**THE MARITIME LAW “CULTURE”**

***1****.Is there a culture, a flowing course of knowledge, thought and education, of Maritime Law?. Lawmaking in the matter of Shipping has been the task of the CMI over more than 100 years now. Meanwhile research was left to the schollars and education was allotted to the Colleges and Universities. The international Conventions gave rise to an “International Maritime Law” based upon harmonisation of national laws.*

*The CMI has assembled such an amount of knowledge and expertise so to become the most authoritative body worldwide over Maritime Law.There is not an international common library in existence yet, but only the records of the Assembly and IWGs meetings and of the preparatory works of the Conventions, the latter having been filed in since 1978 by the UN(IMO,UNTAC and UNCITRAL mostly) though remaining unpublished.The foundational aim of the CMI was the “uniformity of Maritime Laws throughout the world”.”Uniformity” stands to be a concept that relates impliedly to knowledge, research, international action and a commitment to consensus. Legislation is not about law only, but about practice, politics, social development and education.The process of making the International Conventions with a view of uniformity makes a story behind each particular Convention, to the extent that all of the circumstances prevailing in society and in shipping trade in general reflect themselves like in a mirror in every provision of law therein. And they would tell how and why the compromises were arrived at. Technology and the protection of the marine environment are the key factors weighing in the points of departure in the XXIst century, while safety of human life at sea and safety in navigation were the framework prevailing in the XXth century.*

*A “culture of Maritime Law” would refer not only to studies on “Lex Maritima”,” Lex Mercatoria” and “Loss Prevention”, whilst such are definitely important pillars of the research.The Law in force internationally must not only be told but it must be comprehended and learned so to eventually become the subject of adoption of Conventions and, eventually, of their reform.*

***2****.Setting the rethoric aside, the facts are:*

*-Very few NMLAs provide seminars or courses in their respective countries for increasing and improving the knowledge of the International Maritime Law.*

*-Only a handful of NMLAs have grounded contacts with their Governments for the adoption of the Maritime Conventions.*

*-The National Governments have no other source of information and knowledge than that supplied by their appointed representatives to the International Conferences and by their permanent ambassadors to the U.N. bodies.*

*-The Universities and Colleges stand away from the CMI works and remain far from being properly acquainted with the developments on International Maritime Conventions.*

*-The CMI holds no regular contacts with Law Faculties and Colleges, except with the IMLI by way of a subsidy from the Charitable Trust.The IMLI is an UN international academy for Merchant Marine officials and civil servants, who are later expected to enter into service to the domestic Maritime Administrations.*

*-The CMI website is open to every visitor. It reveals information relating to the status of the Conventions and to the undergoing works.It does not give room to articles of opinion, research commentaries, explanatory notes out of the questionnaires, etc, that is, to sources of analysis and discussion over issues that arise in the making of the Conventions and in their subsequent Implementation and enforcement.The research on interpretation of the Conventions by the national Cours is, however, higly rated and valuable.*

*-The Young CMI is a milestone in the history and body of the CMI nowadays.The members could be more incented towards Implementation of the Maritime* ***Conventions*** *and taken advantage of for deploying the works of the CMI within their domestic environments.*

*-The CMI is depositary of an enormous wealth of legal knowdlege which relates to a “live Maritime law” and to more to come through the making process.The overall amount of information, the entire body of the background of the Conventions and the doctrine of the schollars in reference of many issues under doubt or dispute make an invaluable reservoir of “Maritime Law Culture”.*

*-Should the Maritime Conventions be better presented to the Governments and should a domestic atmosphere of attention and concern be there available to the Governments the ratification of Conventions would be perhaps better promoted, the financial and political interests notwithstanding.*

***3.*** *The CMI might afford a sensitive approach to a policy of “Maritime Law Culture” taking advange of the various elements already in place.*

*The IWG on “Lex Maritima”, or indeed the IWG on Implementation of International Conventions, could well be either appropriate sites for an educational mission on “Maritime Law Culture”.Setting in motion contacts with national and local Universities through the NMLAs for the organisation of seminars and events (to be self-financing) over International Maritime Conventions, the contents of which might be hanged in the CMI web for easy accessibility.The Young CMI members and also available Titulary Members might be possibly willing to assist.*

*The CMI has at times printed and published books of Maritime Law, or otherwise supported Publications (“under the auspices of”). The activity should look into publishing the Young CMI Essay Prize winners and other essays by schollars members of NMLAs relating to subjects of interest to the CMI, particularly Maritime Conventions.*

*The prestige of the CMI should be no doubt enhanced by means of an educational policy in regard of the Maritime Conventions.The relationships with the NMLAs, which pay contributions yearly, should be also easened, if not made stronger, by effect of a commitment for spreading the “Maritime Law Culture”.*

*4.An example of the above may be that up to date the Spanish judgment in the case of the “Prestige” has not been yet made the subject of a proper study or analysis in the context of the denial of the right of limitation under the IMO Conventions. As a result, the CMI has started a co-operation with IMO in regard of a proposal for an unified interpretation of the break of the right to limit and has sent out questionnaries to the NMLAs seeking their domestic views, but without having in hand any essay or legal report setting out the question of law and the issues at stake, which would have otherwise thrown light over the agreements and works that made the concerned provisions( of the LLMC, CLC, HNS and BUNKERS) to be in place since the Visby Rules.*

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