

## CMI MEETING ON LIABILITY FOR WRONGFUL ARREST OF SHIPS

Dear Colleague,

As you may know, the CMI Assembly takes place this year in London on 8 and 9 November (see the programme at [www.cmi.org](http://www.cmi.org)).

I am writing in my role as Chairman of the International Working Group ("IWG") formed by the CMI to examine and make proposals on issues concerning "Liability for the Wrongful Arrest of Ships". It is my pleasure to invite you to attend the CMI International Sub-Committee meeting to debate the issues on the work done on this subject by the IWG, which will be held on **9 November (at 14.30) at the office of the UK Club in London.**

For further guidance, please refer to the 'Discussion Paper' (attached herewith). This paper will be the basis for our debate at the CMI International Sub-Committee meeting.

As you will see, the results of the study identify a great diversity between the legal regimes providing for liability for wrongful arrest of ships not only between the Common Law and Civil Law jurisdictions, but also between the Civil law jurisdictions.

The issues surrounding wrongful arrest of ships are by no means new. Sir Bernard Eder has argued about the need for change of English law on the subject for many years. Whilst it may seem almost impossible to change English law on wrongful arrest, it is the role of the CMI to encourage homogeneity across the laws of its member States and to address any stark disparities between them by making proposals for unification - as much as that can be possible. For this reason and for the reasons you will read in the Discussion Paper, this subject continues to be important to shipping and to international trade.

In our respectful opinion, ensuring that a ship arrest continues as a viable procedural remedy in an era of increasing corporate ship-owning sophistication, and the “alarming effect” of potential liability (and its extent) for ship arrests, must be given appropriate consideration.

At this juncture, the CMI/ IWG needs to ascertain whether there is sufficient will, at an international level, to try to address the lack of uniformity in the law by reaching an internationally acceptable and balanced solution. To do so, support from the international maritime community is essential. We require the input, and any assistance we can derive from the leaders of our shipping industry as well as from the younger generation practising in shipping, who will, very likely, be those who will complete this project.

It is for these reasons that I am inviting you to support the project by attending the International Sub-Committee meeting, in the first place, and contributing your views to the debate. In addition to delegates from many national maritime law associations of the CMI, we are inviting certain leaders of the maritime industry so that we might have the benefit of their knowledge and experience.

I would appreciate it if you could confirm to the LSLC office whether you, or any of your colleagues who may be interested in the subject, will be able to attend this CMI International Sub-Committee meeting.

I look forward to seeing you on 9 November.

Yours sincerely,

DR ALEKA SHEPPARD

CHAIR OF INTERNATIONAL WORKING GROUP

ON WRONGFUL ARREST OF SHIPS