1989 :

A son Assemblée générale du 11 février 1989 l'Association Indienne de Droit Maritime a élu à l'unanimité et pour une période de cinq ans à dater du 11 février 1989, les membres suivants de son Comité Exécutif :

THE MARITIME LAW ASSOCIATION OF INDIA 6, Akbar Road New Delhi-110011

President	Mr. Vasant J.SHETH
Vice-President	Mr. G.A. SHAH
Executive-Secretary and Treasurer	Mr. R.A.SOMANADHAN
Members	Mr.L.M.S. RAJWAR Mr. F.G.DASTUR Mr.S.N.BANERJEE Mr.N.K.GOPALAN NAIR Dr. O.P.MOTIWAL Dr.K. NARAYAN RAO Mr.Narender SINGH
Secretary General	Dr.R.K.DIXIT.

Corrigendum

CMI YEARBOOK 1988/1989

page 85 : Titulary Members

The name of President Vasant SHETH is unfortunately missing before his designations and address.

ANNUAIRE CMI 1988/1989

page 85 : Membres Titulaires

Le nom du Président Vasant J.SHETH a malencontreusement été omis avant l'indication de ses qualifications et adresse.

U S S R - U R S S

The Board of the Soviet Maritime Law Association is composed as follows :

Le Bureau de l'Association Soviétique de Droit Maritime est composé comme suit:

SOVIET MARITIME LAW ASSOCIATION
6, B.Koptievsky Pr., 125319 Moscow-USSR
Telex:411197 mmf su - Tel.:151-75-88
151-23-91/151-03-12

President	Prof.Anatoly Lazarevitch KOLODKIN,
Vice-Presidents	Ms.Ida Ivanovna BARINOVA Prof.Alexander Lvovitch MAKOVSKI Mr.Pavel Vassiljevitch SAVASKOV
General Secretary	Mr.Marlen Evdokimovitch VOLOSOV
Vice-General Secretary:	Ms.Nataliya Mikhailovna FEDULEEVA
Vice-General Secretary - Scientific publications :	Mrs.Nelya Danilovna KOROLEVA
Treasurer	Mrs.Nelya Samatovna ALEKSANDROVA.

CMI Seminar on Bareboat Charterparties

The CMI Knokke Seminar met with considerable success. Participants from 22 countries including representatives of International Organizations outside the CMI membership gathered at Hotel "La Réserve" at Knokke, a fashionable Belgian seaside resort, on April 5 and 6, 1989.

Séminaire du CMI sur les Chartes-parties Coque nue

Le Séminaire du CMI à Knokke a connu un grand succès. Des participants venant de 22 pays et comprenant des représentants d'organisations internationales ne faisant pas partie du CMI, se sont réunis à l'Hôtel "La Réserve" à Knokke, une station balnéaire belge à la mode, le 5 et le 6 avril 1989.

The Seminar was chaired by Professor Berlingieri, the President of the CMI. Mr. William Birch Reynardson, the General Rapporteur, introduced the various speakers who dealt with the following subjects :

Le Séminaire était présidé par le Professeur Francesco Berlingieri, Président du CMI. Monsieur William Birch Reynardson, le rapporteur général, a présenté les différents conférenciers qui ont traité les sujets suivants:

Purpose for which the bareboat charterparty is used:
Professor Francesco Berlingieri, President of CMI;

Rights and Obligations:
Dr. Bernd Kröger (West Germany) and Mr. Birch Reynardson (United Kingdom)

Allocation of risks and costs :
Professor Jan Ramberg (Sweden) and Mr. J. Kimball (USA);

Bareboat Charter for new building:
Dr. J. Alcantara (Spain) and Professor William Tetley (Canada)

Bareboat Charter for trading ships:
Professor T. Falkanger (Norway) and Mr. R. Heward (United Kingdom)

Analysis of Contract Clauses:
Mr. Wilford (United Kingdom)

Bareboat Charter Registration and Mortgage Security
The German System in Comparison with Some other Systems:
Dr. Peter Ehlermann (West Germany)

Registration of Ships under Bareboat charter with
particular reference to Dual Registration:
Mrs. V. Curcic (Yugoslavia).

In preparation of the Seminar Special Papers were also circulated to the participants. These had been prepared by a number of authors nominated by Professor Berlingieri. They reflected the Law of the countries of each of the authors and covered the subjects below :

Dans le but de préparer le Séminaire des "Special Papers" ont également été distribués aux participants. Ceux-ci étaient rédigés par différents auteurs désignés par le Professeur Berlingieri. Ces documents fournissaient un aperçu du droit des pays de chacun des auteurs et traitaient des sujets suivants :

- a. Law applicable to bareboat charterparties.
- b. The main characteristics of bareboat charterparties.
- c. The main purposes for which such characteristics are used.
- d. Standard forms of bareboat charters and special forms of such charters.
- e. The possibility of ships being bareboat chartered-out to foreign charterers, of such ships flying the flag of the country of the charterer and being registered in such country and the consequences thereof, particularly as respects registered mortgages, hypotheces or other charges.
- f. The possibility of foreign flag ships being chartered-in and the consequences thereof.
- g. The law regarding:
 - (i) the nationality of crew members;
 - (ii) the country where the ship is insured.
- h. Where the charterer has the option to purchase at conclusion of charter period the law regarding :
 - (i) de-registration of ships;
 - (ii) inclusion in the hire of the purchase price.
- i. Who is the party liable (owner or charterer) in respect of damage done by the vessel to third parties.
- j. Whether and to what extent claims against the bareboat charterer can be enforced against the ship (maritime and possessory liens, right of arrest, etc.).

Post Assembly Meetings

International Subcommittee on Electronic Transfer of Rights to goods in Transit

Chairman : Professor Jan Ramberg

The Subcommittee meets in London on May 31, 1989

Réunions postérieures à l'Assemblée

Commission Internationale sur le Transfert Electronique des Droits sur les Marchandises en cours de Transit.

Président: Professeur Jan Ramberg

La commission se réunit à Londres le 31 mai 1989.

**International Subcommittee on Uniformity
of the Law of the Carriage of Goods by
Sea in the 1990's**

Chairman : Professor Francesco Berlingieri

The Subcommittee will meet in London on September 4/5, 1989.

Executive Council

The next meeting of the Executive Council will take place in London on September 6, 1989.

**XXXIVth International Conference of the
CMI - Paris 1990**

For organisation reasons and in contradiction with the advice appearing in the WINTER 1988 issue of the CMI NEWS LETTER, the Conference will take place at the "Grand Hôtel" in Paris, from Sunday 24 June 1990 until Friday 29 June 1990.

Regular Annual Assembly of the CMI-1990

The next Assembly of the CMI will take place in Paris on Saturday 30 June 1990 subsequent to the Conference of the CMI.

**1989 Conference of The Maritime
Law Association of Australia and
New Zealand - Adelaide**

The 16th Annual Meeting and Conference of the Maritime Law Association of Australia and New Zealand is to take place in Adelaide between Sunday, 15th October and Thursday, 19th October, 1989.

In past years, the conference has been the highlight of the year in the Asia-Pacific region for those involved in maritime activity and interested in the maritime law. 1989 will be no exception.

The conference activities will be centred upon the luxurious new Hyatt Regency Hotel, the brilliant new Adelaide Convention Centre and the nearby Festival Centre. The Frank Stewart Leethridge Memorial Address will be given by Sir Laurence Street, the recently retired Chief Justice of New South Wales and there will be interesting presentations on current issues in the maritime law. Amongst the subjects to be discussed in detail will be matters relevant to maritime arbitration, penalties imposed upon ship owners, industrial relations and insurance.

As usual, there will be a number of social activities, giving delegates and accompanying persons the opportunity of spending time with their colleagues from other parts of the world. An opening dinner will be held at the famous Adelaide Oval, the Association's gala dinner is to be held at the Festival Centre, there is to be a tour of the Maritime Museum and a full day paddle steamer cruise along the lower reaches of the famed Murray River. A program is being established to ensure that all accompanying persons meet each other early in the conference so that they can get to know one another and subject to adequate numbers, a children's program and/or creche will be provided. In order to ensure receipt of a conference brochure and registration form, please contact National Australia Bank Travel in Melbourne on (03) 658-7657 or (03) 658-7699 or in Adelaide (Margaret McCann) on (08) 210-6298.

Commission Internationale sur l'Uniformisation de la Loi du transport de marchandises par Mer dans les années 1990

Président: Professeur Francesco Berlingieri

La commission se réunira à Londres les 4 et 5 septembre 1989.

Conseil Exécutif

La prochaine réunion du Conseil Exécutif aura lieu à Londres le 6 septembre 1989.

**XXXIVème Conférence Internationale du
CMI - Paris 1990**

Pour des raisons d'organisation et, contrairement à ce qui a été annoncé dans l'édition HIVER 1988 du CMI NEWS LETTER, la Conférence se tiendra au "Grand Hôtel" à Paris du dimanche 24 juin 1990 au vendredi 29 juin 1990.

Assemblée statutaire annuelle du CMI-1990

La prochaine Assemblée du CMI se tiendra à Paris le samedi 30 juin 1990 à la suite de la Conférence du CMI.

**Conférence 1989 de l'Association
de Droit Maritime d'Australie et de
Nouvelle Zélande - Adelaide**

CMI NEWS LETTER

Vigilandum est semper; multae insidiae sunt bonis.

Summer (September) 1989 — COMITE MARITIME INTERNATIONAL — Eté (Septembre) 1989

QUARTERLY

Afgiftekantoor : 2000 Antwerpen 1

BULLETIN TRIMESTRIEL

International Convention on Salvage, 1989

approved by the Plenary of the Conference on 28 April 1989

THE STATES PARTIES TO THE PRESENT CONVENTION,

RECOGNIZING the desirability of determining by agreement uniform international rules regarding salvage operations,

NOTING that substantial developments, in particular the increased concern for the protection of the environment, have demonstrated the need to review the international rules presently contained in the Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea, done at Brussels, 23 September 1910,

CONSCIOUS of the major contribution which efficient and timely salvage operations can make to the safety of vessels and other property in danger and to the protection of the environment,

CONVINCED of the need to ensure that adequate incentives are available to persons who undertake salvage operations in respect of vessels and other property in danger,

HAVE AGREED as follows :

Chapter I - General provisions

Article 1

Definitions

For the purpose of this Convention:

(a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.

(b) Vessel means any ship or craft, or any structure capable of navigation.

(c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.

(d) Damage to the environment means substantial physical damage to human health

Convention Internationale de 1989 sur l'Assistance

approuvée par la Conférence en séance plénière le 28 avril 1989.

LES ETATS PARTIES A LA PRESENTE CONVENTION,

RECONNAISSANT qu'il est souhaitable de fixer par voie de convention des règles internationales uniformes concernant les opérations d'assistance,

NOTANT que d'importants éléments nouveaux et, en particulier, une préoccupation accrue pour la protection de l'environnement, ont démontré la nécessité de revoir les règles internationales contenues actuellement dans la Convention pour l'unification de certaines règles en matière d'assistance et de sauvetage maritimes, faite à Bruxelles le 23 septembre 1910,

CONSCIENTS de la contribution considérable que des opérations d'assistance efficaces et entreprises en temps utile peuvent apporter à la sécurité des navires et des autres biens en danger et à la protection de l'environnement,

CONVAINCUS de la nécessité de veiller à ce qu'il y ait des incitations adéquates pour les personnes qui entreprennent des opérations d'assistance à l'égard de navires et d'autres biens en danger,

SONT CONVENUS de ce qui suit :

Chapitre I - Dispositions générales

Article premier

Définitions

Aux fins de la présente Convention :

(a) Opération d'assistance signifie tout acte ou activité entrepris pour assister un navire ou tout autre bien en danger dans des eaux navigables ou dans n'importe quelles autres eaux.

(b) Navire signifie tout bâtiment de mer, bateau ou engin, ou toute structure capable de naviguer.

(c) Bien signifie tout bien qui n'est pas attaché de façon permanente et intentionnelle au littoral et comprend le fret en risque.

(d) Dommage à l'environnement signifie un préjudice matériel important à la

or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.

(e) Payment means any reward, remuneration or compensation due under this Convention.

(f) Organization means the International Maritime Organization.

(g) Secretary-General means the Secretary-General of the Organization.

Article 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

Article 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile off-shore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Article 4

State-owned vessels

1. Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.

2. Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

Article 5

Salvage operations controlled by public authorities

1. This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.

2. Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.

3. The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

santé de l'homme, à la faune ou la flore marines ou aux ressources de la mer dans les eaux côtières ou intérieures ou dans les zones adjacentes, causé par la pollution, contamination, incendie, explosion ou de graves événements similaires.

(e) Paiement signifie le règlement de toute rémunération, récompense ou indemnité due en vertu de la présente Convention.

(f) Organisation signifie l'Organisation maritime internationale.

(g) Secrétaire Général signifie le Secrétaire Général de l'Organisation.

Article 2

Application de la Convention

La présente Convention s'applique chaque fois que des actions judiciaires ou arbitrales relatives aux questions traitées dans la présente Convention sont introduites dans un Etat Partie.

Article 3

Plates-formes et unités de forage

La présente Convention ne s'applique pas aux plates-formes fixes ou flottantes ni aux unités mobiles de forage au large lorsque ces plates-formes ou unités sont affectées, là où elles se trouvent, à l'exploration, à l'exploitation ou à la production de ressources minérales du fond des mers.

Article 4

Navires appartenant à un Etat

1. Sans préjudice des dispositions de l'article 5, la présente Convention ne s'applique pas aux navires de guerre ou autres navires non commerciaux appartenant à un Etat ou exploités par lui et ayant droit, lors des opérations d'assistance, à l'immunité souveraine en vertu des principes généralement reconnus du droit international, à moins que cet Etat n'en décide autrement.

2. Lorsqu'un Etat Partie décide d'appliquer la Convention à ses navires de guerre ou autres navires décrits au paragraphe 1, il le notifie au Secrétaire général en précisant les modalités et les conditions de cette application.

Article 5

Opérations d'assistance effectuées sous le contrôle d'autorités publiques

1. La présente Convention ne porte atteinte à aucune des dispositions de la législation nationale ou d'une convention internationale relatives aux opérations d'assistance effectuées par des autorités publiques ou sous leur contrôle.

2. Toutefois les assistants effectuant de telles opérations sont habilités à se prévaloir des droits et des recours prévus par la présente Convention pour les opérations d'assistance.

3. La mesure dans laquelle une autorité publique qui est obligée d'exécuter des opérations d'assistance peut se prévaloir des droits et des recours prévus par la présente Convention est déterminée par la législation de l'Etat où cette autorité est située.

Article 6

Salvage contracts

1. This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
2. The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.
3. Nothing in this article shall affect the application of article 7 nor duties to prevent or minimize damage to the environment.

Article 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if :

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Chapter II - Performance of salvage operations

Article 8

Duties of the salvor and of the owner and master

1. The salvor shall owe a duty to the owner of the vessel or other property in danger :
 - (a) to carry out the salvage operations with due care ;
 - (b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimize damage to the environment;
 - (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
 - (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.
2. The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor:
 - (a) to co-operate fully with him during the course of the salvage operations;
 - (b) in so doing, to exercise due care to prevent or minimize damage to the environment; and
 - (c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

Article 6

Contrats d'assistance

1. La présente Convention s'applique à toute opération d'assistance sauf dans la mesure où un contrat en dispose autrement, soit expressément, soit implicitement.
2. Le capitaine a le pouvoir de conclure des contrats d'assistance au nom du propriétaire du navire. Le capitaine ou le propriétaire du navire ont le pouvoir de conclure de tels contrats au nom du propriétaire des biens se trouvant à bord du navire.
3. Aucune disposition du présent article ne porte atteinte à l'application de l'article 7 ou à l'obligation de prévenir ou de limiter les dommages à l'environnement.

Article 7

Annulation et modification des contrats

Un contrat ou l'une quelconque de ses clauses peut être annulé ou modifié si :

- (a) le contrat a été conclu sous une pression abusive ou sous l'influence du danger et que ses clauses ne sont pas équitables; ou si
- (b) le paiement convenu en vertu du contrat est beaucoup trop élevé ou beaucoup trop faible pour les services effectivement rendus.

Chapitre II - Exécution des opérations d'assistance

Article 8

Obligations de l'assistant, du propriétaire et du capitaine

1. L'assistant a, envers le propriétaire du navire ou des autres biens en danger, l'obligation :
 - (a) d'effectuer les opérations d'assistance avec le soin voulu;
 - (b) lorsqu'il s'acquitte de l'obligation visée à l'alinéa a), d'agir avec le soin voulu pour prévenir ou limiter les dommages à l'environnement;
 - (c) chaque fois que les circonstances l'exigent raisonnablement, de chercher à obtenir l'aide d'autres assistants; et
 - (d) d'accepter l'intervention d'autres assistants lorsqu'il est raisonnablement prié de le faire par le capitaine ou le propriétaire du navire ou des autres biens en danger; il est néanmoins entendu que le montant de sa rémunération n'est pas affecté s'il s'avère que cette demande n'était pas raisonnable.
2. Le capitaine et le propriétaire du navire ou le propriétaire des autres biens en danger ont, envers l'assistant, l'obligation :
 - (a) de coopérer pleinement avec lui pendant les opérations d'assistance;
 - (b) ce faisant, d'agir avec le soin voulu pour prévenir ou limiter les dommages à l'environnement; et
 - (c) lorsque le navire ou les autres biens ont été conduits en lieu sûr, d'en accepter la restitution lorsque l'assistant le leur demande raisonnablement.

Article 9

Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

Article 10

Duty to render assistance

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.

2. The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.

3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

Article 11

Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

Chapter III - Rights of salvors

Article 12

Conditions for reward

1. Salvage operations which have had a useful result give right to a reward.

2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.

3. This chapter shall apply, notwithstanding that the salved vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13

Criteria for fixing the reward

1. The reward shall be fixed with a view to encouraging salvage operations,

Article 9

Droits des Etats côtiers

Aucune disposition de la présente Convention ne porte atteinte au droit de l'Etat côtier concerné de prendre des mesures, conformément aux principes généralement reconnus du droit international, afin de protéger son littoral ou les intérêts connexes contre la pollution ou une menace de pollution résultant d'un accident de mer, ou d'actes liés à un tel accident, dont on peut raisonnablement attendre de graves conséquences préjudiciables, et notamment au droit d'un Etat côtier de donner des instructions concernant les opérations d'assistance.

Article 10

Obligation de prêter assistance

1. Tout capitaine est tenu, autant qu'il peut le faire sans danger sérieux pour son navire et les personnes à bord, de prêter assistance à toute personne en danger de disparaître en mer.

2. Les Etats Parties prennent les mesures nécessaires pour faire observer l'obligation énoncée au paragraphe 1.

3. Le propriétaire du navire n'est pas responsable de la violation par le capitaine de l'obligation énoncée au paragraphe 1.

Article 11

Coopération

Chaque fois qu'il édicte des règles ou prend des décisions sur des questions relatives à des opérations d'assistance, telles que l'admission dans les ports de navires en détresse ou la fourniture de moyens aux assistants, un Etat Partie prend en considération la nécessité d'une coopération entre les assistants, les autres parties intéressées et les autorités publiques, afin d'assurer une exécution efficace et réussie des opérations d'assistance pour sauver des vies ou des biens en danger, aussi bien que pour prévenir les dommages à l'environnement en général.

Chapitre III - Droits des assistants

Article 12

Conditions ouvrant droit à une rémunération

1. Les opérations d'assistance qui ont eu un résultat utile donnent droit à une rémunération.

2. Sauf disposition contraire, aucun paiement n'est dû en vertu de la présente Convention si les opérations d'assistance n'ont pas eu de résultat utile.

3. Les dispositions du présent chapitre s'appliquent même si le navire assisté et le navire assistant appartiennent au même propriétaire.

Article 13

Critères d'évaluation de la rémunération

1. La rémunération est fixée en vue d'encourager les opérations d'assistance compte

taking into account the following criteria without regard to the order in which they are presented below :

- (a) the salved value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment ;
- (c) the measure of success obtained by the salvor ;
- (d) the nature and degree of the danger;
- (e) the skill and efforts of the salvors in salvaging the vessel, other property and life ;
- (f) the time used and expenses and losses incurred by the salvors;
- (g) the risk of liability and other risks run by the salvors or their equipment ;
- (h) the promptness of the services rendered;
- (i) the availability and use of vessels or other equipment intended for salvage operations;
- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

2. Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salved values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.

3. The rewards, exclusive of any interests and recoverable legal costs that may be payable thereon, shall not exceed the salved value of the vessel and other property.

Article 14

Special compensation

1. If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.

2. If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30% of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph

tenu des critères suivants, sans égard à l'ordre dans lequel ils sont présentés ci-dessous :

- (a) la valeur du navire et des autres biens sauvés;
- (b) l'habileté et les efforts des assistants pour prévenir ou limiter les dommages à l'environnement;
- (c) l'étendue du succès obtenu par l'assistant ;
- (d) la nature et l'importance du danger;
- (e) l'habileté et les efforts des assistants pour sauver le navire, les autres biens et les vies humaines;
- (f) le temps passé, les dépenses effectuées et les pertes subies par les assistants;
- (g) le risque de responsabilité et les autres risques courus par les assistants ou leur matériel;
- (h) la promptitude des services rendus;
- (i) la disponibilité et l'usage de navires ou d'autres matériels destinés aux opérations d'assistance;
- (j) l'état de préparation ainsi que l'efficacité et la valeur du matériel de l'assistant.

2. Le paiement d'une rémunération fixée conformément au paragraphe 1 doit être effectué par toutes les parties intéressées au navire et aux autres biens sauvés en proportion de leur valeur respective. Toutefois, un Etat Partie peut prévoir, dans sa législation nationale, que le paiement d'une rémunération doit être effectué par l'une des parties intéressées, étant entendu que cette partie a un droit de recours contre les autres parties pour leur part respective. Aucune disposition du présent article ne porte préjudice à l'exercice de tout droit de défense.

3. Les rémunérations, à l'exclusion de tous intérêts et frais juridiques récupérables qui peuvent être dus à cet égard, ne dépassent pas la valeur du navire et des autres biens sauvés.

Article 14

Indemnité spéciale

1. Si l'assistant a effectué des opérations d'assistance à l'égard d'un navire qui par lui-même ou par sa cargaison menaçait de causer des dommages à l'environnement et n'a pu obtenir en vertu de l'article 13 une rémunération équivalant au moins à l'indemnité spéciale calculée conformément au présent article, il a droit de la part du propriétaire du navire à une indemnité spéciale équivalant à ses dépenses telles qu'ici définies.

2. Si, dans les circonstances énoncées au paragraphe 1, l'assistant a prévenu ou limité les dommages à l'environnement par ses opérations d'assistance, l'indemnité spéciale due par le propriétaire à l'assistant en vertu du paragraphe 1 peut être augmentée jusqu'à un maximum de 30% des dépenses engagées par l'assistant. Toutefois, si le tribunal le juge équitable et juste, compte tenu des critères pertinents énoncés au paragraphe 1

1, may increase such special compensation further, but in no event shall the total increase be more than 100% of the expenses incurred by the salvor.

3. Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1(h), (i) and (j).

4. The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.

5. If the salvor has been negligent and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.

6. Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

Article 15

Apportionment between salvors

1. The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.

2. The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

Article 16

Salvage of persons

1. No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.

2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.

Article 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

de l'article 13, il peut encore augmenter cette indemnité spéciale, mais l'augmentation totale ne doit en aucun cas représenter plus de 100% des dépenses engagées par l'assistant.

3. Les dépenses de l'assistant visent, aux fins des paragraphes 1 et 2, les débours raisonnablement engagés par l'assistant dans les opérations d'assistance ainsi qu'une somme équitable pour le matériel et le personnel effectivement et raisonnablement utilisés dans les opérations d'assistance, compte tenu des critères énoncés aux alinéas h), i) et j) du paragraphe 1 de l'article 13.

4. L'indemnité totale visée au présent article n'est payée que dans le cas et dans la mesure où elle excède la rémunération pouvant être obtenue par l'assistant en vertu de l'article 13.

5. Si l'assistant a été négligent et n'a pu, de ce fait, prévenir ou limiter les dommages à l'environnement, il peut être privé de la totalité ou d'une partie de toute indemnité spéciale due en vertu du présent article.

6. Aucune disposition du présent article ne porte atteinte aux droits de recours du propriétaire du navire.

Article 15

Répartition entre assistants

1. La répartition entre assistants d'une rémunération visée à l'article 13 se fait sur la base des critères prévus dans cet article.

2. La répartition entre le propriétaire, le capitaine et les autres personnes au service de chaque navire assistant est déterminée par la législation du pavillon du navire. Si l'assistance n'a pas été effectuée à partir d'un navire, la répartition se fait suivant la législation régissant le contrat conclu entre l'assistant et ses préposés.

Article 16

Sauvetage des personnes

1. Aucune rémunération n'est due par les personnes dont les vies ont été sauvées, mais aucune disposition du présent article ne porte atteinte aux dispositions de la législation nationale en la matière.

2. Le sauveteur de vies humaines qui a participé aux services rendus à l'occasion de l'accident ayant donné lieu aux opérations d'assistance a droit à une part équitable du paiement alloué à l'assistant pour avoir sauvé le navire ou d'autres biens ou pour avoir prévenu ou limité les dommages à l'environnement.

Article 17

Services rendus en vertu de contrats existants

Aucun paiement n'est dû en vertu des dispositions de la présente Convention à moins que les services rendus ne dépassent ce qui peut raisonnablement être considéré comme l'exécution normale d'un contrat conclu avant que le danger ne survienne.

Article 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Article 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

Chapter IV - Claims and actions

Article 20

Maritime lien

1. Nothing in this Convention shall affect the salvor's lien under any international convention or national law.

2. The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

Article 21

Duty to provide security

1. Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.

2. Without prejudice to paragraph 1, the owner of the salved vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.

3. The salved vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22

Interim payment

1. The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.

Article 18

Conséquences de la faute de l'assistant

Un assistant peut être privé de la totalité ou d'une partie du paiement dû en vertu de la présente Convention dans la mesure où les opérations d'assistance ont été rendues nécessaires ou plus difficiles par sa faute ou sa négligence, ou s'il s'est rendu coupable de fraude ou de malhonnêteté.

Article 19

Défense d'effectuer des opérations d'assistance

Des services rendus malgré la défense expresse et raisonnable du propriétaire ou du capitaine du navire ou du propriétaire de tout autre bien en danger qui n'est pas et n'a pas été à bord du navire ne donnent pas droit à paiement en vertu de la présente Convention.

Chapitre IV - Crédits et actions

Article 20

Privilège maritime

1. Aucune disposition de la présente Convention ne porte atteinte au privilège maritime de l'assistant résultant d'une Convention internationale ou de la législation nationale.

2. L'assistant ne peut pas faire valoir son privilège maritime lorsqu'une garantie suffisante lui a été dûment offerte ou fournie pour le montant de sa créance, intérêts et frais compris.

Article 21

Obligation de fournir une garantie

1. A la demande de l'assistant, la personne redévable d'un paiement en vertu de la présente Convention fournit une garantie suffisante au titre de la créance de l'assistant, intérêts et frais compris.

2. Sans préjudice des dispositions du paragraphe 1, le propriétaire du navire sauvé fait de son mieux pour obtenir des propriétaires de la cargaison, avant que celle-ci ne soit libérée, une garantie suffisante au titre des créances formées contre eux, intérêts et frais compris.

3. Le navire et les autres biens sauvés ne doivent pas, sans le consentement de l'assistant, être enlevés du premier port ou lieu où ils sont arrivés après l'achèvement des opérations d'assistance, jusqu'à ce qu'ait été constituée une garantie suffisante au titre de la créance de l'assistant sur le navire ou les biens concernés.

Article 22

Paiement provisoire

1. Le tribunal compétent pour statuer sur la créance de l'assistant peut, par une décision provisoire, ordonner que celui-ci reçoive un acompte équitable et juste, assorti de modalités, y compris d'une garantie s'il y a lieu, qui soient équitables et justes suivant les circonstances de l'affaire.

2. In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

Article 23

Limitation of actions

1. Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.

2. The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.

3. An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

2. En cas de paiement provisoire en vertu du présent article, la garantie prévue à l'article 21 est réduite proportionnellement.

Article 23

Prescription des actions

1. Toute action en paiement en vertu de la présente Convention est prescrite si une procédure judiciaire ou arbitrale n'a pas été engagée dans un délai de deux ans. Le délai de prescription court du jour où les opérations d'assistance ont été terminées.

2. La personne contre laquelle une créance a été formée peut à tout moment, pendant le délai de prescription, prolonger celui-ci par une déclaration adressée au créancier. Le délai peut de la même façon être à nouveau prolongé.

3. Une action récursoire peut être intentée même après l'expiration du délai de prescription prévu aux paragraphes précédents, si elle est introduite dans le délai fixé par la législation de l'Etat où la procédure est engagée.

Article 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 24

Intérêts

Le droit de l'assistant à des intérêts sur tout paiement dû en vertu de la présente Convention est déterminé par la législation de l'Etat où siège le tribunal saisi du litige.

Article 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognized principles of international law.

Article 25

Cargaisons appartenant à un Etat

A moins que l'Etat propriétaire n'y consent, aucune disposition de la présente Convention ne peut être invoquée pour saisir, arrêter ou détenir par une mesure de justice quelconque des cargaisons non commerciales appartenant à un Etat et ayant droit, lors des opérations d'assistance, à l'immunité souveraine en vertu des principes généralement reconnus du droit international, ni pour engager une action in rem à l'encontre de ces cargaisons.

Article 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

Article 26

Cargaisons humanitaires

Aucune disposition de la présente Convention ne peut être invoquée pour saisir, arrêter ou détenir des cargaisons humanitaires données par un Etat, si cet Etat a accepté de rémunérer les services d'assistance rendus à ces cargaisons.

Article 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

Article 27

Publication des sentences arbitrales

Les Etats Parties encouragent, dans la mesure du possible et avec le consentement des parties, la publication des sentences arbitrales rendues en matière d'assistance.

Chapter V - Final clauses

Article 28

Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature at the Headquarters of the Organization from 1 July 1989 to 30 June 1990 and shall thereafter remain open for accession.

2. States may express their consent to be bound by this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 29

Entry into force

1. This Convention shall enter into force one year after the date on which 15 States have expressed their consent to be bound by it.

2. For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect one year after the date of expression of such consent.

Article 30

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right not to apply the provisions of this Convention:

- (a) when the salvage operation takes place in inland waters and all vessels involved are of inland navigation;
- (b) when the salvage operations take place in inland waters and no vessel is involved;
- (c) when all interested parties are nationals of that State ;
- (d) when the property involved is maritime cultural property of prehistoric, archaeological or historic interest and is situated on the seabed.

2. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

3. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification

Chapitre V - Clauses finales

Article 28

Signature, ratification, acceptation, approbation et adhésion

1. La présente Convention est ouverte à la signature au Siège de l'Organisation du 1er juillet 1989 au 30 juin 1990. Elle reste ensuite ouverte à l'adhésion.

2. Les Etats peuvent exprimer leur consentement à être liés par la présente Convention par :

- (a) signature sans réserve quant à la ratification, l'acceptation ou l'approbation; ou
- (b) signature sous réserve de ratification, d'acceptation ou d'approbation, suivie de ratification, d'acceptation ou d'approbation; ou
- (c) adhésion.

3. La ratification, l'acceptation, l'approbation ou l'adhésion s'effectuent par le dépôt d'un instrument à cet effet auprès du Secrétaire Général.

Article 29

Entrée en vigueur

1. La présente Convention entre en vigueur un an après la date à laquelle quinze Etats ont exprimé leur consentement à être liés par elle.

2. Pour un Etat qui exprime son consentement à être lié par la présente Convention après que les conditions d'entrée en vigueur ont été remplies, ce consentement prend effet un an après la date à laquelle il a été exprimé.

Article 30

Réerves

1. Tout Etat peut, au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion, se réservé le droit de ne pas appliquer les dispositions de la présente Convention :

- (a) lorsque les opérations d'assistance ont lieu dans des eaux intérieures et que tous les navires en cause sont des bateaux de navigation intérieure;
- (b) lorsque les opérations d'assistance ont lieu dans des eaux intérieures et qu'aucun navire n'est en cause ;
- (c) lorsque toutes les parties intéressées sont des nationaux de cet Etat;
- (d) lorsqu'il s'agit d'un bien maritime culturel présentant un intérêt préhistorique, archéologique ou historique et qui se trouve au fond de la mer.

2. Une réserve faite au moment de la signature doit être confirmée lors de la ratification, de l'acceptation ou de l'approbation.

3. Tout Etat qui a formulé une réserve à l'égard de la présente Convention peut la retirer à tout moment au moyen d'une notification adressée au Secrétaire Général. Ce retrait prend effet à la date à laquelle la notification est reçue. S'il

states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

Article 31

Denunciation

1. This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

Article 32 Revision and amendment

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of eight States Parties, or one fourth of the States Parties, whichever is the higher figure.

3. Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

Article 33 Depository

1. This Convention shall be deposited with the Secretary-General.

2. The Secretary-General shall :

(a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of :

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of the entry into force of this Convention;

(iii) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;

(iv) any amendment adopted in conformity with article 32;

(v) the receipt of any reservation, declaration or notification made under this Convention;

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

est indiqué dans la notification que le retrait d'une réserve prendra effet à une date qui y est précisée et que cette date est postérieure à celle de la réception de la notification par le Secrétaire Général, le retrait prend effet à la date ainsi précisée.

Article 31

Dénonciation

1. La présente Convention peut être dénoncée par l'un quelconque des Etats Parties à tout moment après l'expiration d'une période de un an à compter de la date à laquelle la présente Convention entre en vigueur à l'égard de cet Etat.

2. La dénonciation s'effectue au moyen du dépôt d'un instrument de dénonciation auprès du Secrétaire Général.

3. La dénonciation prend effet un an après la date à laquelle le Secrétaire Général a reçu l'instrument de dénonciation ou à l'expiration de tout délai plus long énoncé dans cet instrument.

Article 32

Révision et amendement

1. Une conférence peut être convoquée par l'Organisation en vue de réviser ou de modifier la présente Convention.

2. Le Secrétaire Général convoque une conférence des Etats Parties à la présente Convention pour réviser ou modifier la Convention, à la demande de huit Etats Parties ou d'un quart des Etats Parties, si ce dernier chiffre est plus élevé.

3. Tout consentement à être lié par la présente Convention exprimé après la date d'entrée en vigueur d'un amendement à la présente Convention est réputé s'appliquer à la Convention telle que modifiée.

Article 33 Dépositaire

1. La présente Convention est déposée auprès du Secrétaire Général.

2. Le Secrétaire Général :

(a) informe tous les Etats qui ont signé la présente Convention ou y ont adhéré ainsi que tous les Membres de l'Organization :

(i) de toute nouvelle signature ou de tout dépôt d'un nouvel instrument de ratification, d'acceptation, d'approbation ou d'adhésion, ainsi que de leur date ;

(ii) de la date de l'entrée en vigueur de la présente Convention ;

(iii) du dépôt de tout instrument de dénonciation de la présente Convention, ainsi que de la date à laquelle il a été reçu et de la date à laquelle la dénonciation prend effet ;

(iv) de tout amendement adopté conformément à l'article 32 ;

(v) de la réception de toute réserve, déclaration ou notification faite en vertu de la présente Convention ;

(b) transmet des copies certifiées conformes de la présente Convention à tous les Etats qui l'ont signée ou qui y ont adhéré.

3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 34
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT LONDON this twenty-eight day in April one thousand nine hundred and eighty-nine.

Attachment 1

COMMON UNDERSTANDING CONCERNING ARTICLES 13 AND 14 OF THE INTERNATIONAL CONVENTION ON SALVAGE, 1989

It is the common understanding of the Conference that, in fixing a reward under article 13 and assessing special compensation under article 14 of the International Convention on Salvage, 1989 the tribunal is under no duty to fix a reward under article 13 up to the maximum salved value of the vessel and other property before assessing the special compensation to be paid under article 14.

* * *

Attachment 2

RESOLUTION REQUESTING THE AMENDMENT OF THE YORK-ANTWERP RULES, 1974

THE INTERNATIONAL CONFERENCE ON SALVAGE, 1989,

HAVING ADOPTED the International Convention on Salvage, 1989,

CONSIDERING that payments made pursuant to article 14 are not intended to be allowed in general average.

REQUESTS the Secretary-General of the International Maritime Organization to take the appropriate steps in order to ensure speedy amendment of the York-Antwerp Rules, 1974, to ensure that special compensation paid under article 14 is not subject to general average.

* * *

Note:

Following the request of IMO for a speedy amendment of the York-Antwerp Rules, 1974, the Executive Council of the C.M.I. has decided to set up a Working Group under the chairmanship of Mr. David W. Taylor to consider the amendment to the York-Antwerp Rules, 1974.

3. Dès l'entrée en vigueur de la présente Convention, une copie certifiée conforme en est transmise par le Dépositaire au Secrétaire Général de l'Organisation des Nations Unies pour être enregistrée et publiée conformément à l'Article 102 de la Charte des Nations Unies.

Article 34

Langues

La présente Convention est établie en un seul exemplaire original en langue anglaise, arabe, chinoise, espagnole, française et russe, chaque texte faisant également foi.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet par leurs gouvernements respectifs, ont apposé leur signature à la présente Convention.

FAIT A LONDRES ce vingt-huit avril mil neuf cent quatre-vingt-neuf.

Document joint 1

INTERPRETATION COMMUNE CONCERNANT LES ARTICLES 13 ET 14 DE LA CONVENTION INTERNATIONALE DE 1989 SUR L'ASSISTANCE

Selon l'interprétation commune de la Conférence, lorsque le tribunal fixe une rémunération en vertu de l'article 13 et calcule une indemnité spéciale en vertu de l'article 14 de la Convention internationale de 1989 sur l'assistance, il n'est pas tenu de fixer une rémunération en vertu de l'article 13 jusqu'à concurrence de la valeur maximale du navire et des autres biens sauvés avant de calculer l'indemnité spéciale à verser en vertu de l'article 14.

* * *

Document joint 2

RESOLUTION DEMANDANT LA MODIFICATION DES REGLES D'YORK ET D'ANVERS DE 1974

LA CONFERENCE INTERNATIONALE DE 1989 SUR L'ASSISTANCE,

AYANT ADOPTÉ la Convention internationale de 1989 sur l'assistance,

CONSIDERANT que les paiements effectués conformément à l'article 14 ne sont pas destinés à être admis en avarie commune,

PRIE le Secrétaire Général de l'Organisation maritime internationale de prendre les mesures appropriées pour faire modifier rapidement les Règles d'York et d'Anvers de 1974 afin de veiller à ce que l'indemnité spéciale payée en vertu de l'article 14 ne soit pas assujettie à l'avarie commune.

* * *

Notice:

Faisant suite à la demande de OMI de modifier au plus tôt les Règles de York et d'Anvers 1974, le Conseil Exécutif du C.M.I. a décidé de constituer un groupe de travail sous la présidence de Monsieur David W. Taylor pour envisager un amendement aux Règles de York et d'Anvers 1974.

Convention on the Liability of Operators of Transport Terminals in International Trade

The above-mentioned Convention was adopted by UNCITRAL at its 22nd Session in June 1989. There is some doubt whether or not a Diplomatic Conference will be convened and if this does not occur it is foreseen that the text will be reconsidered once more by UNCITRAL itself. In the following some general comments shall be made in order to highlight the more important features of the Convention.

1. Background to the Convention

It will be recalled that the CMI took part in a working party within UNIDROIT in order to prepare the text which was subsequently submitted to UNCITRAL. On this occasion, the CMI was represented by Professor Jan Ramberg. In this preparatory work, it was left open whether or not the project should materialize as General Rules for voluntary adoption or as a mandatory Convention. If the former alternative would be chosen CMI offered its assistance in preparing supplementary conditions to the basic General Rules adopted by UNCITRAL. At this time, it was feared that the prospects of a broad ratification of such a Convention were not bright. I think it is fair to say that such fears have not vanished in the meantime.

2. Only five ratifications needed for entry into force

After considerable deliberations UNCITRAL has chosen the Convention alternative. It is somewhat remarkable that the Convention will enter into force after ratifications of only five countries. Although, of course, this will facilitate the coming into force of the Convention, the danger of a proliferation of different Conventions and rules is obvious when such a low number of countries ratifying the Convention is needed for its coming into force. It would be deplorable if this method to boost various international Conventions should become the future method for the unification of transport law.

3. The international element needed for application of the Convention

The Convention differs from the Conventions dealing with carriage of goods in one important respect, namely that the services of an operator of a transport terminal takes place in one particular country and are not as such extended to different countries. Thus, the international element of the service is rather diluted. This being so, a certain disharmony with whatever laws, regulations and rules which apply to warehousing generally in the various countries may appear. The Convention will only apply when the "transport related services" concern goods intended for international carriage and where the place of departure and the place of destination are identified as being located in two different States when the goods are taken in charge by the operator (Art. 1 c). "Transport-related services" include such services as storage, warehousing, loading, unloading, stowage, trimming, dunnaging and lashing (Art. 1 d). Thus, if goods are merely handed over to a transport terminal for further orders, the Convention does not apply. It happens rather frequently that goods would arrive from a foreign country to a transport terminal and then subjected to a contract for further storage by same operator. It is not clear whether, in such a common case, the Convention would continue to apply or whether one would consider that a new contract has been entered into subject to domestic law and rules rather than the Convention. In any event, operators of transport terminals throughout the world would in most cases be subject to varying liability régimes, one domestic régime relating to storage of goods generally and another one concerning transport related services intended for international carriage as defined in the Convention. This fact alone, may make the Convention less attractive for general adoption.

4. Main purposes of the Convention

The main purposes of the Convention would be

- to ascertain to the benefit of the party interested in the goods that mandatory rules cover not only the carriage as such but also the important stages of initial and final custody of the goods which, of course, is particularly important in view of the apparent risk of losses and damages occurring during these stages. Also,

any intermediate stage when the goods are transshipped or the carriage is interrupted for some reason or another would be covered by the mandatory rules of the Convention;

- to facilitate recourse actions from carriers having included in their responsibility not only the carriage as such but also the periods before and/or after the carriage under contracts with the operators of transport terminals when seeking re-imbursement under such contracts for compensation paid to the parties interested in the goods.

5. The liability rules of the Convention

As one could expect the basic liability of the operator of a transport terminal follows the liability expressed in Art. 5 of the Hamburg Rules and Art. 16 of the Multimodal Transport Convention, e.g. a liability for presumed fault or neglect. In actions against servants or agents of the operator they may avail themselves of the same defences and limits of liability as the operator is entitled to under the Convention (Art. 7.2). Also, an action based in tort would follow the same rules as an action in contract under the Convention (Art. 7.1).

The Convention also deals with liability for delay more or less in the same way as the Hamburg Rules. Liability for delay occurs when the operator fails to hand over the goods within the time expressly agreed upon or, in the absence of any such agreement, within a reasonable time after receiving a request for the goods by the person entitled to receive them (Art. 5.3). In case of protracted delay the person entitled to receive the goods may treat them as lost (30 consecutive days after the date expressly agreed upon, or in the absence of any such agreement, within 30 days after request for their delivery has been made, Art. 5.4).

6. Limitation of liability

While the UNIDROIT Working Group thought that any system for limitation of liability except a pure and fixed per kilo limitation would be enormously complicated, UNCITRAL has not hesitated to embark upon such complexities. Thus, it is foreseen that the per kilo limitation would vary according to the mode of transport. The basic limit would probably closely follow the limit of the international Convention for carriage of goods by road, CMR (Art. 6.1 a), viz. 8.33 units of account per kilo, while when carriage by sea or by inland waterways (Art. 6.1 b) is intended the per kilo limitation is foreseen as being identical with the limit of the Multimodal Transport Convention (viz. 2.75 units of account per kilo). The limitation for delay follows the same principles as expressed in the Hamburg Rules, viz. "two and a half times the charges payable to the operator for his services in respect of the goods delayed, but not exceeding the total of such charges in respect of the consignment of which the goods were a part" (Art. 6.2).

The Convention will apply if the operator can "identify" the place of departure and the place of destination as being located in two different States but there is no further requirement that he should know about the intended mode of transport. Hence, the unsatisfactory result is achieved that the limitation figure will depend upon subsequent facts of which the operator may not have any knowledge whatsoever, for instance when he knows that the goods are intended for a foreign destination but at a time when he receives the goods and the contract is entered into does not know which mode of transport will be employed. Further, it is not clear which limitation figure would apply in case of preceding or subsequent multimodal carriage.

7. Loss of the right to limit liability

With respect to the loss of right to limit liability the principle of the CMR Convention has been followed to the effect that the operator would lose his right to limit not only when he himself has committed an act or omission done with the intent to cause the loss, damage or delay, or recklessly and with knowledge that such loss, damage or delay would probably result (Art. 8.1) but also when such blameworthy behaviour could be attributed to his "servants or agents". For practical purposes, this means that if a police report shows that a theft has been performed by a stevedore employed by the operator of the transport

terminal he would lose the right to limit liability provided, of course, that liability would arise at all. This depends on the interpretation of whether or not the theft could be considered to have taken place "within the scope of the employment" of the stevedore which may be a rather difficult issue to resolve in the various jurisdictions. Certainly, stevedores are not employed to steal the goods but, in some jurisdictions, it is considered that a theft would occur "within the scope of the employment", since the stevedore for obvious reasons would have better opportunities to steal the goods than an "outsider" would. If, however, the police report would show that the theft by the same person was performed while he was acting on behalf of a carrier subjected to the Hamburg Rules the liability would be limited (admittedly the text of the Hamburg Rules is not exactly clear on this point but the intent to give the carrier a right to limit liability in this situation is well evidenced by the travaux préparatoires). True, if the main purpose of the Convention would be to supplement the CMR Convention the approach is certainly right. But if the main purpose is rather to supplement the law of carriage of goods by sea the method chosen is clearly wrong. The main problem in international trade certainly arises in transport terminals located in sea ports and is related to carriage of goods intended for carriage of goods by sea.

In case of carriage by road the carrier invariably would include the stages of initial and subsequent storage in his contract of carriage. Thus, if the ambition of the Convention would be to "streamline" a through liability for carriage of goods by sea, including also the initial and subsequent stages of storage, the ambition has failed owing to the above-mentioned choice of rule for the loss of the right to limit liability.

8. Rights of security in goods

In most jurisdictions, a party rendering services with respect to goods would enjoy a right of retention in order to secure his right of payment for such services. However, it is debatable to which extent such a party would have the possibility under the applicable law to extend his right of security to include also claims for services previously rendered with respect to goods other than the goods in his possession at a time when he wishes to exercise his security rights. For this reason, and as suggested by the UNIDROIT Working Group, the Convention merely gives the operator a right of retention for "claims which are due in connection with the transport-related services performed by him in respect of the goods" and not for other costs and claims relating to earlier services. However, the Convention goes on to say that the provisions of the Convention do not "affect the validity under the applicable law of any contractual arrangements extending the operator's security in the goods" (Art. 10.1).

9. Notices and time-bar

The rules with respect to notices follow the same system as in the Hamburg Rules but, under the Convention, there is no need to notify apparent loss or damage at the latest on the working day following the day when the goods were handed over by the operator; it is enough if this is done "not later than the third working day after the day when the goods were handed over" (Art. 11.1). The effect of a late notice is only that the goods are deemed prima facie to have been delivered in correct condition and thus there is no loss of the right of action. One would have thought that a failure to notify an apparent loss or damage more or less immediately would give rise to at least some kind of prima facie evidence of correct delivery but this conclusion must not be drawn until after the third day. The solution seems rather peculiar. Perhaps it would have been better not to deprive courts of law to draw the proper conclusions from a failure to act in a normal and proper way in cases of apparent loss or damage instead of barring such conclusions by disallowing the prima facie effect for such a long time as three days. The time-bar, as in the Hamburg Rules and the Multimodal Transport Convention, has been set at two years (Art. 12). The period starts to run on the day when the goods are delivered or, in case of total loss of the goods, when the operator notifies the person entitled to claim the goods that they have been lost or on the day that such a person may treat

the goods as lost according to the Convention, whichever is the earlier. There is also a possibility for "a carrier or another person" to institute recourse actions against the operator after the expiration of the limitation period, provided such recourse action is instituted within 90 days after the carrier or other person has been held liable in an action against himself or has settled a claim upon which such action was based (Art. 12.5).

Jan Ramberg.

Enrico Vincenzini.

IMO Conventions

RIDERS TO THE STATUS OF THE RATIFICATIONS OF AND ACCESSIONS TO THE IMO CONVENTIONS IN THE FIELD OF PRIVATE MARITIME LAW

- INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE (CLC 1969)

Accession: Cyprus 19 June 1989

Adhésion :

- PROTOCOL TO THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE (CLC PROT 1976)

Accession: Greece 10 May 1989
Belgium 15 June 1989
Cyprus 19 June 1989

Adhésion :

- INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE (FUND 1971)

Accession: Cyprus 26 July, 1989

Adhésion :

- PROTOCOL TO THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE (FUND PROT 1976)

Accession : Cyprus 26 July, 1989

Adhésion :

- CONVENTION RELATING TO CIVIL LIABILITY IN THE FIELD OF MARITIME CARRIAGE OF NUCLEAR MATERIAL (NUCLEAR 1971)

Ratification :

Belgium 15 June 1989

Ratification :

- ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (PAL 1974)

Accession :

Belgium 15 June 1989

Adhésion :

- PROTOCOL TO THE ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (PAL PROT 1976)

Accession :

Belgium 15 June 1989

Adhésion :

- CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS (LLMC 1976)

Accession :

Belgium 15 June 1989

Adhésion :

Conventions OMI

AJOUTES A L'ETAT DES RATIFICATIONS ET ADHESIONS AUX CONVENTIONS DE L'OMI EN MATIERE DE DROIT MARITIME PRIVE

- CONVENTION INTERNATIONALE SUR LA RESPONSABILITE CIVILE POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (CLC 1969)

Adhésion :

- PROTOCOLE A LA CONVENTION INTERNATIONALE SUR LA RESPONSABILITE CIVILE POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (CLC PROT 1976)

Adhésion :

- CONVENTION INTERNATIONALE PORTANT CREATION D'UN FONDS INTERNATIONAL D'INDEMNISATION POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (FUND 1971)

Adhésion :

- PROTOCOLE A LA CONVENTION INTERNATIONALE PORTANT CREATION D'UN FONDS INTERNATIONAL D'INDEMNISATION POUR LES DOMMAGES DUS A LA POLLUTION PAR LES HYDROCARBURES (FUND PROT 1976)

Adhésion :

- CONVENTION RELATIVE A LA RESPONSABILITE CIVILE DANS LE DOMAINE DU TRANSPORT MARITIME DE MATERIES NUCLEAIRES (NUCLEAR 1971)

Ratification :

- CONVENTION D'ATHENES RELATIVE AU TRANSPORT PAR MER DE PASSAGERS ET DE LEURS BAGAGES (PAL 1974)

Adhésion :

- PROTOCOLE A LA CONVENTION D'ATHENES RELATIVE AU TRANSPORT PAR MER DE PASSAGERS ET DE LEURS BAGAGES (PAL PROT 1976)

Adhésion :

- CONVENTION SUR LA LIMITATION DE LA RESPONSABILITE EN MATIERE DE CREANCES MARITIMES (LLMC 1976)

Adhésion :

Personalia

The new Board of the Canadian Maritime Law Association is composed as follows:

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Next Meetings

Uniformity of the Law of Carriage of Goods by Sea in the 1990's

The International Subcommittee will meet in Paris on 17 and 18 January, 1990.

International Subcommittee on the Revision of the York-Antwerp Rules, 1974

The International Subcommittee will meet in Paris on 19 January, 1990.

XXXIVth International Conference of the CMI - Paris 1990

For organisation reasons and in contradiction with the advice appearing in the WINTER 1988 issue of the CMI NEWS LETTER, the Conference will take place at the "Grand Hôtel" in Paris, from Sunday 24 June 1990 until Friday 29 June 1990.

Regular Annual Assembly of the CMI-1990

The next Assembly of the CMI will take place in Paris on Saturday 30 June 1990 subsequent to the Conference of the CMI.

Prochaines Réunions

Uniformisation de la Loi sur le Transport des Marchandises par Mer dans les Années 1990

La Commission Internationale se réunira à Paris les 17 et 18 janvier 1990.

Commission Internationale pour la Revision des Règles d'York et d'Anvers 1974

La Commission Internationale se réunira à Paris le 19 janvier 1990.

XXXIV-me Conférence Internationale du CMI - Paris 1990

Pour des raisons d'organisation et, contrairement à ce qui a été annoncé dans l'édition HIVER 1988 du CMI NEWS LETTER, la Conférence se tiendra au "Grand Hôtel" à Paris du dimanche 24 juin 1990 au vendredi 29 juin 1990.

Assemblée statutaire annuelle du CMI-1990

La prochaine Assemblée du CMI se tiendra à Paris le samedi 30 Juin 1990 à la suite de la Conférence du CMI.

CMI NEWS LETTER

Vigilandum est semper; multae insidiae sunt bonis.

Autumn (December) 1989 – COMITE MARITIME INTERNATIONAL – Automne (Décembre) 1989

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BULLETIN TRIMESTRIEL

International Convention on Salvage, 1989

Convention Internationale de 1989 sur l'Assistance

Report by Bent Nielsen, Copenhagen

The Diplomatic Conference on salvage held at the headoffices of the International Maritime Organization in April 1989 and attented by 66 states have agreed the final text of the new Convention on Salvage 1989, which shall succeed the existing 1910 Convention.

The 1989 Convention has already been printed in the CMI NEWS LETTER for September 1989.

The basis for the Diplomatic Conference was a draft prepared by the Legal Committee of IMO, which again was based on the Montreal Draft Convention adopted at the XXXII International Conference of the CMI held in Montreal in May 1981.

CMI has closely followed the work by IMO and reports from the various stages of this work can be found in CMI NEWS LETTER for December 1981, September 1984 (which contains CMI's report on the Montreal draft), Winter 1985, Spring 1986, Autumn 1986 and Winter 1987 (which contains the draft by the Legal Committee of IMO).

On behalf of the CMI the Diplomatic Conference was attended by Francesco Berlingieri (part-time), W.Birch Reynardson (part-time), Edgar Gould (part-time) and Bent Nielsen.

The final result of the Diplomatic Conference termed "The International Convention on Salvage, 1989" differs in some respects from the draft of the Legal Committee as well as the Montreal draft; however, in substance the basic provisions and ideas of the Montreal draft have been retained; in particular this is the case with respect to the so-called "Montreal-compromise" concerning compensation to the salvor, where the salved vessel or its cargo threatened damage to the environment.

This report deals mainly with the amendments made by the Diplomatic Conference in the draft by the Legal Committee, and reference is made to the comments in previous issues of the CMI NEWS LETTER with respect to the remainder of the Convention.

Art. 1. Definitions.

a. Salvage operation

This definition of salvage corresponds by and large to the Montreal draft Art. 1-1. 1. It means that the scope of international salvage has been extended substantially so as to include not only ships, but also any other structure capable of navigation as well as other property in danger in navigable and other waters.

At the Diplomatic Conference criticism was voiced towards this very broad application. As a result hereof the Conference decided to retain the definition, but to provide for a right of reservation in Art.30, under which a state may reserve the right not to apply the Convention to salvage operations in inland waters, when all vessels are vessels of inland navigation or no vessel is involved.

c. Property

While the Montreal draft in its Art. 1-1.3 only dealt with freight and made it clear, in which cases this would be the object of a salvage operation under the Convention, the Legal Committee had felt it appropriate to add a definition of property saying in particular that property which is permanently and intentionally attached to the shore-line cannot be subject to salvage. The Diplomatic Conference decided to retain this definition of property and to shorten the wording with respect to freight just saying that property includes "freight at risk". This amendment was based upon a proposal by the UK which made it clear that as the value of the cargo for salvage purposes is assessed at its sound arrived value, the only freight which could constitute an additional value, would be freight which the shipowner would earn on arrival of the cargo at the port of destination, and which he would have lost, had the cargo not been salved.

d. Damage to the environment

This key definition corresponds exactly to the CMI draft. Its background has been clarified by the CMI at several occasions.

In particular it has been made clear that by using the words "substantial" and "major" as well as the reference to "pollution, explosion, contamination and fire" it is intended to say that there must be a risk of substantial damage of a more general nature in the area concerned. It has further been explained that the words "to human health or to marine life or resources" exclude from the concept cases where there may only be a risk of substantial damage to other property.

The words "coastal or inland waters" have been much discussed. It was confirmed at the Conference that cases where there is only a risk of damage to the environment on the high seas are excluded and that depending on the nature and extent of the specific risk, the expression would permit the tribunal from case to case to vary the geographical scope, within which "damage to the environment" would be relevant.

Art. 3. Platforms and Drilling Units

This article is new.

The extent to which the Convention shall be applicable to oilrigs was much discussed in the Legal Committee, which in Art. 24 of its draft Convention had proposed for a right of reservation for fixed platforms. The Diplomatic Conference went further and the new Art. 3 excludes from the Convention fixed as well as floating platforms, when they are on location and engaged in their work. It was made clear that pipelines are not covered by Art. 3 and thus not excluded from the Convention.

The Diplomatic Conference decided to substitute "mobile off-shore drilling units" for "drilling vessels", because the former term was considered more appropriate in the light of its definition in Chapter I, paragraph 1-3.1 of IMO Modu, which is of the following wording:

" Mobile offshore drilling unit or unit is a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt. "

Art. 4. State-owned vessels

Although paragraph 1 of art. 4 in substance corresponds to Art. 25 of the draft of the Legal Committee and Art. 1-2.2. c of the Montreal draft it is reworded as a result of considerable discussions at the Diplomatic Conference and in an informal working group. It is believed that the rewording makes the Convention more acceptable not only by the states which have ratified the 1926 Convention on immunity of state-owned vessels and the 1934-Protocol thereto, but also by other states, which have not ratified this Convention, such as the United States.

Art. 5. Salvage operations controlled by public authorities.

This important article corresponds exactly to the Montreal draft Art. 1-3.

Art. 6. Salvage Contract

While paragraph 1 almost exactly corresponds to the CMI draft Art. 1-4.1, paragraph 2 of this article has been slightly expanded now making it clear that not only the Master but also the Owner of the vessel can contract for salvage on behalf of property onboard the vessel.

The 3rd paragraph of Art.6 makes it clear that Art.7 of the Convention dealing with annulment and modification of contracts is mandatory and - much more important - that the duties as contained in Art.8 of the Convention of the salvor and the Owner and the Master to prevent or minimize damage to the environment are also mandatory. These are the only exceptions to paragraph 1 of Art.6 which provides that the parties are free to exclude by their contract all other rules of the Convention.

Art.8 Duties of the salvor and the owner and master

This article corresponds to the draft of the Legal Committee. The Montreal draft went further and included also certain duties of a public law nature. However, during the work of the Legal Committee these were excluded as it was felt that this were matters which had to be dealt with in other contexts, in particular the 1973-1978 Marpol Convention.

Art.9. Rights of coastal states

This article is new. Its origin was a proposal by Australia which provided for a duty of the salvor to comply with directions of a coastal state given in accordance with international law to take measures to protect its coast line from pollution. This proposal was felt to be too far reaching as it introduced new public law rules in the Convention. The matter was considered by an informal working group and the result was the present text, which makes it clear that the Salvage Convention does not change or add anything to the existing international public law with respect to rights of the coastal state to take measures to protect its coastal line from pollution.

Art.10 Duty to render assistance

Although there are slight modifications of the wording, this article corresponds fully to the Montreal draft Art.2-3 as well as to the 1910-Convention, Art. 11 and 12.

Throughout the work of the CMI, the Legal Committee, and also at the Diplomatic Conference, proposals have been tabled but not carried, on the one hand to remove this article from the Salvage Convention as it is public law, and on the other hand to provide for more extensive duties with respect to life salvage.

Art. 11. Co-operation

Although this article, which deals with the duty of states to facilitate salvage operations, has been much debated, the wording has remained exactly the same since it was originally drafted by the CMI Subcommittee prior to the Montreal Conference.

Art. 12. Conditions for reward

Except for a linguistic clarification in sub-paragraph 2, this article has exactly the same wording as Art. 3-1 of the Montreal draft.

Art. 13 and 14. Damage to the environment

These two articles contain the rules for compensation of the salvors, where the salved vessel or its cargo threatened damage to the environment. Together with the definition of environmental damage in Art.1.d they are the most important innovations of the Convention and formed the basic part of the compromise which was the heart of the Montreal draft.

Prior to the Diplomatic Conference the United States had tabled a far-reaching proposal according to which a separate and quantified award could be made for the skill and efforts of the salvors in preventing environmental damage. According to the proposal this separate reward should be borne by the property interest in proportion to their value, except when it exceeded a certain percentage of the traditional salvage reward, in which case the excess amount should be borne by the owner of the vessel.

The background for this proposal was that it was felt unequitable that the cargo interest in the cases where the environmental enhancement was significant should bear the full proportionate part hereof because often the primary P & I responsibility for pollution damage was exposed. This was felt especially true, where non-polluting cargoes were involved.

The CMI representative made it clear to the Diplomatic Conference that this proposal was not compatible with the Montreal compromise and that its adoption would result in many of the commercial interests withdrawing from the understanding reached in 1981. It was further pointed out that according to the compromise as contained in the Montreal draft the tribunal may in the same case fix both a traditional award (including enhancement) which is lower than the value of the salved property and a special compensation under Art.14, as long as the total payment to the salvors does not exceed what would be payable as special compensation under Art.14, if no property had been salved. The CMI's report to the Legal Committee of IMO contains an example which illustrates this relationship between the ordinary salvage reward under Art.13 and the special compensation under Art.14. Thus it would be open to a tribunal to use this possibility e.g. when the salved property is of limited value and the salvor's costs have been considerable because of the risk of environmental damage.

The US proposal did not receive much support, and these questions were now discussed in an informal working group. The group subsequently proposed a rule of interpretation, which was approved by the Conference and attached to the final Act of the following wording :

"It is the common understanding of the Conference that, in fixing a reward under Art. 13 and assessing special compensation under Art.14 of the International Convention on Salvage 1989, the tribunal is under no duty to fix a reward under Art.13 up to the maximum salved value of the vessel and other property before assessing the special compensation to be paid under Art.14. "

The Diplomatic Conference also approved a proposal by the working group for a resolution making it clear that special compensations under Art.14 are not intended to be allowed in general average and requesting appropriate steps to be taken in order to amend the York-Antwerp Rules 1974 to reflect this.

The US proposal was now withdrawn and the US could subsequently vote for Arts 13 and 14.

It is an essential part of the Montreal compromise that the salvor who has carried out salvage operation in respect of a vessel, which threatens damage to the environment, shall always be compensated for his costs. This part of Art.14 was not questioned by the Diplomatic Conference; however, the additional compensation payable to the salvor who by his salvage operation has prevented environmental damage was the subject of considerable debate.

In the Montreal draft the CMI proposed that this payment shall not exceed 100% of the salvor's costs. The Legal Committee, however, had felt it more proper to leave open this multiplier to be decided by the Diplomatic Conference.

At the Diplomatic Conference a number of countries, led by Mexico, Ecuador and South Yemen and heavily supported by Greece firmly proposed that this compensation should not exceed 30% of the salvor's costs while on the other hand most European countries as well as the United States and Canada insisted that the multiplier should be 100%.

A working group was set up, where this matter was discussed and negotiated. Various proposals for a compromise-solution were considered, but without result.

At a later stage the Secretary General of the IMO explained that in his view it would be in the interest of the developing countries to have sufficient incentives in the Salvage Convention to prevent considerable and very expensive environmental damage rather than to limit the special compensation payable to the salvors too much.

Subsequently a proposal drafted by South Yemen was tabled, which contained both a reference to 30% and to 100%.

This proposal was approved by the Diplomatic Conference without any debate which clarified its meaning. It is difficult to analyse this, but a few comments may assist.

The final version of Art 14.2, as the Montreal draft, provides that the tribunal, if it deems it fair and just, can fix an additional special compensation up to a maximum of 100%. No doubt, therefore, many of the supporters of 100% feel that they have got what they wanted.

Verbally the text of Art.14.2 does not make it a condition for increasing the compensation up to 30% that it shall be deemed fair and just to do so. However, it can hardly be the intention that one may increase up to 30% in the cases where this is not felt fair and just.

The fact that the 2nd part of paragraph 2 provides that "the tribunal" may increase up to 100%, while no reference is made to any right of the "tribunal" in the 1st sentence, does not, of course, mean that the parties need to involve a tribunal and could not negotiate a settlement, which involves an increase exceeding 30%.

Further it is worth noting that there was no authoritative support of the idea that one should normally keep below the 30% and only in exceptional cases use the 2nd layer between 30 and 100%. Likewise the idea that one could simply disregard the reference to 30% had not either any authoritative support.

Shortly after the Convention was approved the Secretary General of IMO has requested the CMI to take steps to amend the York-Antwerp Rules in accordance with the resolution of the Diplomatic Conference. A working group under the chairmanship of Mr.David W.Taylor is presently considering this subject and it is hoped that this matter can be completed by the CMI at the forthcoming international Conference in Paris 1990. One may also expect that the revision of the York-Antwerp Rules will result in clear guide-lines for the admission in general average of salvage rewards which include an element of enhancement under Art.13.1.b of the Convention.

Art. 13. Criteria for fixing the reward

Art. 13.1 corresponds to the draft of the Legal Committee and the Montreal draft.

It is worth noting that in Art.13.1.e) the words "the skill" has been added by the Diplomatic Conference to bring the wording of this subparagraph in line with the wording of sub-paragraph b.

Paragraph 2 originates from the Legal Committee and has been reworded and clarified at the Diplomatic Conference based upon a proposal by the Netherlands.

Art. 15 - 24

These articles were not amended by the Diplomatic Conference and correspond in substance to the Montreal draft.

Jurisdiction

Both the Montreal draft and the Legal Committee's draft contained an article on jurisdiction. It has been subject to much doubt within the CMI and the Legal Committee whether the Convention at-all should have such a provision and it was not surprising that eventually the Diplomatic Conference decided to delete this article.

Art. 25. State-owned cargoes

This article is new. Its origin is a proposal by the United States, which was rather far-reaching and in particular provided that the articles of the Salvage Convention dealing with the authority of the master or the owner to conclude salvage contracts on behalf of the cargo (Art. 4.2), maritime lien (Art. 20), duty to provide security (Art. 21), interim payment (Art.22) and interest (Art.24) should not be applicable to such cargoes.

This was debated in an informal working group whose final proposal was accepted by the Conference.

The article as finally approved says no more than that the Salvage Convention cannot be used as a basis for seizure, arrest or detention

and leave it open whether in national law or any other conventions to permit such a step. It is worth noting that the article corresponds rather well to the 1926/1934 Brussels Convention concerning immunity of state-owned ships and cargoes.

Art. 26. Humanitarian cargoes

This article is new. It was proposed by the United States and accepted as proposed.

It is expected that the rule would minimize the possible delays associated with delivery of humanitarian cargoes - not often agricultural food products - in those instances where a state has affirmatively stepped forward and obligated itself to pay for salvage services in respect to such cargoes.

Art. 27. Publication of arbitral awards

The drafts by the CMI and the Legal Committee provide that the state-parties shall encourage as far as possible and if need be with the consent of the parties the publication of arbitral awards in salvage cases. However, based on a proposal by France the words "if need be" were deleted to underline that the consent of the parties is necessary in all cases.

Art. 29. Entry into force and

Art. 32. Revision and amendment

On the last day of the conference a proposal by Cuba, Mexico, Kuwait and Ecuador supported by the majority of the developing countries and Greece, according to which the Convention should enter into force when it has been consented to by 25 states and could be subject to revision at the request of 10 states, caused much debate, as the industrial countries led by England proposed 10, respectively 6 states. From one side it was pointed out that it would be excessive as compared with recent conventions to provide that as many as 25 states should consent and that this would delay the entering into force very much - (based on recent experiences up to 15 years). On the other side it was argued that it was a general experience that the developing countries frequently needed some time until they could consent to a convention. If the number of consents necessary for the convention to enter into force was too low, one feared that the Convention could enter into force and be subject to a new conference for its revision, where the developing countries would have no influence, because they had not at that time been able to consent to the original convention.

The result was a compromise according to which 15 states should consent to the Convention, before it can enter into force, and a minimum of 10 states can call for a revision.

Consequently one may expect that some time will pass until the Convention enters into force. However, it may be of comfort to the supporters of the Convention that some states may decide to enforce the Convention in their national legislation before the Convention enters into force, and in particular that Lloyd's Forms rather soon may be amended to incorporate the rules of the Convention.

September 19, 1989
Bent Nielsen

The Faculty of Law and Political Science of the Central University of Venezuela signed a contract with the National Congress to prepare a draft on the reform of the commercial legislation, and the Institute of Private Law of the Faculty appointed Professor Luis Cova Arria to elaborate a preliminary draft of the subject.

The draft-preceded by the Introductory Remarks-comprises 754 articles and is divided under five titles on : 1) General Provisions; 2) Administrative Rules; 3) Naval Tribunals and Procedural Rules; 4) On the exercise of Navigation and Maritime Trade; 5) Complementary and transitory Provisions.

The draft incorporates the principles of international conventions approved under the auspices of the C.M.I., I.M.O. and UNCTAD.

In a Seminar held on October 1988 the Project has been considered by qualified speakers.

The project did not take into account the criterion of the 1942 Italian Code nor the Argentine law as it was considered that it was not advisable to split up the regulation of the institutes, according to the different aspects of same into account, that is to say, whether the rule is of an administrative, civil, commercial, labour, procedural or international character.

In the first title it has incorporated general rules on the construction of the navigation law, the concept and classification of ships, the scope of the application of the Act, and some concepts and rules on jurisdictions, maritime authorities and that which has to be considered in the application of the particular institutions.

As to the rules of an "administrative" character it has been considered that many of them should be removed and included in the regulation of the Act.

Furthermore, the title of "Naval Courts and Procedural Rules" with some important "Administrative Rules" has been suggested to be incorporated into those of the General or Special Title and Chapters.

In the Third Title "On the exercise of Navigation and Maritime Trade" there is the regulation of ship-building contracts, liens and mortgages, arrest of ships, conflicts of law, ownerships and ship-owners (following a combination with the system of the 1957 and 1976 conventions) captain, maritime agents, crew, contracts for the use of the ship, collision, salvage, general average and insurance.

The project follows the system of The Hague Rules, within the general framework of the Hamburg Rules insofar as these have adopted provisions which are considered a good contribution for the regulation of the carriage of goods by sea and do not contradict the principles admitted by the States which have ratified or adhered to the 1924 Brussels Convention and the complementary protocols.

During the October's Seminar a representative of the consumers argued against the adopted solution, advocating the straight-forward adoption of the Hamburg Rules. The basis of his proposal was that the United Nations Commission for Trade and Development and its Chief of Maritime Legislation, in a specific document on the subject, were in favour of the Rules, considering that they were advantageous to the consumers.

After the arguments in favour and against the Hamburg Rules were pointed out and those of the system adopted by the Draft, following the system of the "Guide-Lines for Maritime Legislation" of the United Nations, it has been emphasized that it implied a radical change in the question of liability and the consequences it would have in cases of salvage, collision and general average with doubts about the advantages for the developing countries.

On closing the Seminar, the Directress of the Institute of Private Law, Dra. Lourdes Wills R., emphasized that before the Project is dealt with in Congress the observations made would be considered and a fresh text or a complementary document with those observations considered pertinent would be prepared and forwarded and thus supply, eventually, the best text possible.

To summarize, the preliminary draft is a good work which tends to place legislation at the level of the times. I have no doubts that with the observations made and those which will be forwarded to the Faculty, the Congress of Venezuela will have before it an excellent project and the most advanced in Latin America.

José D.RAY.

Brussels Conventions

RIDERS TO THE STATUS OF THE RATIFICATIONS OF AND ACCESSIONS TO THE BRUSSELS INTERNATIONAL MARITIME LAW CONVENTIONS

RATIFICATION BY DENMARK

On 7 August 1989 was received at the Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, a verbal note from the Royal Danish Embassy, stating that, until further notice the following Convention shall not apply neither to the Faeroe Islands nor to Greenland :

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO ARREST OF SEAGOING SHIPS, DONE AT BRUSSELS ON MAY 10, 1952

DENUNCIATION BY THE NETHERLANDS

On 1st September 1989 was registered with the Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, an instrument dated 8 August 1989 emanating from the Kingdom of the Netherlands notifying the denunciation by the Netherlands of the following Convention :

INTERNATIONAL CONVENTION RELATING TO THE LIMITATION OF THE LIABILITY OF OWNERS OF SEA-GOING SHIPS AND PROTOCOL OF SIGNATURE SIGNED AT BRUSSELS ON OCTOBER 10, 1957

By means of a verbal note dated 21st September 1989, the Government of the Netherlands notifies that the denunciation of the said Convention does not apply to Aruba.

According to the provisions of Article 13 of the Convention, the denunciation will apply with regard to the Netherlands on 1 September, 1990.

DENUNCIATION BY BELGIUM

On 1st October, 1989 was registered with the Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, an instrument dated 7 February, 1989 emanating from the Government of the Kingdom of Belgium notifying the denunciation by Belgium of the following Convention :

INTERNATIONAL CONVENTION RELATING TO THE LIMITATION OF THE LIABILITY OF OWNERS OF SEA-GOING SHIPS AND PROTOCOL OF SIGNATURE, SIGNED AT BRUSSELS ON OCTOBER 10, 1957

ACCESSION BY IRELAND

On 17 October 1989 were deposited with the Ministère des Affaires Etrangères, du commerce extérieur et de la coopéra-

Conventions de Bruxelles

AJOUTES A L'ETAT DES RATIFICATIONS ET ADHESIONS AUX CONVENTIONS INTERNATIONALES DE DROIT MARITIME DE BRUXELLES

RATIFICATION PAR LE DANEMARK

Le 7 aout 1989 a été reçue au Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique une note verbale de l'Ambassade Royale du Danemark déclarant que jusqu'à nouvel ordre, la Convention ci-dessous ne s'appliquera ni aux Iles Féroé, ni au Groenland:

CONVENTION INTERNATIONALE POUR L'UNIFICATION DE CERTAINES REGLES SUR LA SAISIE CONSERVATOIRE DES NAVIRES DE MER, FAITE A BRUXELLES LE 10 MAI 1952

DENONCIATION PAR LES PAYS-BAS

Le 1er septembre 1989 a été enregistré au Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique un instrument daté du 8 aout 1989 émanant du Royaume des Pays-Bas, notifiant la dénonciation par les Pays-Bas de la Convention ci-après :

CONVENTION INTERNATIONALE SUR LA LIMITATION DE LA RESPONSABILITE DES PROPRIETAIRES DE NAVIRES DE MER ET PROTOCOLE DE SIGNATURE, SIGNES A BRUXELLES LE 10 OCTOBRE 1957

Par note verbale datée du 21 septembre 1989, le Gouvernement des Pays-Bas notifie que la dénonciation de ladite Convention n'est pas valable pour Aruba.

Conformément aux dispositions de l'article 13 de la Convention, la dénonciation produira ses effets à l'égard des Pays-Bas le 1er septembre 1990.

DENONCIATION PAR LA BELGIQUE

Le 1er octobre 1989 a été enregistré au Ministère des Affaires Etrangères, du commerce extérieur et de la coopération au développement de Belgique, l'instrument daté du 7 février 1989 émanant du Gouvernement du Royaume de Belgique, notifiant la dénonciation par la Belgique de la Convention ci-après :

CONVENTION INTERNATIONALE SUR LA LIMITATION DE LA RESPONSABILITE DES PROPRIETAIRES DE NAVIRES DE MER ET PROTOCOLE DE SIGNATURE, SIGNES A BRUXELLES LE 10 OCTOBRE 1957

ADHESION PAR L'IRLANDE

Le 17 octobre 1989 ont été déposés au Ministère des Affaires Etrangères, du commerce extérieur et de la coopération

tion au développement de Belgique, the instruments of accession of Ireland to the following International Conventions:

1. INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO CIVIL JURISDICTION IN MATTERS OF COLLISION, SIGNED AT BRUSSELS ON 10 MAY, 1952
2. INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO ARREST OF SEA-GOING SHIPS, SIGNED AT BRUSSELS ON 10 MAY, 1952

Ireland reserves the right not to apply the provisions of the latter Convention to warships or to ships owned by or in the service of a State.

According to Article 13 of the Convention under sub.1. and to Article 15 of the Convention under sub.2., these Conventions will, with regard to Ireland, enter into force on 17 April, 1990.

au développement de Belgique, les instruments d'adhésion de l'Irlande aux Conventions Internationales ci-après :

1. CONVENTION INTERNATIONALE POUR L'UNIFICATION DE CERTAINES REGLES RELATIVES A LA COMPETENCE CIVILE EN MATERIE D'ABORDAGE, SIGNEE A BRUXELLES LE 10 MAI 1952
2. CONVENTION INTERNATIONALE POUR L'UNIFICATION DE CERTAINES REGLES SUR LA SAISIE CONSERVATOIRE DES NAVIRES DE MER, SIGNEE A BRUXELLES LE 10 MAI 1952

L'Irlande se réserve le droit de ne pas appliquer les dispositions de cette dernière Convention aux navires de guerre ou aux navires appartenant à un Etat ou au service d'un Etat.

Conformément à l'article 13 de la Convention citée sub.1. et à l'article 15 de la Convention citée sub.2., ces Conventions entreront en vigueur à l'égard de l'Irlande le 17 avril 1990.

Personalia

The mandate of Dr.Rudolf SARASIN as liaison Officer to the CMI having expired, the IUMI has, on the occasion of its last Conference in Antwerp appointed Mr.A.ROSSI, Manager of the Marine Department of the "Neufchateleuse" Inc. Cy., Neufchatel, as his successor.

We wish to congratulate Mr.A.ROSSI and assure him of our best co-operation.

Le mandat du Dr.Rudolf SARASIN qui assurait la liaison avec le CMI, étant venu à son terme, l'IUMI a désigné, à l'occasion de sa dernière Conférence à Anvers, M.A.ROSSI, Directeur du Département Maritime de la "Neufchateleuse" Société d'Assurances à Neufchatel ,comme son successeur.

Nous tenons à féliciter M.A.ROSSI et à l'assurer de notre entière collaboration.

Seminar on Bareboat Charterparties - Knokke 1989

A full Report of the Seminar has been published and copies of same are available on application to Mr. W. Birch Reynardson, Thos R.Miller & Son, International House, 26 Creechurh Lane, London EC3A 5BA, at the price of GBP.15.- each.

Séminaire sur les Chartes-Parties Coque Nue - Knokke 1989

Un rapport complet sur le Séminaire a été publié dont des exemplaires peuvent être obtenus sur demande auprès de Mr.W. Birch Reynardson, Thos R.Miller & Son, International House, 26 Creechurh Lane, London EC3A 5BA, au prix de GBP. 15.- pièce.

XXXIVth International Conference of the C.M.I. - Paris June 1990

The following subjects will be dealt with at the forthcoming Paris Conference :

- a) Uniformity of the Law of Carriage of Goods by Sea in the 1990's;
- b) CMI Uniform Rules for Sea Waybills
- c) Electronic Transfer of Rights to Goods in Transit

XXXIVème Conférence Internationale du C.M.I. - Paris juin 1990

Les sujets suivants seront traités à la prochaine Conférence de Paris :

- a) Uniformisation de la Loi sur le Transport des Marchandises par mer dans les années 1990;
- b) Règles Uniformes du CMI relatives aux Lettres de transport maritime;
- c) Transfert Electronique des Droits sur les Marchandises en cours de transport;

d) Revision of the York-Antwerp Rules
1974.

The host Association, the "Association Française du Droit Maritime" will shortly send formal invitations, detailed programme and registration forms to all Member Associations and Titulary Members of the CMI.

d) Révision des Règles de York et d'
Anvers 1974.

En sa qualité d'organisation invitante l'Association Française du Droit Maritime fera prochainement parvenir des invitations officielles, un programme détaillé et des formulaires de participation aux Associations Membres et aux Membres Titulaires du CMI.

Revision of the York-Antwerp Rules 1974

The CMI International Subcommittee dealing with this subject will meet in Paris on 19 January, 1990. A questionnaire has been sent to the Member Association with the kind request to send their replies not later than December 20, 1989.

Révision des Règles de York et d'Anvers 1974

La Commission internationale du CMI s'occupant de ce sujet, se réunira à Paris le 19 janvier 1990. Un questionnaire a été adressé aux Associations Membres les priant d'envoyer leurs réponses au plus tard le 20 décembre 1989.

Next Meetings

International Subcommittee on Electronic Transfer of Rights of Goods in Transit.
Chairman: Professor Jan Ramberg

The International Subcommittee will meet in Paris on 16 January, 1990 at 9.30 a.m. at the "Comité Central des Armateurs de France", 73 Blvd.Haussmann, 75008 Paris.

International Subcommittee on Uniformity of the Law of the Carriage of Goods by Sea in the 1990's
Chairman: Professor Francesco Berlingieri

The International Subcommittee will meet in Paris on 17/18 January, 1990 at 10.00 a.m. at "Comité Central des Armateurs de France", 73 Blvd.Haussmann, 75008 Paris.

Executive Council

The next meeting of the Executive Council will take place in Paris on 19 January 1990 at 9.00 a.m. at Maître Jean Warot's office, 74 Avenue Paul Doumer, 75116 Paris.

International Subcommittee on the Revision of the York-Antwerp Rules 1974
Chairman: Mr. David Taylor

The International Subcommittee will meet in Paris on 19 January, 1990 at 9.30a.m. at "Comité Central des Armateurs de France", 73 Blvd.Haussmann, 75008 Paris.

Prochaines Réunions

Commission Internationale sur le Transfert Electronique des Droits sur les Marchandises en cours de Transport
Président: Professeur Jan Ramberg

La Commission internationale se réunira à Paris le 16 janvier 1990 à 9h30 au "Comité Central des Armateurs de France" 73 Blvd.Haussmann, 75008 Paris.

Commission Internationale sur l'Uniformisation de la Loi du Transport des Marchandises par Mer dans les années 1990
Président: Prof. Francesco Berlingieri

La Commission Internationale se réunira à Paris les 17 et 18 janvier 1990 à 10h00 au "Comité Central des Armateurs de France" 73 Blvd.Haussmann, 75008 Paris.

Conseil Exécutif

La prochaine réunion du Conseil Exécutif aura lieu à Paris le 19 janvier 1990 à 9h00 dans les bureaux de Maître Jean Warot, 74 Avenue Paul Doumer, 75116 Paris.

Commission Internationale sur la Révision des Règles de York et d'Anvers 1974
Président: M. David Taylor

La Commission Internationale se réunira à Paris le 19 janvier 1990 à 9h30 au "Comité Central des Armateurs de France" 73 Blvd.Haussmann, 75008 Paris.

Albert Lilar Foundation

The prize of the Albert Lilar Foundation will be awarded in 1990 for the fifth time.

The rules for the awarding of the prize are the following :

Article 1 :

The Albert Lilar prize will, as from the year 1978, be awarded every three years by the board of directors of the Foundation, instituted as selection committee.

The amount of the prize is fixed by the board of directors. It is minimum Belgian francs 200.000.

Article 2 :

The prize is destined to reward the author or the authors of an outstanding scientific work being of a nature as to promote the unification of maritime law respectively the study of comparative maritime law.

Its main object is to encourage young authors of talent.

Article 3 :

Consideration will only be given to works of which three copies will have been received at the Registered Office of the Foundation before the 15th May of the year during which the prize will be awarded or that have been issued before that date.

Article 4 :

It is permitted to the selection committee to pay attention only to the works brought out in book form and, as such, put at the disposal of the public less than five years prior to the 15th May of the year during which the prize will be awarded.

Articles in reviews, studies having a magnitude not greater than that of an article, dissertations or other analogous works will be disregarded.

Article 5 :

The works that have been submitted or proposed must be written in one of the following languages : french, dutch, german, english.

A work written in another language will only be given consideration provided at least two members of the selection committee have a sufficient knowledge of that language.

Article 6 :

The selection committee is sovereign in its appreciation of the merits of the works under consideration.

It may choose either one of the works that have been submitted or a work to which it is given consideration by its own initiative and that complies with the requirements provided in articles 2 to 5 of these rules.

It reserves the right not to award the Prize.

Fondation Albert Lilar

Le prix de la Fondation Albert Lilar sera attribué en 1990 pour la cinquième fois.

Le règlement d'attribution du prix est le suivant :

Article 1 :

Le prix Albert Lilar est attribué tous les trois ans à partir de l'année 1978 par le conseil d'administration de la Fondation, constitué en jury.

Le montant du prix est déterminé par le conseil d'administration. Il est au minimum de 200.000 francs.

Article 2 :

Il est destiné à récompenser l'auteur ou les auteurs d'un ouvrage scientifique de grand mérite et de nature à promouvoir l'unification du droit maritime ou l'étude du droit maritime comparé.

Son but est d'encourager principalement de jeunes auteurs de talent.

Article 3 :

Seront seuls pris en considération les ouvrages dont trois exemplaires seront parvenus au siège de la Fondation avant le 15 mai de l'année au cours de laquelle le prix sera attribué ou qui auront été publiés avant cette date.

Article 4 :

Le jury ne pourra retenir que les ouvrages publiés en librairie et, comme tels, mis à la disposition du public moins de cinq ans avant le 15 mai de l'année au cours de laquelle le prix sera attribué.

Ne seront retenus les articles de revues ni les études n'ayant pas une ampleur plus grande que celle d'un article, ni les mémoires ou autres travaux analogues.

Article 5 :

Les ouvrages présentés ou proposés devront être rédigés dans une des langues suivantes : français, néerlandais, allemand, anglais.

Un ouvrage rédigé dans une autre langue ne pourra être pris en considération que si deux membres du jury au moins possèdent une connaissance suffisante de cette langue.

Article 6 :

Le jury apprécie souverainement la valeur des ouvrages présentés.

Il peut porter son choix tant sur l'un des ouvrages présentés que sur une œuvre retenue de sa propre initiative et répondant aux conditions prévues aux articles 2 à 5 du présent règlement.

Il se réserve le droit de ne pas attribuer le prix.