



PRESIDENCIA

Guayaquil, June 15, 2020

Mr.
Christopher Davis
President
Comite Maritime International

Dear Mr. President,

I am attaching the Voting Form for the Virtual General Assembly, to be held on June 30, after having obtained the necessary dispensations from the Belgian Government, to hold a virtual and remote Assembly.

I am going to refer to the abstention that I include in my pronouncement on the sixth item of the Agenda, since I consider that the Nominating Committee has complied with literal a), but not with literal b) and following paragraphs of Art. 26 of the CMI Constitution, which is the spirit of the article, because as the Report of the Nominating Committee indicates, the Nominating Committee role is to provide guidance to the NMLAs who will vote at the Assembly, since it is the Assembly that must elect the members of the Body, whose election is on the Agenda of the Assembly.

The literal b) and following paragraphs of Art. 26, contain the true democratic spirit of the CMI Constitution, since it corresponds to the NMLAs to propose candidates and it may be the case that the proposal of the Nominating Committee by itself, like in this case, does not have a majority of the NMLAs voting and the elected would be those proposed by the NMLAs, therefore, the candidates proposed by the Committee would not be named in the Assembly for the position that is being elected.

On the other hand, the Executive Committee has postponed for a year all the activities scheduled for 2020, as a result of the global pandemic of COVID-19, and has done well to do so, since it is an atypical year in which the professional and academic activities have been severely affected, and if carried out they would have been a complete failure, inasmuch as all countries are concerned about the health of their citizens and people worried about their own health and little attention would have been given to the activities programmed by the CMI.

Junín 105 y Malecón, Edificio Apolo River Tower piso 6

Email: marlaw@asedmar.org.ec

Teléfono: 593-04 2560100

Fax: 593-04 2 560700

Casilla: 3548

Guayaquil- Ecuador



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In this line of thinking, I think that what is appropriate is that the election of the officials that appear in point six of the Assembly Agenda is also postponed for a year, since the pandemic has cut a semester of time for the development of their activities, but this does not justify granting them an additional full period (three years), which is to the detriment of those dignitaries who have also lost a year in the fulfillment of their work plans, but who due to ending their periods in 2021, they would not have the same opportunity.

If, due to the aforementioned considerations, the presence-based Assembly, Congress and Colloquium have been postponed for a year, I believe that for there to be coherence in the resolutions of the Executive Council, the periods of the officials that end this year should also be postponed, because otherwise it would be acting in a discriminatory manner with the dignitaries whose periods expire in 2021, and who in 2020 were unable to carry out their work plans due to the global pandemic.

I hope, Mr. President, that this communication will be, not only known by the Executive Committee, but also by the virtual Assembly, on the occasion of the vote on the sixth item on the Agenda, and therefore, send this communication as soon as possible, before the deadline for expressing the vote by the NMLAs.

Best regards,

Prof. Dr. José M. Apolo
President
Ecuadorian Maritime Law Association

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