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Printed By **Ann Fenech**

Comité Maritime International eyeing further conventions

Leading Malta shipping lawyer believes there are diplomatic deals to be done on cyber security, decarbonisation and automation

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by **David Osler** | @finance_LL | david.osler@lloydslistintelligence.com

'What I hope to bring to the table is me and my practical approach to maritime law and shipping, while keeping all the traditions that make CMI unique,' says Ann Fenech

INTERVIEW



FENECH: 'WE ARE EXPERTS ON MALTESE LAW. WE ARE NOT EXPERTS ON FOREIGN LAW. WE LEAVE FOREIGN LAW TO THE EXPERTS IN THOSE JURISDICTIONS.'

Source: *Comité Maritime International*

COMITE Maritime International, the grouping of national maritime associations that played a key role in bringing about the Beijing convention, sees the need for a further series of diplomatic pacts on industry issues, according to its president.

“Today we need to work even more hand in hand with our industry, because the industry can help us understand what the problems are, with a view to finding a solution.”

Because judicial sales are a major issue in Malta, the MMLA was already involved in a working group on judicial sales that was already up and running at the CMI. Fenech played a full part in the deliberations.

Fenech was nominated as CMI vice president in 2012, where her achievements included chairing a working group on ship finance security practices.

The brief was to investigate whether an addition shipping protocol to the aviation-centric Cape Town Convention on International Interests in Mobile Equipment was necessary. The conclusion was, probably not.

“So many countries have regulations on how to deal with creditors and lien holders that shipping is already very sophisticated in its legal framework.

“It would not be suitable subject matter for a protocol to the Cape Town convention,” Fenech argued.

After that, the United Nations Commission on International Trade Law asked the CMI to hold a colloquium on judicial sales, which took place in 2018.

This time the consensus was that international agreement among industry players would be a good thing. While Fenech was not involved in the initial drafting of the Beijing convention, she was given the job of coordinating the project.

In 2022, the CMI’s then president decided not to seek a second term, and quietly suggested that Fenech put herself forward for the vacancy. She did ultimately do so, but only after overcoming a degree of initial reluctance.

“I never remotely contemplated the presidency of the CMI. I have a very busy practice ... I decided to go for it, because it is a huge honour and a huge privilege to be asked to preside over an organisation that has been around since 1897.

“I approached the matter with huge trepidation, because my predecessors were world authorities. I am hugely humbled by it.

“What I hope to bring to the table is me and my practical approach to maritime law and shipping, while keeping all the traditions that make CMI unique.”

But while it is important to ensure that a grand legacy is maintained and promoted, the best way of doing that is making it 2023-compatible, she concluded.

That means a constantly updated work programme, and questions such as cyber security, decarbonisation and automation are all seen as worthy of consideration.

Judicial sales deal is extension of flag state sovereignty, argues prime mover

By David Osler

11 May 2023

United Nations Convention on the International Effects of Judicial Sales of Ships looks all but certain to enter force by next year at latest

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