



# COMITE MARITIME INTERNATIONAL

## PRESIDENT

Ann Fenech - Opening remarks Montreal Colloquium – 15<sup>th</sup> June 2023

1. It is with great pleasure that I welcome you all to this CMI Montreal Colloquium. This is my first visit to Canada and it will most certainly not be my last and I hope you are all as excited as I am to be here.
2. This colloquium comes very hot on the heels of our Antwerp Conference and the organising committee barely had 8 months to organise this event. As a start I would therefore like to thank the organising committee made up of a number of CMI Exco members and members from the Canadian Maritime Law Association led by their President Paul Harquil, which committee has worked very hard indeed to put up this colloquium in circumstances which became more complex when the Grand Prix changed its dates to this coming week end!
3. Notwithstanding this we were still able to pull it off and here we are.
4. Thank you Paul and thank you to all your team. In addition I would also like to thank in particular our Secretary General Rosalie Balkin, office manager Evelien Peeters, Administrator Lawrence Teh and conference organiser Amanda Curtis and her team for the sterling work done in putting up this colloquium. Thank you all
5. I am sure you will agree with me ladies and gentlemen that this splendid location is matched by the equally excellent programme and sessions which we have for you over the next two days.

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6. The subjects which will be tackled and covered evidence the fact that the CMI is determined to consolidate its position as the primary facilitator for the unification of international maritime law. We are convinced that there is further need now, more than ever before in this constantly changing world we are living in, not only to ensure that we manage the present but that we are ready for the future.
7. To this end we are thus determined to continue to identify areas within the maritime sector which either require or will require uniformity. During my meetings with Mr. Kitak Lim at the IMO as well as during IMO legal committee 110 held only a few weeks ago, it became very apparent that the CMI is not only ready and able, but is expected to offer its assistance in numerous areas which require and demand attention. Whether it is Maritime Automated Surface ships, whether it is decarbonisation, or whether it is fraudulent registries and fraudulent activity or whether it is the unfair treatment of seafarers undergoing legal processes, the CMI is geared, through its practitioners on the ground and at the coal face to provide real life solutions.
8. Hot off the press is the work of the CMI in bringing the Draft Convention on the international effects of judicial sales of ships to UNCITRAL, in actively and intently working with UNCITRAL in working group V1 to finalise a Draft in record time during COVID leading to the adoption of the convention by the General Assembly of the United Nations on the 7<sup>th</sup> December of last year. This was a very special day for the CMI. We now look forward to the signing ceremony of the Convention in Beijing in September.
9. This convention will, once ratified by as many states as possible end the uncertainty currently being experienced by purchasers of ships in judicial sales of vessels sold free and unencumbered, and by their new financiers, when those sales are not given full and proper effect.
10. However this experience has also underlined another path, another deliverable for the CMI which goes beyond the drafting of international maritime conventions. This additional deliverable is the role which the CMI can and must play in the ratification process of conventions once the conventions are adopted. The experience we are living through at the moment related to the Convention on judicial sales has shown us that it is not only appropriate but necessary for the CMI to act as the facilitator, broker, mediator, go between, assisting national maritime law associations in their endeavours to convince their own governments of the need for the ratification of various conventions quite apart from assisting with offering explanations on their content. We are currently doing this

with the Convention on the international effects of judicial sales of ships by participating together with the Secretariat at UNCITRAL in various road shows and seminars being held literally all over the world, where we go and explain what the convention is all about, why it is important for states to ratify the convention and these efforts are being greatly appreciated by the various governmental bodies in these jurisdictions.

Of course proof of the pudding is in the eating and we will see whether all these efforts will provide the desired result in terms of ratifications.

11. Moving swiftly on, because we do have a very full day ahead of us, I would like to welcome and thank Mr. Kitak Lim Secretary General of the IMO for accepting our invitation to address us this morning, Minister of Transportation in Canada, The Honourable Omar Alghabra, and the Honourable Sean Harrington for so very kindly accepting our invitation to deliver the Berlingieri lecture

Finally thank you all for coming to Montreal and attending this colloquium. On behalf of the CMI I welcome you to this colloquium, I hope that the Montreal programme will provide you with the mentally stimulating debate that we are now accustomed to expect from CMI events and most importantly that it will also give you all the opportunity of catching up with old friends and making new ones.

Thank you.