



Minutes of meeting of CMI Assembly on Friday, 8 September 2017 at 1430 hours at the Old Stock Exchange Building, Genoa, Italy

1. Report of the Credentials Committee

Chris Davis reported that the Assembly had been properly convened with notice of the agenda as tabled, that a quorum of Member Associations was present, and that, in terms of the Constitution, all Member Associations represented were entitled to vote.

2. Memorials

The President advised the Assembly of the passing of the following distinguished members of the CMI family, and asked all to stand in a moment of silent tribute. At the request of the President Patrick Griggs said a few words about Bill Birch Reynardson who was a Member Honoris Causa, a Vice-President of the CMI from 1978 to 1995 and had been senior partner of Thomas R Miller from 1991 to 1998. In addition he had been the Secretary/Treasurer of the BMLA for a number of years and had attended CMI meetings from the 1950s until the centenary Conference of the CMI in 1997. In 1995 he had been awarded a CBE for services in the Unification of International Maritime Law. He will be missed by all who knew him.

The President then outlined the life and service of the following:

- Roger Gifford (South Africa) who had been one of the founders of the South African MLA and its President from 1990 to 1996;
- Ian MacKay (Australia and New Zealand), who was both a master mariner and a maritime lawyer and one of the co-sponsors of the New Zealand Maritime Law Association combining with the Australian Maritime Law Association in 1977 to form the first CMI Regional Association;
- Manuel Albar Gonzalez (Spain) who was a Titulary member of the CMI and had been involved in the foundation of many of the most important maritime law firms in Spain;
- Professor Enzo Volli (Italy) who was a close and dear friend of Francesco Berlingieri, a Titulary member of CMI and honorary member of the Italian MLA and a Vice-President of the Italian MLA, who had attended many CMI events between 1959 and 2008;
- Professor Georgije Ivkovic (Croatia/Slovenia) who had contacted the President a year ago when a friend and colleague, Professor Vinko Haca, who the CMI had memorialised in New York had passed away. They had studied together at the University of Zagreb. Professor Ivkovic was a Titulary member of the CMI, a practitioner, teacher and author; and
- Colin Sheppard, who had passed away the previous weekend. He was a leading admiralty practitioner in the United Kingdom and had attended a number of CMI events and contributed to the work of the CMI over many years. He was married to Aleka Sheppard who chairs the International Working Group on Wrongful Arrest and our sympathies and condolences go to Aleka over this loss.

The meeting stood for a moment of silence.

The main agenda for this Assembly meeting was at this point adjourned to deal with the agenda on the Special General Assembly meeting, notice of which had been provided to MLAs by letter dated 28 Jul 2017. This Special General Assembly was constituted and Jean Francois-Peters gave the background and explanation as to why it was necessary for the resolutions which were proposed to be made in order to make the CMI compliant with the Belgium regulations. It was constituted to rectify the many oversights which had taken place since 2004 in notifying the regulator in Belgium of changes which had been made to the Constitution and the appointment of officers of the CMI and their ceasing to hold office. Separate minutes have been prepared in relation to the Special General Assembly and at which all the Resolutions proposed were unanimously approved by those attending. A list of those who attended that part of the meeting is appended to the Minutes of the Special General Assembly. The matters to be dealt with at the Special General Assembly having been concluded, the Assembly Meeting proceeded.

3. Approval of the Minutes of the Assembly held in New York on 6 May 2016

The Secretary-General tabled the minutes of the meeting of the Assembly held in New York on 6 May 2016, which were duly adopted without change, and signed by the President and Secretary-General. (The Secretary-General had received notice of a change concerning paragraph 6(d) dealing with the Audit Committee Report, at the suggestion of Mans Jacobsson, since they had been forwarded to MLAs on 28 July 2017). The minutes including that change were then proposed by Belgium and seconded by Canada for approval by the meeting and they were unanimously approved.

Resolution: Approve the minutes of the New York Assembly of 6 May 2016

4. Matters arising from Minutes of the Assembly held in New York on 6 May 2016

There were no matters arising from the New York Assembly Minutes that were not to be covered by the Agenda of this Assembly meeting.

5. Report of the President

The President tabled and delivered his report which was duly adopted. In particular, the President identified some of the key matters dealt with in his report which had been forwarded to MLAs on 28 July 2017. He referred to the award made to Frank Wiswall when he was presented with the IMO International Maritime Prize 2015 and which was reported in the News Letter earlier in the year. The President also referred to the fact that Frank Wiswall is currently undergoing unpleasant surgery and the CMI wished him well and a speedy recovery. He also referred to Alfred Popp QC's appointment as member of the Order of Canada and Aldo Chircop's appointment as the Canada Research Chair in Maritime Law and Policy, all of which awards were richly deserved and reflected well on the CMI. The President also referred to the amendments to the Constitution which would be dealt with on the next item of the Agenda, many of which were simply tidying up and drafting changes which had been made with a view to reorganising the material that is presently in the Constitution but with one substantive change, being to the makeup of the Nominating Committee.

The President also referred to the Cybercrime incident by which the CMI had been defrauded of USD17,230 to which the Treasurer refers in his report and explained how that fraud had been perpetrated and the steps taken by the introduction of a protocol to prevent it happening again.

The President referred to the Management Committee Meeting which Evelien Peeters had attended for the first time having taken over from Anne Verlinde a few weeks before.

The President also referred to the steps taken in relation to Judicial Sales to seek to have that instrument converted into an International Convention and to which reference would be made later in the Agenda.

The President then stressed the need for Maritime Law Associations to respond to the request for jurisprudence data to be supplied to the University of Singapore and to respond to Lawrence Teh's letter in that regard. The President also referred to a number of Questionnaires such as those relating to Pandemic Response, Ship Financing Security Practices, Wrongful Arrest, Ship Nomenclature, Promoting Ratification of Maritime Conventions and Cross-Border Insolvency and urged MLAs if they had not already responded to do so as soon as possible. In conclusion the President urged MLAs to make themselves known to Evelien and to use her as their conduit to the CMI so that information as to their MLA's activities could be publicised either on the website or in the News Letter.

The President's report for 2016 is available on the Genoa website www.cmi2017genoa.org

6. Constitutional Amendments (in accordance with President's letters dated 7 and 28 July 2017)

The President indicated by way of summary of the proposals for amendment to the Constitution that many of them were matters of form and reorganisation of the Constitution rather than substance. He recognised, however, that Articles 14 and 25 were matters upon which there might be differing views but unless there were other provisions within the proposed amendments that delegates wished to discuss he would propose that all amendments which had been notified, except Articles 14 and 25, would be dealt with in one resolution. There was no dissent from this suggestion and therefore on the proposal of Canada, seconded by the Netherlands, all the Constitutional amendments with the exception of Articles 14 and 25 were approved unanimously.

In relation to Article 14 the President explained that the German MLA had drawn attention to inconsistencies in what was proposed and as a result the Executive Council had proposed an amendment to this provision so that Article 14 would now read:

"Amendments to the Constitution should be made in writing and shall be transmitted to all National Associations at least six weeks prior to the annual meeting of the Assembly at which the proposed amendments will be considered.

Amendments to the Constitution shall require the affirmative vote of the two-thirds majority of all Member Associations present, entitled to vote and voting. Their effectiveness and entry into force shall be subject to Belgian law".

This amendment was proposed by Germany and seconded by Canada and unanimously approved.

The President explained that the purpose behind Article 25 was to enable the Assembly to nominate two members of the Nominating Committee. If approved, that amendment could not be given effect to until 2018 when the Chair of the Nominating Committee would seek nominations for such members. The proposed amendment to Article 25 was made by Canada and seconded by the Netherlands and unanimously approved.

The President then explained that there were consequential amendments which needed to be made to the Rules of Procedure and in particular to Rule 9 brought about by the change which had just been approved to Article 25 so that the present Nomination Committee remain in place up to such time as the new members of the Nominating Committee can be formalised at the next Assembly meeting.

On the proposal of Germany, seconded by Belgium, the proposed changes to the Rules of Procedure were unanimously approved.

Resolution: Amendments to the Constitution. The Assembly unanimously approves the Resolutions to amend the Constitution attached to the letter of the President dated 7 July 2017 and to adopt the text of the Constitution attached to that letter and gives a Power of Attorney to Mr Jean-Francois Peters domiciled at Cederlaan

15, 2610 Wilrijk to appear before Notary Public Pieter Herman in Antwerp (Belgium) to represent the (General) Assembly of the Comité Maritime International in order to authenticate aforesaid amendments and adoption of the coordinated Constitution, in Dutch, in order to publish these amendments and coordination in the Belgian Official Gazette according to Belgian law, and for the above purposes, execute and sign any deeds and documents, give an address for service, substitute and generally do whatever may be necessary.

7. Finances

(a) Treasurer's Report

The Treasurer presented the annual accounts (that were contained in his report) by means of a slide presentation which illustrated both the income and expenditure of the CMI and the state of its financial holdings.

The operational income was identified as Euro 199,172 compared with Euro 190,198 in 2015. The expenses were respectively Euro 193,976 and Euro 164,715. He identified the principal reason for the increase in expenses as being related to the cyber crime that was perpetrated on the CMI which he had described in some detail in his report in which he had also referred to (and attached) the Payment Requisition Protocol, which had been put in place to try and prevent a recurrence. The Treasurer referred to attempts made by Chris Davis in the United States, which was where the fraudster had directed the payment of funds to be made, and the Swedish Maritime Law Association who had made enquiries with the Swiss police having identified Sweden as the possible location of the fraudster. Enquiries had also been made, to no avail, with the Belgian and Australian police, given that it was the President's email address which had been cloned in order to cause the funds to be remitted by the CMI. He made reference to the fact that almost fortnightly he receives similar requests for the transfer of funds, which he now ignores.

The Treasurer also referred to the fact that there were higher than budgeted travel expenses for the Executive Council as it involved earlier visits to New York by the Secretary-General, in preparation of the Assembly and the Conference, in 2015, as well as the higher expenses for accommodation in New York.

The result of the year, as the Treasurer reported, was a loss of Euros 23,595 compared with a surplus of Euro 23,580 in 2015, a large part of that deficit is taken up by the cybercrime incident in which USD17,230 had been lost.

There being no questions raised with the Treasurer, the Belgian MLA proposed, seconded by the German MLA, the acceptance of the Treasurer's report and this was unanimously approved.

Resolutions: The Treasurer's report was accepted

(b) The Treasurer then presented his budget for 2018 which proposed an early bird reduction in subscriptions of 2.5% and a total income of Euro 191,750 together with total expenses of Euro 203,650 leading to an operating result of a loss of Euro 11,900 and a possible Euro 5,000 event surplus for next year's Assembly meeting leading to a net operating loss of Euro 6,900.

In relation to the current budget for 2017 the Treasurer advised that he had incorporated an unusual item of Euro 6,000 for legal assistance, being the fees incurred by Jean Francois-Peters' firm in regularising the position of the CMI with the Belgian regulatory authorities for which the CMI was extremely grateful. The net loss on the 2017 year therefore he predicted to be in the region of Euro 14,400.

The Treasurer also noted that investments at the end of 2016 totalled Euro 594,252.77, and he referred to the difficulty of finding an adequate rate of return on a bond of Euro 100,000 which came to maturity in June 2016 in light of the present economic situation in Europe.

(c) Auditor's Report

The Treasurer tabled the auditor's report for the year ended 31 December 2016, which endorsed the financial statements presented to the Assembly by the Treasurer without reservation.

(d) Report of Audit Committee

Mans Jacobsson delivered the Audit Committee's report in which the Committee proposed that the CMI accounts for the financial year 2016 be adopted by the Assembly. He referred to the telephone conference of the Audit Committee on 22 May and his interview with the external auditor by telephone on the 6th June 2017. The external auditor had confirmed that the CMI funds were placed in investments which were appropriate to an organisation such as the CMI and noted that the prevailing low interest rates resulted on the yield on the CMI investments being substantially lower than in earlier years. He had also discussed the cybercrime incident with the external auditor who considered that adequate measures had been taken after the incident to minimise the risk of further losses being suffered as a result of such frauds in the future. The External Auditor had also considered that the level of reserves of the CMI were appropriate for an organisation such as the CMI. Man's Jacobsson also commented favourably on the structure of the accounts which showed the Event result of the New York Conference leading to a more transparent reporting of the costs of such an event.

He also reported that the reserves are an appropriate level in view of the cost structure and operations of the CMI.

At the conclusion of Mans Jacobsson's report there were no questions addressed to him and the Maritime Law Association of Australia and New Zealand proposed, seconded by France, that, as proposed by the Audit Committee, the accounts and the budget be accepted. This was accepted unanimously. The Argentina MLA proposed and the Maritime Law Association of Australia and New Zealand seconded the appointment of De Mol, Meuldermans and Partners BVBA as External Auditors for the financial year 2018, as had been proposed by the Audit Committee in its report.

Resolutions:

- (1) The accounts and the budget were accepted**
- (2) De Mol, Meuldermans and Partners BVBA appointed as External Auditors for 2018**

(e) Report of collection of outstanding subscriptions

Chris Davis reported that with the help of the slightly increased early bird discount and Evelien Peeters reminding MLAs of their subscription responsibilities on a regular basis, there had been an earlier receipt of many subscriptions in the course of 2017. In the event that the Assembly approves the expulsion of Russia, the Dominican Republic and the termination of Portugal's membership the position in relation to outstanding subscriptions is likely to be greatly improved over the next few years.

The President identified Spain, Croatia and South Korea as three countries that had for the last few years been expressing some concern at their growing difficulties in meeting their subscription responsibilities, although Spain was not only meeting its current responsibilities but also repaying past debts from earlier regimes in its country. The Executive Council therefore recommended reductions for Spain (Euro 6,500 to Euro 6,000), Croatia (Euro 1,000 to Euro 750) and South

Korea (Euro 3,000 to Euro 2,500). The latter being justified on the basis that it was the only country at the Euro 3,000 band.

There being no questions of Chris Davis at the conclusion of his report the Irish MLA proposed and Belgian seconded, the adoption of Chris Davis's report and the subscription changes for Spain, Croatia and South Korea.

Resolutions:

(1) The report of Chris Davis was accepted

(2) Subscription changes for Spain, Croatia and South Korea accepted

(f) Guidelines on CMI Investment Policy

The President brought this document to the attention of MLAs and noted that when one of the CMI's investments came up for renewal earlier in the year he approached the firm of Smith Williamson in London who manage the Charitable Trusts investments with a view to ascertaining whether they could recommend investments which might secure a greater return, at no greater risk, than those presently utilised in Belgium, bearing in the mind the terms of the Guidelines on CMI Investment Policy. If they could not, they were asked whether they considered it appropriate to widen the Guidelines in order to encompass investments which might have a better return. The Executive Council had considered their response and in light of the fact that a large part of the CMI's expenditure emanates from Belgium, and in particular involves payment of Euros there is much to recommend retaining the funds in Europe and in Belgium in particular so that the present Guidelines are considered appropriate.

(g) Charitable Trust Report

Tom Birch Reynardson gave a report on the activities and financials of the Charitable Trust for the information of the Assembly. He reported that funds under management as at 31 March 2017 were £587,717. For the year ending 31 March 2017 the portfolio had risen by 16.58% and funds under management at 9 August 2017 were £611,218. Travel expenses for CMI lecturers to attend IMLI amounted to £3,410.44 and IMLI had continued to fund a prize for the best IMLI student in any one year. The winner this year has been Florencia Ortero from Argentina and her dissertation was "Argentina's Claim to an Outer Continental Shelf - An Analysis of its Entitlement and the Relevant Legal Regime". The Trust had paid for her air trip to Genoa, for her hotel expenses and for some spending money while she was in Genoa, as well as a book prize to be presented to her at the Conference in Genoa. The CMI had agreed to absorb the Conference fee.

8. Membership

(a) Applications: Malaysia; Cameroon, Tanzania

On the recommendation of the Executive Council, having considered the applications received from Malaysia, Cameroon and Tanzania, these were approved by acclamation. The Presidents of the Malaysian and Cameroon MLAs, being present at the Assembly meeting, were congratulated by the President.

Resolution: Membership of Malaysia, Cameroon and Tanzania approved

(b) Proposal for Expulsion: Russia; Democratic People's Republic of Korea; Dominican Republic; [Portugal];

The President reported that letters informing these MLAs of the motions for expulsion which would be made at the Assembly meeting had been sent to the MLAs of Russia and the Dominican Republic. They had not responded in any

meaningful way and had not sought to address their longstanding arrears of subscriptions and accordingly the Executive Council had no alternative but to recommend their expulsion. The Resolution to expel Russia and the Dominican Republic was proposed by the USA and seconded by Belgium, and unanimously approved.

Resolution: Motions for Expulsion of Russia and Dominican Republic accepted

The President reported that after the DPRK had been put on notice of their possible expulsion they had made a payment, which meant that they were not yet three years in arrears and under the Constitution could not be expelled.

The President also reported that Portugal who had been put on notice had informed the CMI that it was quitting the CMI. The Executive Council had resolved to accept that withdrawal, and accordingly there was no need to expel the Portugal MLA.

(c) Termination of Provisional membership:

(i) Mr Kwabena Asare (Ghana).

The President reported that nothing had been heard from Mr Asare for some years and the Executive Council considered it was appropriate to withdraw his provisional membership. This was proposed by Canada and seconded by Germany and unanimously approved.

Resolution: Termination of Provisional membership of Kwabena Asare approved

(d) Applications: Consultative members:

(i) FONASBA;

(ii) Association Mondiale de Dispatcheurs (International Association of Average Adjusters).

The President reported that the Executive Council had recommended acceptance of applications for Consultative Membership status by both FONASBA and Association Mondiale de Dispatcheurs (International Association of Average Adjusters). This was proposed by the Netherlands and seconded by Australian and New Zealand and unanimously approved.

Resolution: FONASBA and Association Mondiale de Dispatcheurs admitted as Consultative members

(e) Applications: Titulary Membership

Andrew Taylor, Tom Birch Reynardson, Richard Cornah

The President reported that on the proposal of the British Maritime Law Association, and supported by the Executive Council, Richard Cornah, who had contributed so significantly to the reform of the York Antwerp Rules should be made a Titulary member of the CMI. The Executive Council also proposed that Andrew Taylor and Tom Birch-Reynardson (two further members of the British Maritime Law Association) should also be recognised as Titulary members for their long service to the CMI; Andrew Taylor as the Chair of the International Working Group on Piracy and a member of the Executive Council, as well as presently serving as the Chair of the Nominating Committee, as well as his contribution to the BMLA; and Tom Birch-Reynardson for his work on the Charitable Trust and the Chair of the Unmanned Ships International Working

Group, as well as long term contribution to the work of CMI over many years be made Titulary members also. These proposals were made by the Netherlands and seconded by Greece and were approved by the acclamation of the Assembly.

Resolution: Titulary membership conferred on Andrew Taylor, Tom Birch-Reynardson and Richard Cornah

9. Future meetings

(a) Assembly meeting in 2018

The President reported that Andrew Taylor, who was unable to attend the meetings in Genoa on Friday, but had attended the Executive Council meeting the previous day had outlined preliminary plans for the Assembly Meeting to take place in London next year. He had suggested a format whereby delegates are invited to attend the annual Southampton University Donald O'May Lecture on the Wednesday night followed by the annual British Maritime Law Association Dinner. The Executive Council would be able to hold its meeting during the day on Thursday and, he suggested, a half day seminar could be organised similar to the Genoa experience on the Friday morning prior to the Assembly Meeting on Friday afternoon. The Executive Council had decided, subject to the wishes of the Assembly Meeting, that there was no necessity to have a half day seminar on the Friday and the Assembly Meeting could take place on the Friday morning followed by a lunch for those who attend.

(b) Colloquium in 2019

The President reported that the Mexican MLA had presented a proposal for a Colloquium in Mexico and invited Mr Melo to make a presentation. Mr Melo indicated that the Executive Council had approved a meeting to be held in Mexico City and that if this was approved by the Assembly potential venues would be identified and advised to the Executive Council in the near future.

(c) Conference: 2020

The President advised that the President of the Japanese MLA Professor Egashira and Tomotaka Fujita had made a presentation to the Executive Council on the previous day and invited them to make a presentation to the Assembly. Their initial plans had suggested a traditional five day conference but the Executive Council suggested that a shorter meeting would be appropriate.

In their presentation, they suggested that the 2020 Conference be held in Tokyo in late October 2020, after the conclusion of the Olympic Games and the Para Olympics and that there are three hotels currently under consideration.

(d) Assembly meeting: 2022

The President reported that the Belgium MLA had reminded CMI that its 125th Anniversary will be taking place in 2022 and it offered to host an event in that year.

Resolutions:

The suggestions made by the Executive Council for:

(1) an Assembly meeting to take place in the first week of November 2018 in London at venues to be determined; (2) Colloquium in Mexico City in 2019; (3) Conference in Japan in 2020; and (4) Assembly in Antwerp in 2022

were unanimously approved on the proposal of the Netherlands MLA and seconded by the MLA of Australia and New Zealand.

Malta and Canada had expressed interest in hosting an event and the President reported that the Executive Council had decided that it would explore the possibility of a Colloquium event in Malta, possibly in 2021.

10. International Workings Groups

(a) Acts of Piracy and Maritime Violence;

Patrick Griggs gave the report which had been prepared by Andrew Taylor who had been unable to stay in Genoa for the meetings. Andrew reported that piracy continues to be an issue both in West Africa and Asia where there was a recent incident in the Malacca straits. The only really significant development in the last year was the re-emergence of Somali piracy on the seizure of the "Aris 13" in March 2017. The product tanker was taken by armed pirates but after a fire fight the ship was released without injury to the crew. The fact that this event coincided with a reduction in the EU commitment to patrolling the waters off Somalia seemed to be more than a coincidence. It remains unclear whether this was an isolated event or whether Somali pirates may be reasserting themselves.

(b) Fair Treatment of Seafarers (including Pandemic Response and Migration at Sea);

Paul Gill gave this report. He indicated that Olivia Murray (chair) would be returning from her sabbatical soon. She had since married and is now Olivia Hamer. The group is continuing with its support to Seafarers Rights International in promoting the Fair Treatment of Seafarers in the event of a maritime accident, and in co-sponsoring submissions to the IMO Legal Committee. He advised that replies to the President's questionnaire on Epidemic and Pandemic Response had been somewhat sluggish despite constant reminders to the defaulting national associations. The responders (to date) had been the USA, Denmark, Finland, Ireland, the United Kingdom, Poland, Norway, the Netherlands, Germany, Italy, Australia, New Zealand, Greece, South Korea, Nigeria, Venezuela, Hong Kong and Canada. He said that he was raising this at Assembly, as there were a large number of Presidents and officers of national associations present, and he urged those of defaulting associations to take some action in relation to replying. He highlighted the work the group was doing on Refugee Migration, but left John Hare to report on that. He commended Dr. Valeria Eboli on her presentation to the seminar earlier - this being an update and Italian perspective on legal issues arising from refugee migration.

(c) Recognition of Foreign Judicial Sale of Ships;

The President referred to his annual report in which he had referred to the approaches which had been made to the IMO Legal Committee in 2016, the Hague Conference in early 2017 and, more recently, UNCITRAL in June 2017. As a result of the latter's suggestion that it would be advantageous to CMI's proposal that it organize a Colloquium the Executive Council has authorised that consideration be given to, and if thought appropriate, arrangements made for a small Colloquium to take place under the auspices of the Maltese government early next year. Ann Fenech and Alexander Von Ziegler are to confer with a view to arranging for this to occur and to report back to the Executive Council.

(d) Cross-border Insolvency;

Professor Derrington gave a report noting the formation of the IWG in 2010 and that it had met on Thursday to consider an Options Paper that had been circulated in advance of the meeting. It had noted the three options that had been identified

in New York in 2016 to address the conflict between remedies in Admiralty Law and cross-border insolvency law. They had been identified as follows:

- (a) a Protocol to the UNCITRAL Model Law addressing in rem actions;
- (b) adaptation or amendment to the already existing Guidelines and/or best practices for handling cross-border insolvencies; and
- (c) continuing to highlight the current difficulties and uncertainties that surround the various legal regimes that govern cross-border maritime insolvencies.

Having identified failings in the first two options, the Report concluded that the CMI should be concerned primarily with providing insight into current issues and uncertainties in the field.

The IWG had agreed that the UNCITRAL Model Law does not adequately address the complexities of a cross-border maritime insolvency and these have been highlighted by anomalies that have emerged from the Hanjin Insolvency. It was however recognised that a Protocol to the Model Law dealing with in rem claims is unlikely to meet with broad international support. Similarly the IWG thought that the adaptation or amendment to the already existing Guidelines and/or best practices for handling cross-border insolvencies would be equally insurmountable. Although it agreed that the third option previously discussed, to highlight the current difficulties and uncertainties that surround the various legal regimes that govern cross border maritime insolvencies is an important role for CMI, it was considered that it might not make a sufficient impact on the development of the international jurisprudence of maritime insolvencies in an informed and cohesive manner.

It is therefore proposed to continue to work towards that goal by preparing a text for publication by CMI that contains the following matters:

1. a statement of the nature, scope and extent of "maritime property" or "marine based assets";
2. a statement of CMI's position on the proper treatment of secured maritime assets in the context of both rehabilitation and insolvency proceedings;
3. a distillation of the responses to the Questionnaire on Cross-border Insolvency so as to provide jurisdiction-specific answers to questions that will routinely be asked by shipowners and their legal advisors, such as:
 - what recognition is given to a secured transaction?
 - what is the position in relation to stays of proceedings?
 - does the jurisdiction have a protocol in relation to inter-judicial communications and what is its scope and effect?

Finally the IWG was keen to explore the idea of working with universities and other organisations who are currently engaged in incubating software for the resolution of legal issues, so as to consider the possibility of the use of artificial intelligence to aid practitioners and judges in working through complex, multi-faceted insolvencies. It was considered that such a project would be a major contribution by CMI to the future of this area of maritime law.

- (e) Polar;

Professor Chircop (Chair, IWG Polar Shipping) informed the Assembly of the status of work of the IWG. Professor Chircop described briefly key aspects of the

annual report and reported on progress since then. IWG continued its work through subgroups on civil liability, polar load lines, collision avoidance rules in the Arctic, and Antarctic issues.

The IWG completed the Report on the Applicability of the Private Maritime Law Conventions to Polar Shipping (led by Nigel Frawley) and uploaded it on the website.

Work on a working paper on polar load lines has continued along three lines of inquiry:

- (a) How, if at all, do Arctic States and other key States address load lines requirements for Arctic shipping?
- (b) How, if at all, do IACS safety requirements address load lines for polar shipping?
- (c) What does the latest science indicate as possible concerns for load lines in Arctic shipping? In Genoa the IWG discussed progress and ways of filling gaps in the current draft. Subgroup work will continue in view of producing a revised working paper in 2018.

A Draft Working Paper on the Legal Framework for Civil Liability for Vessel Source Oil Spills in Polar Regions (led by Lars Rosenberg Overby) has been revised by the IWG Chair with inputs from members to reflect corrections and updates. Completion of changes is expected in the Fall of 2017 and in time for inclusion in the semi-annual report to the Executive Council in November.

The subgroup on COLREGS in Polar Navigation (led by Stefanie Johnston) is about to commence work. Its remit includes consideration of the assumptions behind the rules and how they are expected to apply in navigable waters where there is ice and when navigation proceeds in convoy. In Genoa the IWG discussed particular issues for further study. The expectation is to produce a first draft of a working paper in 2018.

The newly formed subgroup on Antarctic Shipping (led by David Baker) is at a scope stage and in the process of identifying issues for study. Suggestions made at the Genoa meeting include potential focus on the Liability protocol of the Antarctic Treaty System, which is not yet in force, and whose relationship with other international liability regimes is unclear. The expectation is that a report will be prepared in 2018.

- (f) Offshore Activities - Pollution Liability and related issues;

Jorge Radovich noted from his written report that the Guidance document approved by the IMO Legal Committee was in reality merely a declaration of principles and that what was now needed was a model regional Convention that might be used by States. He also reported that the United Nations Environmental Program (UNEP) had expressed interest in drafting an International Convention on Pollution generated by off-shore activities, the European Commission had previously been active in this area and that IUMI had discussed a voluntary financial security regime as being the most effective way forward (following the TOVALOP and CRISTAL models).

- (g) Ship Finance Security Practices;

Ann Fenech highlighted from her written report that more replies from MLAs to the Questionnaire were needed. Ann Fenech commended members of the IWG for the sterling work, including David Osborne as Rapporteur, Camilla Mendez Vianna Cardoso, Andrew Tetley, Souichirou Kozuka, Sheng Chen, Stefan Rindfleisch, Allen Black and Andrea Berlingieri.

(h) Study relating to Liability for Wrongful Arrest;

Ed Sweetman gave the report in the absence of Aleka Sheppard: He explained that he had only recently been appointed Rapporteur to this working group, and was stepping into the shoes of giants in circumstances where the previous Rapporteur was Dr Aleka Mandaraka-Sheppard, and the Chair of the Working Group Giorgio Berlingieri. Giorgio has since stepped down as Chair, and his place has been taken by Aleka.

He reported that there had been, overall, a very comprehensive response to the questionnaire circulated by the IWG. As of the time of this report, 38 responses had been received and analysed. Special mention must be made of the tremendous work done by Aleka in analysing, collating and digesting the huge amount of information received in the responses, an analysis which is available, in its current form, on the website by way of an interim report. A special mention and reminder must be made at this stage to any NMLA's who have not yet returned their responses to the Questionnaire. In order to perform its full functions, the IWG needs as broad a picture, and as many responses as possible.

The project started from a feeling that the liability for the wrongful arrest regime under the common law was too lax and favourable to arrestors, and that a reform of the law was necessary, but there was also a view that there was nothing wrong with the common law model and it may be left well enough alone. There was an appreciation by some that the considerable variations between the different national arrest regimes presented a real possibility of confusion and monetary loss and others felt that an analysis of the differences between the existing national wrongful arrest regimes might highlight, and provoke the necessary interest for a revisit of the 1999 Arrest Convention.

The Working Group is not in a position to offer a view or propose any "solution" at this stage, most particularly in the absence of its chair. What can be indicated however, is that from the indexing and collation of the various responses, what could be a very useful document for practitioners in the future who are analysing their options as regards different arrest jurisdictions has started to emerge. This preliminary conclusion only serves to emphasise the importance of ensuring that the IWG's work product includes as many national regimes as possible, for which reason those NMLA's who have not yet delivered their replies are urged to do so.

(i) Restatement of *Lex Maritima*;

The President reported that Eric Van Hooydonk had advised that he had been unable to devote any time to this work as he was getting close to finalising work on the Belgium Shipping Code. He plans to reactivate work on this topic before the end of the year.

(j) Ship Nomenclature;

Ed Sweetman gave the report on behalf of Frank Nolan who was unable to attend the meeting in Genoa. The first stage of work undertaken by the IWG has been to gauge the scope and dimension of the variances in terminology and application of definitions from country to country and under international conventions. To this end a questionnaire has been prepared and circulated and eleven replies have been received to the same from the Maritime Law Association of the USMLA, the Romanian MLA, the Chinese MLA, the Danish MLA, the Croatian MLA, the Hong Kong MLA, the Irish MLA, the Italian MLA, the Netherlands MLA, the Polish MLA and the Brazilian MLA.

The replies to date reveal very interesting trends. It would appear that the "civil law jurisdictions" are far more inclined to adopt the characterisation of a maritime structure or vessel under its national law or the law of the flag whereas the "common law jurisdictions" lean towards regarding the characterisation of a

vessel, and the legal regime applicable to it as being a matter for local law or the *lex fori*. It appears that certain jurisdictions (in particular those closer to the "civil law/Code jurisdictions") are far more inclined to characterise whether a maritime structure is a ship/vessel by the use to which it is dedicated, whilst other jurisdictions prefer to regard certain external, or "objective" characteristics of the vessel/structure. Certain jurisdictions have an elaborate legal structure defining and providing for all the different permutations of vessel to which their law may be applicable, whether it be a ship, yacht, boat or maritime artefact, whereas other jurisdictions lack such precision, the matter of whether the marine object is entitled to be regarded as ship/vessel or not being seemingly left to the courts to decide.

It is not clear to the Working Group at this early stage where this enquiry will lead us and whether the recommendation will be for a draft convention, a report, or a paper which might serve as a source of information and reference for future maritime law practitioners. Further replies to the preliminary questionnaire are required and it seems quite possible that a subsequent and more focussed questionnaire may be required.

We would entreat all those MLAs who have not yet delivered their replies to do so as soon as possible in order to allow the work of the Group continue to the next stage with as complete a picture of the regimes around the world as is possible.

(k) Classification Societies;

Karl Gombrii reported that some interest was now being shown by IACS in reactivating the IWG. He is to explore this further with Bob Clyne.

(l) Cybercrime;

John Hare reported regrettably little activity during the preceding year, but that he had been approached by Giovanni Marchiafava avv.giovannimarchiafava@gmail.com to join the group. Giovanni is an Italian who has a particular interest in Cybercrime, and his appointment to the IWG was duly approved by the Executive Council. John asked that he continue as Chair of the IWG to which he hoped to be able to devote time and enthusiasm after stepping down as Secretary-General. This had been agreed to by EXCO.

(m) Unmanned Ships

Tom Birch-Reynardson gave his report noting that the IWG had had a productive year including the production of a position paper in March 2017 which has identified those provisions of the Law of the Sea as codified in UNCLOS and the main IMO Regulations which pose particular challenges for the introduction of the new technology. In addition a Questionnaire had been sent out to MLAs and responses have thus far been received from nine countries. He urged MLAs to respond to the questionnaire as soon as possible. Both the position paper and the questionnaire have been published in the *Journal of International Maritime Law* (2017) 23 JIML. I IWG has produced tables covering COLREGS, SOLAS, Chapter V and SOLAS, Chapters I-IV.

Tom Birch-Reynardson also noted that members of the IWG attended the 98th Meeting of the IMO Maritime Safety Committee in June 2017 when, at the request of certain states, the MSC agreed to add the issue of the regulation of unmanned ships to its work agenda which will be in the form of a regulatory scoping exercise to consider the extent to which the existing corpus of IMO regulations is suitable for the introduction of unmanned ships. The IWG made a short presentation at the meeting explaining the work which it had already been doing on this subject which will be of considerable assistance to the MSC, which was acknowledged at the meeting. Tom Birch-Reynardson particularly commended Henrik Ringbom, Robert Veal and Lena Wiedenbach for their work in the IWG on the Conventions, and in particular to Lena for her excellent support as Rapporteur.

The President of the Ecuadorian MLA made an intervention at the conclusion of this section of the reports to the effect that Questionnaires presented by IWGs were becoming too long and gave rise to difficulty in devoting time and energy to respond.

11. Standing Committees

(a) Marine insurance;

Joe Grasso presented the report of this Committee, which had considered a study of three subjects, including the impact of changes to the Marine Insurance Act in the United Kingdom as a result of its Insurance Act of 2015; the impact of bankruptcy such as Hanjin and the impact on marine insurance of development of unmanned vessels. In the latter context the IWG plans to engage with the unmanned vessels IWG whilst in Genoa.

(b) General Average;

(i) Correction to York Antwerp Rules 2016

Taco van der Valk gave his report and noted that Ben Browne had stood down from the General Average Committee when he retired from legal practice earlier in the year and that Daniella Delint would replace him. He then requested that the Assembly approve the correction to Rule XVII(b) of the York Antwerp Rules 2016 which had been approved in New York and explained that part of the original text had been inadvertently omitted from the final text. The Netherlands proposed, seconded by Brazil that the omitted text be included in Rule XVII(b) and the following resolution was passed unanimously:

Resolution: In Rule XVII(b) add to the first sentence "or fall upon the ship by virtue of an award for special compensation under Article 14 of the International Convention on Salvage, 1989, or under any other provision similar in substance."

He also reported that work is still progressing on the production of Guidelines for general average.

(c) General Average Interest Rates;

Taco van der Valk gave his report and advised that the Committee comprising himself, Bent Nielsen and Andrew Taylor had determined that the interest rate for the York Antwerp Rules 2004 would be continued at the rate of 2.5% for the calendar year 1 January 2017 to 31 December 2018. The Netherlands proposed, seconded by Brazil that that recommendation be approved by the Assembly and it was unanimously adopted.

(d) Carriage of Goods by Sea (including Rotterdam Rules);

Tomotaka Fujita gave the report of this Standing Committee and noted that although 25 States have signed the Rotterdam Rules only three have thus far ratified. He also reported on his attendance at UNCITRAL Working Group IV (Electronic Transferable Records) in relation to which the CMI had submitted a submission paper at the UNCITRAL Commission session in Vienna in July this year. CMI had proposed two possible solutions to problems which it believed were created by the draft Model Law in connection with the Rotterdam Rules. The first of the two solutions contained in the CMI proposal were adopted by the Commission.

(e) CMI Young Lawyers;

Taco van der Valk gave the report and noted that the newly constituted Young Lawyers Committee under the Chair of Blyth Daly whose Rapporteur Robert Hoepel had put together the session for young lawyers that was taking place at the same time as the Assembly Meeting.

(f) Planning Committee;

John Hare noted that the new Secretary-General would reactivate this Committee.

(g) Implementation and Promotion of Maritime Conventions;

Deucalion Rediadis reported that meetings were held with IMO in June and October 2016 to obtain details about its areas of interest in relation to implementation of conventions so that CMI and ICS could consider where they could assist. In 2017, Nick Gaskell and Rosalie Balkin contributed greatly to an e-mail exchange about organising the committee's future work. Dr Balkin is expected to continue her involvement with the committee under her new role as Secretary-General and Prof Gaskell expects to be in a position to devote more time to it in the second half of 2018. An enquiry received from Myanmar regarding the adoption of a liability regime for the carriage of goods by sea has been duly referred by the President of CMI to UNCITRAL as the entity responsible for the Rotterdam Rules. The International Chamber of Shipping proposes to issue a new edition of the brochure about Promoting Maritime Treaty Ratification last published in 2013 under the joint colors of ICS/ISF and CMI. A draft was received in late August and is currently being reviewed. Two further replies to the questionnaire about the reasons for not promoting the 11 maritime conventions prioritised in 2013 have been received, from India and Poland respectively, bringing the total number to 20. Deucalion Rediadis has proposed that Maria Borg Barthet and Peter Laurijssen be appointed as Rapporteurs on implementation and promotion of conventions respectively and kindly asked ExCo to make such appointments. He further reported that meetings took place between the six members of the Committee who were present in Genoa. In relation to implementation of conventions, it is felt that CMI and ICS are now in a position to revert to IMO to advise what they can (and cannot) do to assist. He will write to IMO and seek a meeting in the course of the autumn, possibly around 24-26 Sep 2017. As regards promoting ratification, the Committee will wrap up its work on the questionnaire so that CMI reports to IMO and ICS on the findings, and all three get on with the further steps of the blueprint that has been in place since 2012.

(h) Publications: Yearbook, Newsletter, LinkedIn, Website and CMI Handbook;

Taco van der Valk reported that work was progressing on the next issues of the News Letter and the Yearbook which would be produced from Antwerp, now that Giorgio Berlingieri has stood down from his role as Chair of the publications' responsibility for CMI. In relation to the website he confirmed that the Executive Council had authorised the expenditure of funds to update the website and this also would be undertaken from Antwerp and with the assistance of Evelien Peeters. He confirmed that consideration was being given to what material can best be published in each of the organs available to the CMI, namely the News Letter, the Yearbook and the website in order to avoid duplication.

Evelien Peeters was then introduced by Taco van der Valk, who would be assisting him in the publication of the News Letter and the Yearbook as well as making changes to the website on a regular basis. She urged MLAs to provide her with contact information for their MLA whenever it changed so that the information can be updated in all the CMI publications in which such information is held. She also urged them to inform her of activities of their MLA which can be incorporated in the News Letter and publicised on the website.

The President reported that there were no developments in relation to the publication of the CMI Handbook due to the fact that this was within the control of Frank Wiswall who was currently undergoing surgery.

(i) Database of Judicial Decisions on International Conventions;

Lawrence Teh gave a report in the following terms: On 1st March 2017, after terms had been finalised with Centre for Maritime Law of the National University of Singapore, he wrote to all national MLAs to inform them of a new database called Judicial Decisions on International Conventions that the CMI and CML had decided to create. This database was created for easier reference to judicial decisions around the world on international conventions so that international maritime conventions could be interpreted harmoniously throughout the world. An invitation was made to all NMLAs to make submissions to the database. Details were given in the letter on how NMLAs could make an electronic submission of cases from their country or jurisdiction. NMLAs were invited to nominate a person from their organisation who would represent the NMLA on all matters to do with the database. So far the CMI had heard from the following NMLAs - Ireland, Romania, Italy, France, Uruguay, China, Ecuador, Croatia, Poland, Ukraine, the Netherlands, Malta, Germany and Singapore. He encouraged NMLAs who had yet to respond to do so as soon as possible.

12. Ad hoc Committees:

(a) Arbitration;

Luc Grellet gave this report and advised that the Ad Hoc Committee had considered whether there was a role to play for the CMI in relation to the topic of arbitration. It has considered the responses to the Questionnaire which had been sent out to MLAs, the overall view of those responses being that there was a limited role in the area of maritime arbitration for the CMI to play particularly given the number of other organisations that are already involved in many of these activities. Luc Grellet reported that the Executive Council had decided at its meeting yesterday that the work of the Ad Hoc Committee had been completed and it agreed that there was nothing, at this stage, which the CMI could literally do in this area of maritime law in relation to uniformity.

(b) The Future of CMI;

The President advised that little progress had been made with this Committee since the MLA Presidents' Breakfast in New York. As a result the Executive Council was considering reconstituting the Committee with a view to it finalising its report before next year's Assembly Meeting.

13. EU representative

As Vincent Power was not in Genoa there was no report from this committee.

14. Singapore Regional office

Lawrence Teh gave a report in the following terms: Singapore authorities had approved the extension of CMI's RO for a further year (26 April 2017 – 25 April 2018). One of the main purposes of the RO, which was the idea of past president Karl Gombrii was to encourage Asian nations to form MLAs and join the CMI and to also encourage existing Asian MLAs to maintain or increase their activities. A good example of this may be seen by the entry or re-entry of Malaysia today as a member of the CMI. He reported on his numerous visits to KL over past 3 years to broker the entry of IMSML as new Malaysian member of CMI, after the old Malaysian MLA was expelled for arrears in subscriptions. He spoke about his visit to the Hong Kong MLA in November 2016, to the Indian MLA in March 2017, to working on a Indian-Singapore MLA event originally scheduled for mid-February 2018 with Stuart Hetherington and Tom Birch Reynardson in attendance, his visit to the Korean MLA in July 2017 and assistance in helping to resolve the issue of their subscriptions, his determination that there were not enough lawyers and interest in Thailand for an MLA, his talks with lawyers in Dubai regarding the formation of an Emirates MLA, his visit to the Indonesian MLA in August 2017 to encourage them to be

more open and more active and to pay their subscriptions and his intended visit in November 2017 to the Japanese MLA to discuss Tokyo conference and general matters

15. Elections - Report of the Nominating Committee

- (ii) Secretary-General; Rosalie Balkin
- (iii) Two Executive Councillors. Ann Fenech, Aurelio Fernandez-Concheso

In the absence of Andrew Taylor who had to return to London before today's meetings the President presented his report which had received nominations for three candidates to fill the Executive Council vacancy caused by the departure of Jorge Radovich whose second term of office was concluding. The report noted that there was unanimous support for the election of Rosalie Balkin as Secretary-General and the re-election of Ann Fenech for a second term as Executive Councillor. For the position on the Executive Council there was overwhelming support for Dr Aurelio Fernandez-Concheso. There being no other nominees the President declared them duly elected, to the acclamation of the Assembly. It was noted that the mandate of Jorge Radovich has ended and that John Hare had indicated that he wished to retire as Secretary-General at the Genoa Assembly and his mandate was therefore ending.

Resolution:

Secretary-General: the Mandate of John Hare ended. Rosalie Balkin elected for a term of 3 years.

Executive Councillors: The mandate of Jorge Radovich ended. Ann Fenech re-elected for a second term of 3 years. Aurelio Fernandez-Concheso elected for a first term of 3 years.

The President informed the Assembly that the Executive Council had recommended the conferral of the membership status of Honoris Causa on Bent Nielsen and asked Patrick Griggs to say a few words. Patrick Griggs then recalled the long service that Bent Nielsen had provided to the CMI, including serving on the International Working Group and the International Sub-Committee as Rapporteur when the Salvage Convention was drafted by the CMI, and had then served on the revisions of the York Antwerp Rules leading up to the 1994 Conference in Sydney and had chaired the subsequent International Working Group and International Sub-Committees that had led to the revision of the York Antwerp Rules in 2004 in Vancouver and 2016 in New York. Apart from all those responsibilities he had also chaired the Nominating Committee for a number of years (from 2004-2013) and lectured on General Average and the York Antwerp Rules at IMLI for many years.

The President then invited the Assembly to show their support for this recommendation in the usual way, which then provided Bent Nielsen with a standing ovation by way of acclamation.

16. Any other business

The President expressed his thanks to Jorge Radovich for his valuable contributions to the work of the CMI both before and whilst he was on the Executive Council. He recalled his assistance in relation to the topics of Places of Refuge and the Salvage Convention as well as his involvement on the Offshore Activities International Working Group which he now Chairs. The President expressed his wish that Jorge Radovich would continue his involvement with the CMI for many years to come.

The President also expressed his thanks to Gorgio Berlingieri and Laura Baldi and her team for organising the meeting in Genoa.

Finally the President expressed his thanks to John Hare for his four years of devoted service to the CMI. The President noted that when John Hare took over he was replacing Nigel Frawley who had single-handedly taken on the roles of Secretary-General and Administrator for many years and organised all the CMI meetings that had taken place together with the Presidents that he had served under. John Hare had taken on the

mantel of Nigel Frawley and no one who had attended a CMI event over the last four years would doubt the hard work and devotion that he had given to the tasks that he undertook. The President presented him with a small statue of the Lanterna of Genoa, he being an aficionado of lighthouses. Considerable acclamation was then given by the Assembly. John Hare then expressed his thanks to the CMI and said how much he had enjoyed the role of Secretary-General.

The meeting closed at 6pm.

Signed:

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President

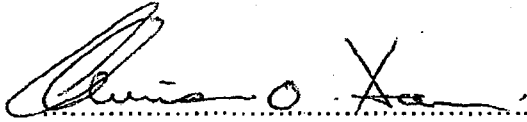
November 2017

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Secretary-General

November 2017

Delegates at the Assembly



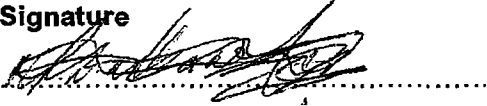
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CHRISTOPHER O. DAVIS

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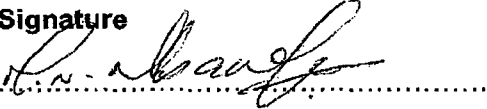
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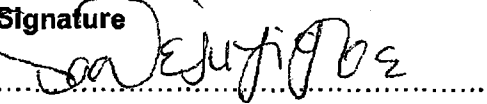
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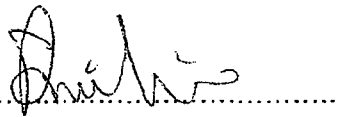
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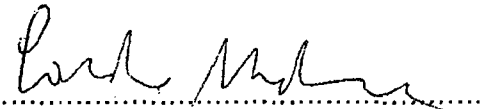
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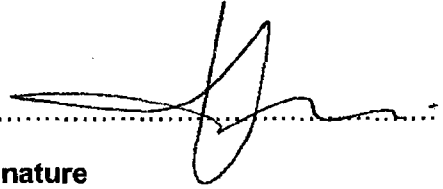
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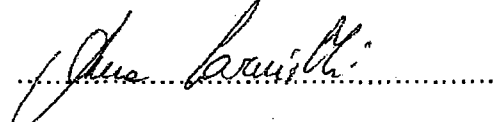
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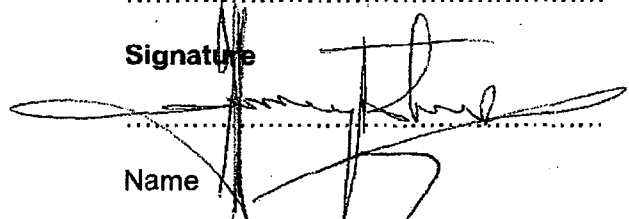


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Martin Davies

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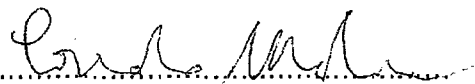
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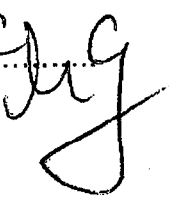
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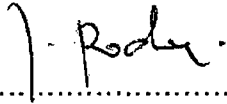
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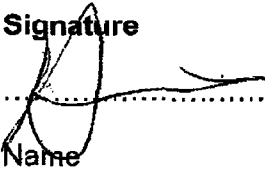
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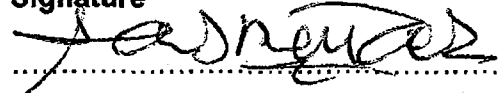


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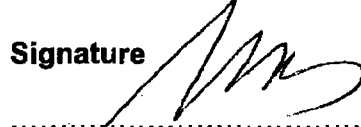
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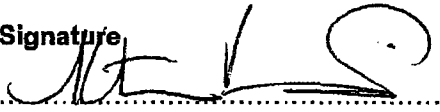
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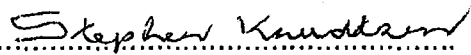
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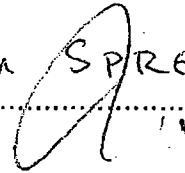
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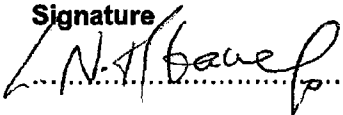
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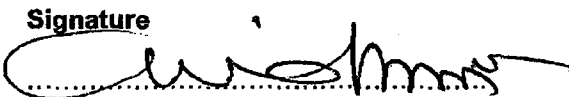
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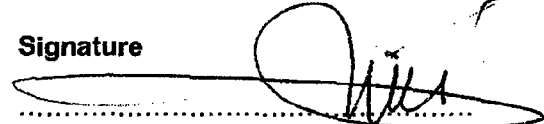
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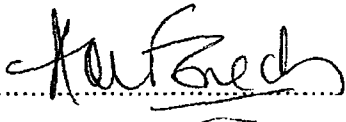
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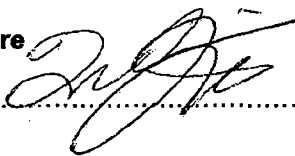
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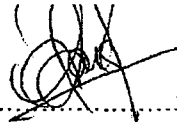
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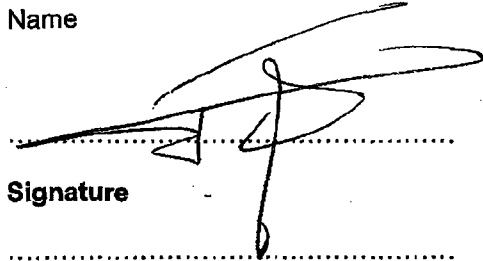
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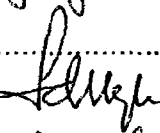
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President HMLA (Greece)

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Deucalion REDIADIS
Secretary-General, HMLA (Greece)

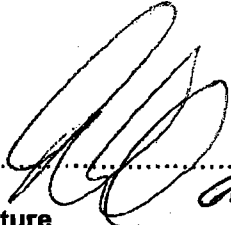
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GERMAN MLA (Duis), PRESIDENT

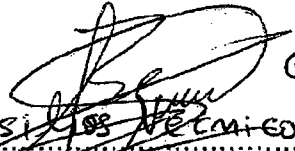
Name Prof. Dr. Dieter Schwampe


Signature German MCLA (CVIS),
Secretary
Pilo T. Walker

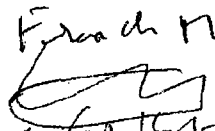
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Signature GERMAN MCLA
Thomas Wouyal

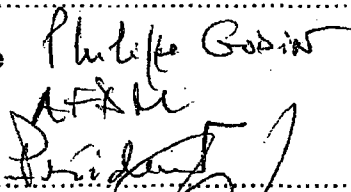
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Greek MCLA

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Signature Fyren MCLA
Vice President

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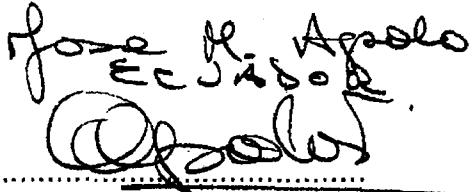

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President

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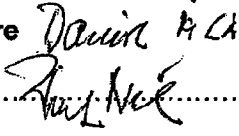
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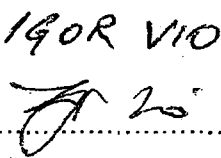

Signature Jose R. Apolo
EC JASOB

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Signature Elizabeth Salas Jimenez
Alcalde - Colombia

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Signature Igor VIO

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Signature Beiping CHU

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Name



COMITÉ MARITIME INTERNATIONAL

PRESIDENT

President's Report

My last report was written prior to the New York Conference in 2016. A detailed report of that Conference by the Secretary-General can be found in the Newsletter No. 1-2 of January/August 2016. As John Hare noted in that report 1,342 people sat down to the Gala Dinner and nearly 1,000 people registered as delegates or attendees during the week. The recently appointed Secretary-General of the IMO, Kitack Lim, opened the Conference and his remarks are published in the latest issue of the Yearbook 2016 New York II. The presentation by Captain Nick Sloane of the Salvage & Wreck Removal operation of the "Costa Concordia" will long be remembered by those who were fortunate enough to witness it. Like the Beijing Conference of 2012 there was almost too much on offer and delegates had to decide between attending competing events on most days of the Conference.

John Hare and his opposite number on the organising committee of the USMLA, Vince Foley, as well as John Kimball and those who were involved in his team in gathering sponsorship, made the Conference the success that it was. The small surplus that was raised was, as the Treasurer points out in his report "an excellent result for this big event", particularly bearing in mind the challenges of accommodating all the members of the USMLA who usually attend the Spring meeting at no cost, apart from the dinner at the conclusion of the meeting.

As you will have seen from the most recent News Letter we have had some personal successes to be proud of in the last 12 months. Frank Wiswall received the IMO International Maritime Prize 2015. Alfred Popp QC was appointed a member of the Order of Canada. As I noted in my letter to you earlier in the year the citation to his award read "For his contributions to maritime law as a lawyer, policy expert and administrator". He was of course Chairman of the Legal Committee of the IMO from 1993 to 2005. Aldo Chircop was appointed as Canada Research Chair in Maritime Law and Policy.

We have a much shorter gathering in Genoa where we will experience a half day seminar and the Assembly meeting on the 8 September 2017 and where we will be honouring the contribution made to the CMI by our former President Francesco Berlingieri.

Constitution

It has come to light since the New York Conference that the CMI has been remiss, since the CMI last amended its Constitution and was incorporated under Belgian law as an international non-profit association, in not complying with the filing and publication requirements for such organisations in

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Enterprise n° 0867 385 381
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Belgium. Accordingly as well as attaching the usual Agenda, also attached is an Agenda for a Special General Assembly meeting and the proposed draft Minutes for that meeting which have been prepared to identify what is required of us in order to rectify these oversights at the Assembly Meeting in Genoa. I would be grateful if you would read these Minutes and be in a position to agree to the resolutions which are identified in it, so that we can put our house in order.

In addition to rectifying our past oversights we will be asking you to approve suggested amendments to the Constitution. We have been talking for some years about making changes to the Constitution, some of which are intended to make it easier to understand it but others brought about by changes in the way we do things. I would be grateful if you would also be in a position to respond to all the resolutions which will need to be taken in order to make those amendments. I thank the Constitution Committee (Jean-Francois Peters, John Hare, Patrice Rembauville-Nicolle, John O'Connor and Benoit Goemans) for all their hard work in recent months. By way of background to the proposed changes, the Constitution Committee met in Antwerp in March and proposed a large number of changes to the Executive Council which have been considered by the Executive Council and approved for consideration by the Assembly. Many of the changes are simply tidying up and drafting changes which have been made with a view to re-organising the material that is presently in the Constitution. However, there are some significant changes which are proposed, including in particular the make-up of the Nominating Committee. It is suggested that the Assembly should elect two persons to that Committee. If that suggestion is approved by the Assembly that process cannot occur until the next Assembly meeting in 2018 and it is therefore necessary to retain the present Nominating Committee in order to enable that process to be carried forward next year.

Finances

As you will see from the Treasurer's report there was an operational deficit of just over Euro 20,000 in 2016, which was largely attributable to a cybercrime incident in which the CMI was defrauded of USD17,230. Once again the Treasurer's report refers to this and you will also see a more detailed account in the Minutes of the Email meeting held by the Executive Council during the week commencing 21 November 2016 in CMI News Letter No. 3 (September/December 2016), on pages 4 and 5.

Briefly what occurred is that my email address was used to send a message to the Treasurer requesting him to forward the sum of USD17,230 to an account in the United States. There were a number of emails exchanged between the fraudster and the Treasurer before the Treasurer made the payment. He had also tried to communicate with me by phone, unsuccessfully, before so doing. As a result of that we took steps to stop the CMI's bankers making any payments pursuant to electronic requests for a period of time thereafter and have also introduced a Protocol whereby the Treasurer will make verbal contact with the President or the Secretary-General before authorising significant payments on behalf of the CMI. The lesson from this sad event is that we must all be eternally vigilant when responding to requests for funds and the need to verify that the request comes from a legitimate source.

The Management Committee

In view of the fact that some 16 months will have elapsed between the New York Conference and the Assembly meeting in Genoa and the fact that Evelien Peters had not met any of us and had recently taken over from Anne Verlinde in the CMI offices in Antwerp it was thought appropriate to have a meeting of the Management Committee in March, comprising: John Hare, Lawrence Teh, Peter Verstuyft, Evelien Peeters and myself. We had a most productive meeting. As mentioned earlier the opportunity was taken also to hold a meeting of the Standing Committee on the Constitution at the same time.

Work Products of the CMI

Judicial Sales

Shortly after we met in New York there was a meeting of the IMO Legal Committee in early June 2016 at which the CMI Instrument on Judicial Sale of Ships was placed on the agenda in the hope that the IMO Legal Committee would agree to take on this project. Unfortunately there was a lack of support for that, despite the fact that two States, China and the Republic of Korea, co-sponsored the project. Since then we have reached out to the Hague Conference (the HCCH) in the hope that it might add this work to its Judgments project. To that end Jonathan Lux, together with Taco van der Valk, attended the Peace Palace in the Hague and explained the project to the Committee that is working on its Judgments project when it met in February this year. At the conclusion of its meeting it was decided by that Committee that it would not be appropriate to include the Judicial Sales work in that project as it was already too far advanced. As a result, the Secretariat of the HCCH invited the CMI to make a submission to its Council meeting in March to the effect that it take on the Judicial Sales instrument work as an independent project. As the Council meeting was taking place the week after I was to be in Antwerp for the Management Committee meeting I arranged to be in the Hague, together with Taco Van der Valk, on the due date and made a submission to that effect. It was agreed with the Secretariat and the Chairman of the Council beforehand that as the delegates would not be very well informed about the project, except on listening to my submission, which was limited to about 7 minutes, they should not be asked to vote on it but simply treat it as information to be considered over the next 12 months until the next Council meeting when a vote would be taken. Delegates were, however, invited to indicate their views. Whilst a number of delegates were supportive of the importance of that project (including China and the Republic of Korea) others were concerned not to take on new work until the HCCH's current projects had been completed.

As a result of the suggestion subsequently made by one of the delegates who was at the Hague I then approached UNCITRAL to ascertain its interest in taking on this project. As a result of those contacts, Jonathan Lux made a further attempt to persuade a UN body to take on this work when he attended the meeting of UNCITRAL in Vienna on 14 July 2017. He was joined by Henry Li, Alexander Von Ziegler and Tomotaka Fujita. The result of that meeting is that we are presently working towards participating in a Colloquium at which the project can be further explained and discussed at an UNCITRAL event before the next UNCITRAL meeting in the middle of next year. It will be appreciated from the above that a number of people have given a lot of their time in trying to have this project adopted by an international organisation capable of convening a diplomatic conference. They deserve our profound thanks.

Maritime Law and Unmanned Ships

There is no doubt, as we heard in New York last year, that the technological developments are gathering pace and it is the regulatory regimes which will need to catch up to enable unmanned ships to operate. Tom Birch Reynardson and his working group took part in meetings at the IMO in June, which he has reported to you, and there is considerable scope for CMI and MLAs to assist in reforming the international and national regulatory environment . I urge you to become involved.

Jurisprudence Data Base

It is timely to be mentioning this topic when we are in Francesco's home port. The Jurisprudence data base was his baby for many years. He had the task of cajoling MLAs to send him judgments from their jurisdictions. We have now, through the University of Singapore, set up a receptacle for all the jurisprudence from around the world on the designated conventions. Only six MLAs have nominated someone to be the primary point of contact and supplier of cases. So far a very few cases have been supplied. In the first instance it is only cases since January 2013 that have been sought. Please assist

in providing the cases to build up this resource which will make a considerable contribution to uniformity of maritime law.

Questionnaires

Could I take this opportunity to ask those MLAs who have not as yet responded to some outstanding questionnaires to do so as soon as possible? The most recent questionnaires have dealt with the following topics:

1. Pandemic Response
2. Ship Financing Security Practices
3. Wrongful Arrests
4. Ship Nomenclature
5. Promoting Ratification of Maritime Conventions
6. Cross-Border Insolvency

Evelien Peeters (Administrative Assistant in Antwerp)

I hope that all of you who attend the Assembly meeting in Genoa will take the opportunity to meet Evelien. Evelien came to us through the Treasurer, Peter Verstuyft's, contacts at the Belgium Shipowners Association. She has academic qualifications by way of a Bachelor of Business Management and a Master of Business Science and had undertaken a course in maritime law. She had worked in the logistics industry in both a claims and operational role. I am going to ask her to introduce herself at the Assembly meeting and indicate to you some of the work that she has been and will continue to be involved with. I am hoping that through her efforts and yours, you will be able to have much more direct communication with the CMI office in Antwerp. That would be by reason of the improved website that we hope to have available to you over the next few months and by your communicating more information to her as to the work and activities of your Association, and linking the members of your Association to the website. If you have not already provided the names and email contact details of your membership please do so. That membership will benefit from being able to receive directly from the CMI all communications that we send out to you. If, as is the case with many MLAs, the information was provided some years ago concerning your members, it may be time to update it.

Finally I want to take this opportunity to thank Giorgio Berlingieri (and Francesco) for their long association with the publication of the News Letter and Yearbook. They are our two texts that contain the most significant materials that we produce. Giorgio has produced his last editions of both publications and has handed over the reins to Taco Van der Valk. We owe the Berlingieri family a huge debt of gratitude for many years of service to the CMI.

Stuart Hetherington

28 July 2017



COMITÉ MARITIME INTERNATIONAL

**Minutes of a meeting of the
CMI Assembly on Friday, 8 September 2017
at 1430 hours at the Old Stock Exchange Building, Genoa, Italy**

1. **Agenda**

- 1) To approve the amendments to the Constitution in accordance with the Resolutions and texts circulated to members by the President's letter dated 7 July 2017, which are **attached**.
- 2) To implement the aforesaid amendments and to adopt the subsequently coordinated Constitution with the **attached** text.
- 3) The clean text of the Constitution, with the amendments shown is also **attached**.
- 4) To give Power of Attorney to Mr Jean-Francois Peters, domiciled Cederlaan 15, 2610 Wilrijk, to appear before Notary Public Pieter Herman in Antwerp (Belgium) to:

Represent the (General) Assembly of the Comité Maritime International in order to authenticate aforesaid amendments and adoption of the coordinated Constitution, in Dutch, in order to publish these amendments and coordination in the Belgian Official Gazette according to Belgian law. For the above purposes execute and sign any deeds and documents, give an address for service, substitute and generally do whatever may be necessary.

2. **Convocation of the General Assembly**

The Assembly recognises that the convocation of the meeting has been issued on 28 July 2017 according to the forms that are prescribed by the Constitution, and that the Agenda for this meeting has been timely communicated to the members.

3. **Presence Quorum**

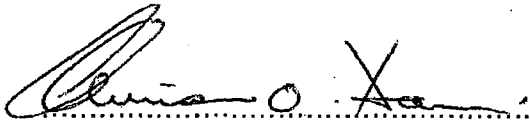
The Assembly recognises that more than five Member Associations entitled to vote are hereby present, so that a quorum as prescribed by Article 5 was constituted to discuss its agenda. The attendance sheet is **attached**.

4. Decisions

The Assembly unanimously decides:

- 1) To approve all the amendments to the Constitution as proposed above in paragraph 1) of the Agenda.
- 2) To approve the implementation of all aforesaid amendments and to adopt the subsequently coordinated Constitution with the text as proposed above in paragraph 3) of the Agenda.
- 3) To give the Power of Attorney to Mr Jean-Francois Peters as proposed above in paragraph 4) of the Agenda.

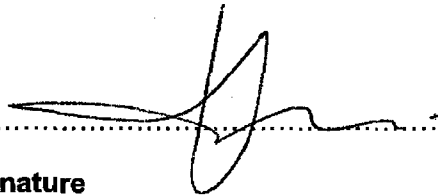
Signature of these Minutes:



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CHRISTOPHER O. DAVIS

Name



Signature

Peter Adrijssen

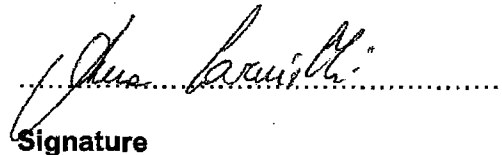
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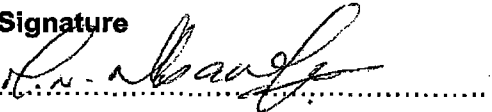


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MONICA MBANGEFO

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MICHAEL GROKWE SAN

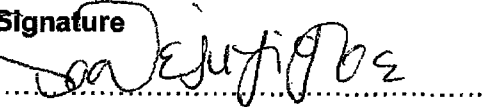
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OLUSEYI ADEJUYICBE

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Martin Davies

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MARTIN DAVIES

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Thomas BURCKHARDT

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Alexander von Ziegler

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KATERINA VUSKOVIC

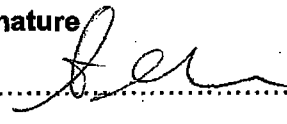
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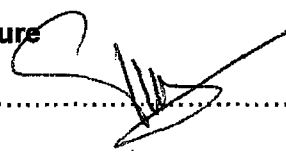
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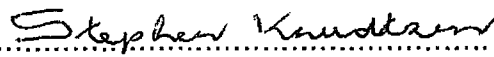
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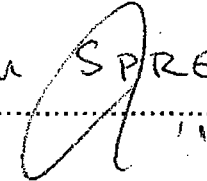
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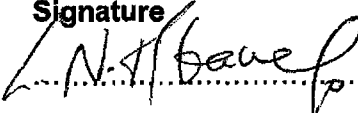
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WILLEM SPRENGER

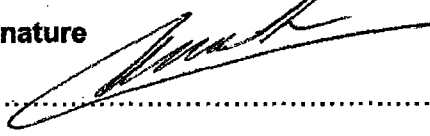
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LOUIS MBRANERO

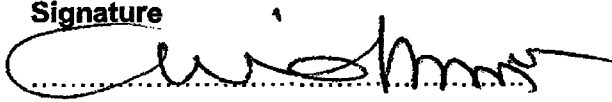
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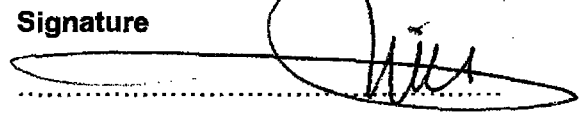
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FRANCESCO SICCARDI

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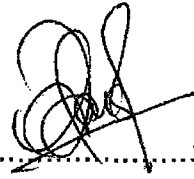
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ANN FAVECH UARTA

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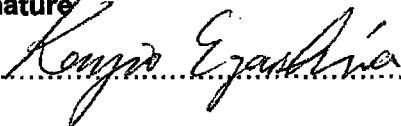
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ADARSH MATHAW

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Kenjiro EGASHIRA

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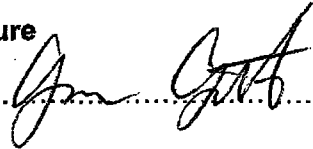
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Name

Japan

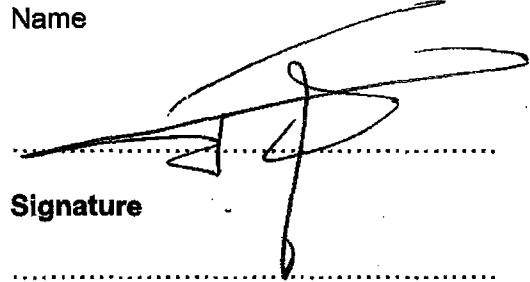
Gren Goto

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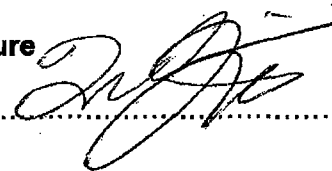
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Name Gregorios Timagenis
President HMLA (Greece)

Tomotaka FUJITA

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Name Deucalion REDIADIS
Secretary-General, HMLA (Greece)

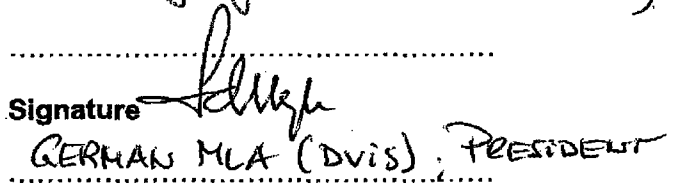
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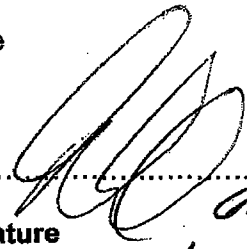
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GERMAN MLA (Dvis), PRESIDENT

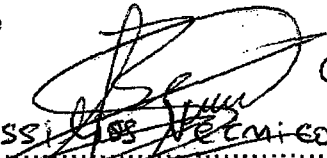
Name Prof. Dr. Dieter Schwampe


Signature Geman MCLA (CVIS),
Pilo Wallbrakenfeld Secretary

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Signature GEMIAN MCLA
Thomas Waucluf

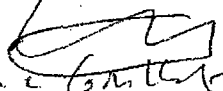
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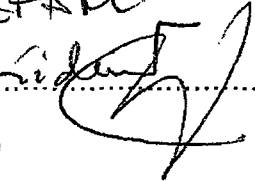
Vassilios Vernicos

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Franck MCLA

Vice President

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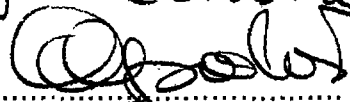
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Philippe Godin
MCLA
President


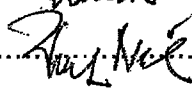
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Jose R. Apolo
ECJABOR


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David MCLA


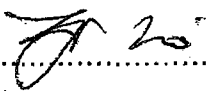
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Elizabeth Salas Jimenez
Acol Jemre - Colombia

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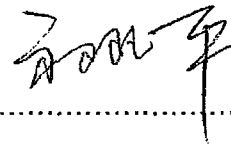
IGOR VIO


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Name

Beiping CHU

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Name

CANADA:

Signature

Mike D. Isaacs

Name EMCA, President.

Signature

Name

CANADA: Elizabeth Henegha

Signature

Name

Judge, Federal Court
of Canada

Signature

Name

CANADA: John G. O'Connor

Signature

Name

Signature

Name

BRAZIL - PEDRO CALMON FILHO
President

Signature

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BELGIUM - FRANK STEVENS

Name

Name

BELGIUM - JEAN-FRANCOIS PETERS

Signature

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AUSTRALIA

NEW ZEALAND

Name

SARAH DERINGTON

Name

Rosalie Pam Belkin

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DIBBO E. CHAMI

Name

PAWEŁ MICKIEWICZ
SECRETARY OF THE
POLISH MCA

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Name

LINA WIEDENBACH

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Name

Nadine NJIKI EPARA

Signature

Name

TO KUNWI MARC BIA SARA
(ACSM) MEMBER

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Name KALOUS MICHAEL

Name

Signature

TOCLO M. CORDONICH

Name

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Nicholas Membran Polonia

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Name

Madeline Jayne Rodgers

Signature

Name

NGUENE NTEPPE Joseph
ACSM (CAMEROON)

Signature

Name

MBAPPE PENNA
Auguste
(ACSM) - CAMEROON

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Name

Beatriz H. M.

Signature

BEATRIZ HURTIE MELGAR

Name

Christina

Signature

(GABRIANO VERGANI ZAU FERN)

CHRISTINA FARRASO

Name

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JIRO Kubo (Japan)

Name

JOSEPH G. GASSO

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Name

NGAMKAN GASTON

President de l'ACADIM (Assoc. des Enseignants du Grand-Mont)

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Name

KIRAN KHOSLA

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Name

ALDO CHIRCO

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ANDREA BERLIZIERI

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ANDREA BERLIZIERI

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BILLY SOBEK

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Signature *STUART HETHERINGTON*
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Signature *Lawrence Teh, Singapore.*
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**Comité Maritime International
Internationale Vereniging Zonder Winstoogmerk (IVZW)
(International Non-Profit Association)
Ernest Van Dijckkaai 8
2000 Antwerpen
Enterprise no. 0867.385.381**

**MINUTES OF THE ASSEMBLY MEETING
HELD IN GENOA ON 8 SEPTEMBER 2017**

The year two thousand and seventeen on 8 September an Assembly Meeting was held at the Old Stock Exchange Building in Genoa, Italy.
The meeting opened at 1430 hours under the Chairmanship of Mr Stuart Hetherington, President of the COMITE MARITIME INTERNATIONAL, who was also appointed as President of the meeting by the Assembly.
The Assembly chose as Secretary and scrutineer Mr Lawrence Teh, Administrator of the COMITE MARITIME INTERNATIONAL.

1. Agenda

Terminations and appointments of Directors.

2. Convocation of the Assembly

The Assembly recognises that the convocation of the meeting has been issued on 28 July 2017 according to the forms that are prescribed by the Constitution and that the agenda for this meeting has been timely communicated to the Member Associations.

3. Presence quorum

The Assembly recognises that more than five Member Associations entitled to vote are hereby present, so that a quorum as prescribed by Article 5 of the Constitution was constituted to discuss its agenda.

4. Decisions


The Assembly unanimously decides that with effect on 8 September 2017:

- The appointment of Mr John Hare as Director and Secretary-General ends;
- The appointment of Mr Jorge Radovich as Director and Executive Coucillor ends;
- Mrs Rosalie Balkin is appointed as Director and Secretary-General;
- Mrs Ann Fenech is re-appointed as Director and Executive Councilor;
- Mr Aurelio Fernandez-Concheso is appointed as Director and Executive Councilor.

There being no further business, the Assembly closed at 1830 hours.


The President

Stuart Hetherington


The Administrator, Secretary and Scrutineer

Lawrence Teh