

# Setting a precedent

The Comité Maritime International this year celebrated its 125th anniversary. Dr Ann Fenech, CMI's new first-ever female President, is interviewed here for SMI by Felicity Landon, winner of the Seahorse 2022 'Maritime Journalist of the Year' Award.



**D**r Ann Fenech admits that when she was elected the first female President of the Comité Maritime International in October, she felt a little anxious. "When I think of the CMI, I think that many of the former presidents were icons of their time! But I have been flabbergasted by the amount and depth of messages of support I have received – I feel so humbled," she says.

"Soon, I started to relax," she continues. "I have been working in maritime law for 36 years and I always say – not a day goes by where I don't look at something with a fresh pair of eyes and learn something new. I have learned that is the secret for remaining enthusiastic about what you do; the day you think you know it all is the day you should call it a day."

Fenech says the timing of her election as CMI President is opportune, as she had already planned to step down as head of the Marine Litigation department at Fenech & Fenech in Malta, to take on more of a consultancy role at the firm. "We are very fortunate that we have a partnership agreement which allows that flexibility," she says. "So I

will continue to work on the cases which I have a particular interest in, but I will let go of the more administrative side of the practice. I hope that will release a lot of time, which I will be able to dedicate to the CMI."

She believes the strength of the CMI is that its main membership is made up of national maritime law associations (NMLAs) from all corners of the world. There are also titular members – individuals recognised for their expertise in and contribution to maritime law – and consultative members, which include the IMO, BIMCO, ICS, IBA, FONASBA, IGP&I, the IIDM (Ibero-American Institute of Maritime Law) and several others.

Ann Fenech is also President of the Malta Maritime Law Association (MMLA) and was for five years Vice President of the CMI. For the past four years, she has been the CMI coordinator in Working Group V1 at UNCITRAL, which was working on a draft convention produced by the CMI on the international effects of judicial sales of ships – this was deliberated on and approved by UNCITRAL at the end of June and passed on to the UN general assembly for adoption.

"I would like to reach out more to NMLAs; I have just lived through the experience of our judicial sales UNCITRAL project, which demonstrated the assistance that NMLAs can give to projects," she says. "When the CMI produces a draft instrument which it then convinces an international body such as UNCITRAL to take on, it is deliberated by a room full of state delegations made up of highly accomplished learned diplomats. However, when it comes to deliberating the finer points of, say, a maritime convention that is super

specialised, state delegations clearly benefit enormously from specialised assistance provided by the participation of their NMLAs. I would like us to explain to NMLAs what an important role they have with assisting their own governments and state delegations in such fora."

It is easy as a maritime lawyer to become mostly focused on one's own region – in her case, Europe – says Fenech. She relates that since she became involved in Working Group VI at UNCITRAL, she has appreciated the importance of understanding regional 'goings-on'.

"All countries, and even regions, have their own specificities and requirements. When we come to work on an international convention, we all need to get out of our comfort zone and try to understand where other countries are coming from, what they have in mind and what their needs are. Only then can you find a solution that will tick all the boxes and meet their needs. And it is important that we do so, because ultimately, we want states to ratify the conventions."

Fenech says she intends to build on the good work of her predecessors – she has taken over from Chris Davis – and to embark on a major reaching-out initiative. She wants the CMI to 'embrace in its totality' the advantages of today's tech tools, including the various platforms available through social media.

A new publications and social media committee is being set up. "We will have two co-chairs, one focusing on social media and the other in charge of more traditional publications, which are equally important. It is not one or the other. Embrace what's good in both and go with it."

Formally established in 1897, the CMI is recognised as the oldest international organisation in the maritime legal field. Its importance and contribution to the unification of maritime law is undisputed, says Fenech.

"The vast majority of the international maritime conventions which regulate the maritime sector were/are originally drafted by the CMI. So whether we are talking about the Arrest Convention, Limitation of Liability, Collisions or Wreck Removal and Salvage, the CMI's work is hugely important, enabling the regulation of many types of interaction and activity in the maritime industry. The importance and relevance of the CMI is there for everybody to see."

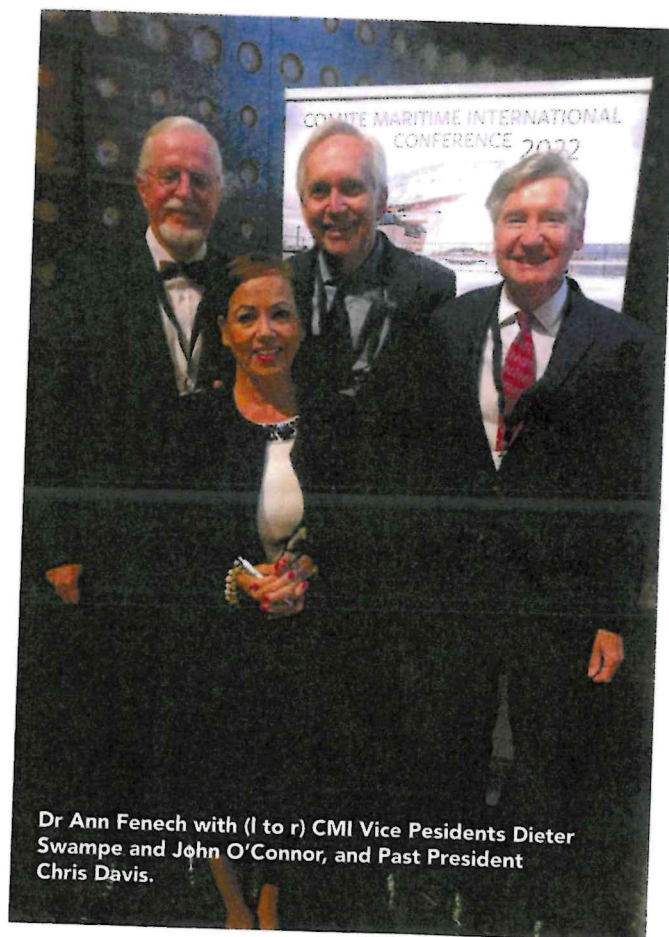
As to the future, Fenech says: "There is much more work that needs to be done, which the CMI can contribute to, including with MASS [Maritime Autonomous Surface Ships]. When talking about unmanned ships and automation, bear in mind that most conventions have the human being at their very heart.

"We need to embrace these changes. The CMI committee on unmanned ships has been working very hard going through each and every one of these conventions to see what needs to be done, so we can make them automated ship compatible.

"We are looking forward to the general assembly of the UN adopting the latest convention on the international effects of judicial sales of ships and we plan to embark on a concerted effort in convincing states to ratify this convention."

"In the coming years, we will be talking more about how ships are built, about automation, how we use human resources, crewing, about ship recycling and taking care of the planet."

"Maritime law provides the framework within which maritime activity can take place and various issues can be resolved," concludes the new CMI President. "Because shipping and the maritime sector of its very nature is international, it is important for its protagonists to have the comfort of knowing that maritime laws in different countries are similar. This is where the unification of international maritime law comes in, and why the CMI continues to be important and relevant." ●



Dr Ann Fenech with (l to r) CMI Vice Presidents Dieter Swampe and John O'Connor, and Past President Chris Davis.