Prof. Dr. Alexander Von Ziegler

CMI Newsletter – 1/2026

Getting to know your EXCO

1. As one of the most experienced councillors of the CMI, having served as Secretary General between 1996 and 2003 and later being awarded the title of Secretary General *Honoris Causa* at the CMI Montreal Colloquium, and more recently appointed Vice President at the CMI Tokyo Conference last year, how do you see the CMI's role evolving in shaping international maritime law in the years ahead?

   For more than a century CMI operated within the maritime world, which followed a perspective «from the port on to the ship to the Ocean to the port». The focus was on maritime and the port were the limits. As this was a confined and very specialized industry system, the law and its harmonisation was focussed on that very maritime perspective (see also the discussions on the Lex Maritima): harmonization was necessary in a – by definition - international context for the ship, her ownership, her operation, maritime casualties and preserving rights and liens on the asset represented by the ship.

   As the global economy changed dramatically over the period since CMI's creation and therefore those changes require a total revision of the perspective: Today one has to see the ship (and its trades and legal challenges) as a mere piece in complex and multi-connected system of the modern global economy where overseas trade still plays a major role, but this role cannot anymore be treated as a microcosmos but one that has to evolve with all the fast growing adaptations of the multiple interfaces in which maritime trade and shipping operates today. We might well face revolutionary changes pushed by diverse evolutions of technologies in the next decades. These changes and the way they confront us will affect the way CMI and its work has to operate. CMI needs to react and more importantly scout or seek for such developments and accept challenges that follow from them in the future.

   In fact, the metamorphosis from the perspective of "pure maritime" to "integrated maritime" has long started; slowly and for many not so obvious, but it has started. The Rotterdam Rules 2008 may serve as an example. The work of the CMI started under the working title «Issues of Transport Law", as the challenges at the time were not purely maritime but to address the issue of rights to the cargo during transit, an issue that needed to be addressed due to the new electronic technology. The project "returned" in the course of the preparation back to «maritime», but actually to «maritime plus», also as a reaction to the fact that by that time the great majority of maritime contracts were reaching from inland departure points to inland destinations, adding land-legs to the maritime journey. The major change of the perspective however was to move from the purely maritime perspective of regulating the liability of the carrier and the shipper's rights in case of cargo damages and losses to safeguarding that the contract for the carriage of goods responded to all the expectations and requirements the contract of sales / trade etc. would make towards the maritime part of the logistic chain. Other CMI projects also show this tendency, e.g. the Beijing Convention on Judicial Sales (protecting ship finance interests when

purchasing ships in a judicial sale), and the latest Convention on Negotiable Transport Document (which started clearly non-marine and ended affecting also maritime trade). It is also telling that most of the last projects which were completed before an International Organisation of the UN were completed at UNCITRAL (specialized in International Trade Law) and not before the «dedicated maritime» Organisation, IMO.

Thus, as a reply to your question, I think that CMI needs to look and observe developments «outside of the maritime box» and always closely monitor changes made in the global economy and its evolving practices. And where the issues seem to remain maritime (such as e.g. with MAAS), solutions and concepts developed outside the maritime world need to be included in the workflow. This necessarily requires also an open mind regarding the inclusion of our partners, such as our Consultative Members, as the expertise needed to resolve «our» challenges may soon be much wider than we imagine today. And if CMI is open for these challenges, I see no better Organisation that can fulfil this task together with our MLA's and consultative partners.

Alexander von Ziegler, following his appointment as Vice President

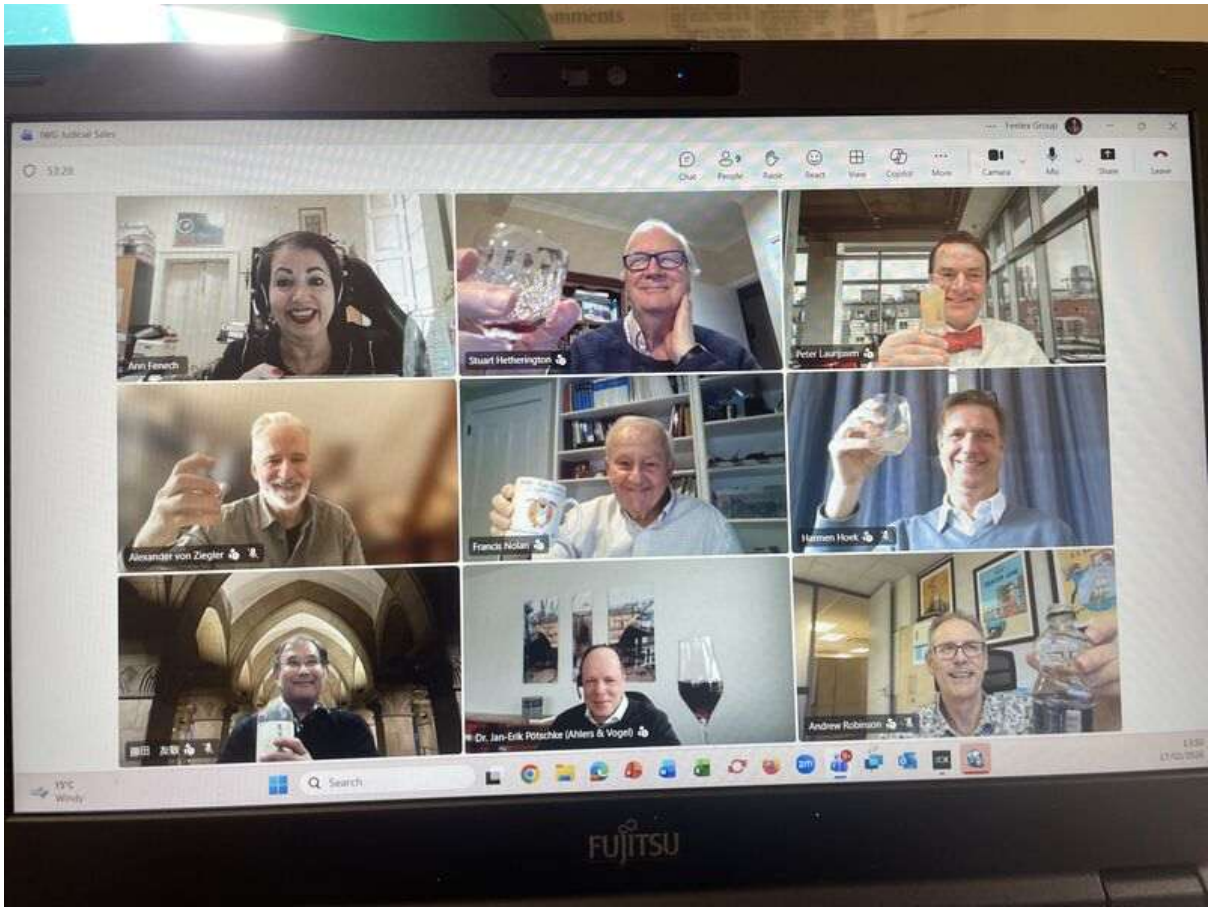
Alexander von Ziegler, following his award as Secretary General *Honoris Causa*.

2. With the Judicial Sales Convention having entered into force, we have seen the culmination of a project long driven by the CMI. A noteworthy moment was the June 2018 UNCITRAL session, where you presented, on behalf of the Government of Switzerland, the conclusions of the Malta Colloquium together with the CMI Beijing Draft. Looking back to that moment, how do you reflect on the journey and where do we go from here?

   Well, this a very interesting question. We started, as we always should start: we started at the CMI as a reaction to a practical phaenomenon, where bad faith creditors started to chase the vessel of the initial creditors after a judicial sale, interrupting the operation of the buyer (new owner) of the vessel in a Judicial Sale. The problem was brought to the attention of CMI by the Chinese MLA (a connection which eventually brought the Signing of the Convention to Beijing). The issue seemed small; the occurrences were few and - put in a non-maritime context - it seemed to many delegations not worthy of a UNCITRAL project. No-one else than CMI could have started the changing of the mind-set for the many delegations at UNCITRAL better: it was the reality of the real world, the report of actual cases and its effect and disruption of international finance and trade, the providing of discussion platforms such as the one so well organised in Malta, the support from stakeholders and the many person-to-person discussions that eventually brought the project on solid rails. Last but not least it was the draft Convention made by CMI that was a crucial factor for persuading to complete this work at UNCITRAL. And it was the CMI's coordinated preparation of each discussion point and the briefing of delegations that made it possible – even during a pandemic – to assist the Working Group and later the Assembly of UNCITRAL to conclude the project in record time.

However, the most important lesson made was that the journey is far from complete with the celebration of a Convention at a fancy Signing Celebration: the Convention needs to be ratified by sufficient important States, not just for its coming into force, but more importantly to cover a sufficient geographic sphere, to provide effectively the advantage the Convention had intended to bring to the international community.

CMI has long been the undisputed expert in maritime law and in drafting maritime law provisions. We now need to move to be the expert in bringing together all stakeholders after the work is completed to bring Conventions to life and into force in a substantial geographic context. The Beijing Convention is the raw model for such an exercise, an exercise that should start already while negotiating the terms of the Convention in an UN body. And this is important to mention: I am not talking about lobby-work for particular industries. This is actual coordination work towards harmonisjation of issues affecting maritime trade and legal practice, the core purpose of CMI and a joint venture of all stakeholders.



3. In addition to your role within the CMI, you are active across a number of committees. Following the success of the Rio Colloquium, where you moderated the session on the Convention on Negotiable Cargo Documents, we wanted to ask whether, in your view, the introduction of negotiable cargo documents is likely to simplify the way goods are traded and transported across different modes, and whether it will provide greater legal clarity for the parties involved in practice?

   This is quite difficult to predict. I would say that for the initial scope of the Negotiable Cargo Documents ('NCD') project, i.e. providing a negotiable cargo document for trades that so far cannot rely on a maritime B/L, this may prove to be very useful. It will most probably be used mostly in the « House » documentation by non-carriers (i.e. freight forwarders) and there I can see a great potential. It all will depend on whether the banks will accept an NCD as a collateral or not, and this will be decided by them and not by us. Until then many banks will continue to finance letters of credits also on non-negotiable documents such as Air Waybills or CMR Consignment Notes (but rely on additional collaterals by the buyers). The NCD Convention – as a reaction to the challenges of inland transport regimes - needed a quite special structure (dual track) which may in some cases raise some issues. This is particularly true now that the NCD could also be used in maritime trade (instead of a traditional B/L), as here it overlaps with an existing regime. Unless the NCD is not joined by the robust system of the Rotterdam Rules (which both would operate jointly and without friction), I predict that many parties would try to obtain favourable interpretations supporting their position in front of a court. The ball is now first with the governments (when asked to ratify the Convention), the involved stakeholders and - once in force – with the international trade communities and with trade finance banks (e.g. ICC banking Commission) to decide on whether the NCD is a sufficiently robust security for their trades or not.

   Actually, this was not a CMI project, but the involvement of CMI just proves the point I have made in answering your first question. We have to observe and monitor all activities that could and will influence the maritime trade sector.

4. You have taught maritime and air law at the University of Zurich since 1990, and since 1999 you have served as an associate professor of International Trade Law. How has your engagement with students and academia influenced your approach to practice, as well as your perspective on international legal harmonisation?

   Teaching needs to be objective, while as an advocate you may take the views that you can develop in favour of the industries that you represent. If you do both you (a) gain a practical approach in teaching (teaching what you consider matters in reality and not just in theory) and (b) as a practitioner you stand with an objective approach, offering your clients an objective expert evaluation of their position in order to best develop a strategy towards a realistic outcome. This mixed thinking (academic / practical) is of great value also in the harmonizing process at CMI and later in International Organisations, as you are open to academic debates on certain issues but equally able to inject the practical perspectives, when the more academic delegations would have missed a consequence of their position for trade and practice. It is not a coincidence that quite many delegations at UNCITRAL had practitioners-academics in their teams, a mix that you can also detect with many delegates of MLAs in working groups and subcommittees.

   The nicest effect, however, of my teaching was that I was able to attract some students to the work of our MLA and later CMI.

5. Looking ahead, what do you see as the most significant challenges and opportunities for maritime law globally, particularly in light of technological developments, environmental pressures, and evolving regulatory frameworks?

   This crucial question brings us back to my initial thoughts: My generation and even more so the even older generation that has marked the strength of the CMI was (and was well advised to) concentrate on the harmonization of the core maritime issues. The reality underlying the work of CMI was maritime, the industries were focussed on maritime and all was a world that deserved a special attention. While much of this may have remained so, a new perspective needs to be adapted: While the ships controlled international overseas trade, global trade and economy now controls the maritime sector as one part of a larger chain of services for their ever-evolving trading techniques. While the Container was the revolution in my practice and time of operation, the challenges today are multiple and fast moving, mostly intruding our thinking in surprise. The pace is faster and the issues are coming from outside of our sphere of expertise. Connection is everything. It avoids that reactions are too late and makes sure that tendencies are observed while they happen (even outside the maritime sphere) and it provides connections to expertise that will be requires, more often than we think, in very short time. The challenge will be to remain the master of the maritime legal environment while playing with all the non-marine tendencies, expectations, realities and intrusions. Those are not our enemies; they are our new friends.