I. Report on the CMI 2008 topical matters and activities

The next major event will be the 39th CMI Conference in Athens from 12 to 17 October 2008.

The programme will the following:

The presentation of the draft UNCITRAL Convention on Carriage of Goods just after the planned approval of the draft by UNCITRAL Commission and Congress in July 2008 will be of universal interest.

The work on the Places of Refuge for Ships in Distress will provide the basis for solving perhaps the thorniest modern issue on marine pollution from ships.

The preparation of Guidelines for the Procedural Rules Relating to Limitation of Liability in Maritime Law will be a positive contribution to the international harmonization in this area of law.

Other subjects include (a) Promotion of Quality Shipping by Non-Technical Measures; (b) Implementation of Maritime Conventions relating to Limitation of Liability; (c) Wreck Removal Convention -2007; (d) Ship Recycling; (e) Charterers' Right to Limit Liability; and (f) International Recognition of Judicial Sales of Ships.

II/ A Preview of the Main Subjects of the Conference

1. Places of Refuge

This is perhaps the hottest contemporary issue relating to the protection of the marine environment from pollution by ships.

When a vessel in distress needed a port of refuge, traditionally entry was granted at the nearest port. In recent years, however, the entry of a distressed ship in a port may well present an environmental risk for the port and the nearby area, while human life may be saved without the entry into the port.

Whether the port state may and/or must grant or deny entry to a ship in distress is a delicate decision environmentally, politically and legally in present times.

The issue attracted intense international interest after a series of incidents involving refusal of port entry to ships in distress culminating with the sinking of "Prestige" off the coast of Spain and the extensive oil pollution of
the area.

The CMI has decided to consider the present status of law and propose a draft instrument to develop into a set of guidelines or even a new convention or a protocol to existing conventions.

The Conference in Athens will deal with these issues and will work on the draft instrument.

2. Procedural Rules Relating to Limitation of Liability in Maritime Law

International Maritime Conventions, many of which were prepared by and adopted in Conferences organized by the CMI, have contributed considerably to the international unification of maritime law, something important for the ships which move from one jurisdiction to another.

Despite this unification, however, there is considerable diversity in the manner in which international maritime conventions have been implemented and applied by State parties.

The CMI mindful of its role and duty, pursuant to its Constitution "to contribute by all appropriate means and activities to the unification of maritime law in all its respects" has embarked in an effort to draft guidelines for the harmonization of "Procedural Rules relating to the Limitation of Liability in Maritime Law". The guidelines relate to the procedure of limitation, establishment of the fund, procedure of challenging the limitation, registration and proof of claims, time limit of participation, consequences of late participation, enforcement of limitation in other jurisdictions etc. The participation to the work of the Conference in addition to the quasi legislative work of drafting the guidelines will give the participants an in depth understanding of the major maritime conventions relating to limitation of liability, including not only the "International Convention on Limitation of Liability for Maritime Claims", London 1976 (LLMC) but also the pollution related conventions, like the "International Convention on Civil Liability for Oil Pollution Damage" 1969/1971 (CLC) and the "International Convention on Liability and compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea" 1996 (HNS).

3. UNCITRAL Draft Convention on the Carriage of Goods [wholly or partly] [by sea]

The work of the United Nations Commission on International Trade Law (UNCITRAL) for the preparation of a draft convention on the carriage of goods [wholly or partly] [by sea] is at a very advanced stage and it is intended that the substantive work will be finished before the 39th CMI Conference. The draft is expected to be approved by the Commission and Congress in July 2008 and what will remain will be the official adoption by the UN General Assembly in November 2008.
The adoption of this Convention will be a major event in Maritime Law.

The Conference in Athens will be an excellent opportunity and perhaps the first worldwide after the completion of the draft convention for its comprehensive presentation by Speakers who participated in the preparation of the draft convention and/or have an in depth knowledge of the draft and the underlying issues. It will be an event that no maritime lawyer should miss.

It will be especially informative and educational for young lawyers who will be given the chance to attend this event regardless of their participation to the Conference as a whole.

4. Other subjects

Other issues on which the Conference will dedicate shorter periods include:

1. Promotion of Quality Shipping by Non-Technical Measures
2. Implementation of Maritime Conventions Relating to Limitation of Liability
3. Wreck Removal Convention 2007
4. Ship Recycling
5. Charterers' Right to limit Liability and
6. International Recognition of Judicial Sales of Ships

**General Average**

The General Average rate of interest for the York Antwerp Rules 2004 is:

1 January 2005 to 31 December 2006 is 4.5%.
1 January 2007 to 31 December 2007 is 5.5%.
1 January 2008 to 31 December 2007 is 5.75%.

In case interested in more details further information can be found from the website: www.comitemaritime.org., www.cmi2008athens.gr.