

IRISH MARITIME LAW ASSOCIATION AGM 2008

Report of the President

1. The purpose of this report is to inform members of the activities of the Association and of its Executive Committee over the past year and to advise members of projects going forward. Our last AGM took place on 29 June 2006 and since then the Executive Committee has met on seven occasions.
2. I propose in this Report to bring members up to date in relation to:
 - (a) the IMLA's ongoing participation in the work of the CMI (Comité Maritime Internationale);
 - (b) to report on the Seminar organised by the IMLA in March last; and
 - (c) to highlight other activities and projects of the IMLA.
3. CMI (Comité Maritime Internationale)

As most members will be aware, the CMI is an international non-governmental organisation. Its members are maritime law associations worldwide. The CMI either independently or in conjunction with other organisations such as the International Maritime Organisation (IMO) or UNCITRAL reviews specific areas of maritime law with a view to either recommending changes or in many cases drafting International Conventions which in many cases are recommended for ratification at diplomatic conferences. The CMI has been at the centre of activity in drafting and bringing about the ratification of Conventions such as the 1952 Arrest Convention, the 1976 Limitation of Liability Convention and other Conventions which have been widely implemented.

The IMLA is an active member of the CMI and is recognised as an association which "punches above its weight" at the CMI conferences which take place every four years. The next such conference takes place in Athens in 2008. In preparation for the work which is carried out at those conferences, work is done in dealing with questionnaires and attending at sub-committee meetings on specific topics. Over the past year, the IMLA has responded to questionnaires dealing with queries relating to the position under Irish law on the following topics:

- places of refuge;
- transport issues;
- fair treatment of seafarers;
- salvage;
- charterers rights to limit liability.

I would like to thank the various committee members of the IMLA who have taken the time and trouble to respond to the questionnaires on these topics and I would like to pay particular tribute to Dermot McNulty (who is very much missed on the Executive Committee) for the work which he had done on the topic of fair treatment of seafarers.

The above topics will all be on the agenda for discussion at the 2008 CMI Conference.

Other topics under review by the CMI are:

- criminal acts committed on foreign flag vessels;

- implementation and interpretation of International Conventions;
- wreck removal; and
- general average.

In respect of the latter topic, I would like to particularly mention the contribution which has been made over the years by a committee member Eamon Magee of Allianz who has contributed enormously both at CMI level and IUMI (International Marine Underwriters Association) on the subject of General Average in which area he is internationally respected as an expert.

The CMI held its annual assembly meeting in Dubrovnik, Croatia in May 2007. The IMLA was represented at that meeting by Paul Gill and Helen Noble and the Association is grateful to them for doing so. I should mention that a minute's silence was observed for CMI members who had died during the previous year, including Dermot McNulty who was well known and well respected by CMI members. A report on the CMI assembly meeting is available on the website. Essentially, the Assembly dealt with administrative matters such as finances and election of new officers and, in addition, reported on the various work topics outlined above which the CMI has been dealing with in preparation for its 39th International Conference in Athens in 2008.

The next CMI event is a sub-committee meeting dealing with the important subject of procedural rules in Limitation Conventions. We are ably represented at this sub-committee by Helen Noble. It is hoped that she will be in a position to attend the meeting next September in Paris.

4. IMLA Seminar

Most of you will know the IMLA has for the past number of years held a seminar, on average once every two years, the aim of which is to appeal to the widest possible audience and bring members up to date on developments both nationally and internationally in the area of maritime law. Many of you will have attended this years seminar which took place in March 2007 at the Berkeley Court Hotel. The Seminar was a success both in terms of the lectures given and also financially and our treasurer, Paul Gill, will deal with the latter aspect separately. The topics dealt with in the seminar were:

- **Sea Fisheries and Maritime Jurisdiction Act 2006** with contributions by Greg Casey, Solicitor of Casey & Co and Lorcan O'Conneide, Federation of Irish Fishermen;
- **International Pollution Conventions applicable in Ireland** presented by John Wilde Crosbie B.L.;
- **Preparedness and Response to Marine Pollution Incidents** presented by Eugene Clonan, Marine Pollution and Salvage Manager of the Irish Coast Guard;
- **Emergency Response and Salvage Issues from a P&I Perspective** was the topic dealt with by Andrew Bardot, the executive officer of the International Group of P&I Clubs Secretariat who we were fortunate to have as a contributor;
- **The International Group of P&I Clubs – Past, Present and Future** was also dealt with by Andrew Bardot;
- **Admiralty Law and Jurisdiction in Ireland “Past Present Imperfect”** was presented by Alan Doherty B.L.;
- **Historic Shipwreck and Salvage Law in Ireland** was dealt with by Drury Cooper, Solicitor from Gordons Partnership in London; and

- **Marine Simulator Technology and Casualty Analysis** was present by Cmdr Eamonn Doyle from the National Maritime College, Cork.

I would like to record thanks to all of the speakers who presented such interesting and thorough presentations on the above topics making the seminar such a successful one.

Without detracting from any of the speakers I think that the highlight for many of us was the tribute paid by Mr Justice Brian McGovern to Dermot McNulty delivered in his honour. This is available on the website. We were so pleased that Dermot's wife, Therese and his son were able to attend at the lunch at which the lecture was delivered and I would like to thank Mr Justice Brian McGovern for agreeing to deliver the lecture and for the thought and care which he put into its preparation which was much appreciated by Dermot's family. By way of information, I confirm that a presentation of a gift was made to Mrs McNulty and I would like to thank John Wilde Crosbie who has demonstrated a particular skill in identifying appropriate gifts for presentation over the years.

Finally, I would like to acknowledge the work of the sub-committee in organising the Seminar and in particular would like to mention Paul Gill and his office Dillon Eustace who printed the brochure and attended to so many of the arrangements for the Seminar and also to Hugh Kennedy who was closely involved in the organisation of this particular Seminar.

5. Other Work/Projects of the IMLA

(a) Website

One of the areas of concern for the IMLA is to ensure that the website is kept up to date and is informative. As many of you will know, we have recently decided to list all of the members on the website to include their email addresses. This involved a certain amount of work in updating the membership list and communicating with members to ensure that they have no objections to their email addresses going on the website. For this I would like to thank Paul Gill and Helen Noble who were charged with dealing with that work.

(b) New members

During the course of the year the IMLA Executive Committee considered and approved a number of applications for new membership and this is part of the ongoing work of the Executive Committee.

(c) Procedural Rules for Limitation of Liability

Many of us dealing with Maritime cases have been conscious of the absence of any procedural rules to deal with cases where limitation of liability is being pleaded under the 1976 Limitation Convention (as amended). The Executive Committee has discussed whether, as an association, we might volunteer to draft appropriate rules following appropriate consultation with the Superior Court Rules Committee. Having decided in principle to do so, it has been thought appropriate to defer taking any steps in that direction until after the CMI, who are considering the same subject on an international level, have had their meeting next September.

(d) National Maritime College, Cork

As a result of the excellent presentation by Cmdr Doyle at the Seminar, the Executive Committee is intending to organise a visit to the National Maritime College in Cork for the benefit of the members of the IMLA. It is clear from Cmdr Doyle's presentation that the technology available at the College is second to none and that many members of the IMLA would enjoy the opportunity to see the facilities which the College can offer.

(e) Thanks

First I would like to thank the various members of the Executive Committee for the work which they have done over the past year. I would like to thank you, the members, for continuing to support the IMLA and for attending at its seminars over the past years and in particular this year. Please do not hesitate to buttonhole any of the Executive Committee members after the meeting with suggestions for any topics you would like to have dealt with at future seminars.

Last, I would like to thank the Department which provides generous funding to the IMLA. The IMLA is always pleased to assist the Department in any way which it can in commenting on draft legislation or assisting in any other manner to further the interests of updating maritime law. By way of information the funds received from the Department are entirely allocated to paying the membership fee of the CMI and the remaining activities of the IMLA are funded by the membership fees received from you, the members, and any profits derived from seminars.

Finally, as members of the Executive Committee will know, I have offered my resignation as President as my recent change of occupation means that my availability to attend meetings and devote time to the affairs of the Association will be limited. I would like to say how much I have enjoyed my year of office and I am glad to continue my association with the IMLA for some period of time and maintain the friendships with those with whom it has been a pleasure to work.

I wish the Association all the best in its work going forward and I would like to thank you, the members, for attending at this AGM.