

## **CMI 2017 Genoa Assembly and Seminar**

### **Opening by the President: Stuart Hetherington on 8 September 2017**

We are here to honour Francesco Berlingieri, President Ad Honorem of the CMI.

Francesco was born in Genoa on 20 February 1922, he was awarded the Silver medal for military valor as an officer in the Italian Royal Navy.

He attended his first CMI Conference in Naples in 1951, some 66 years ago.

As a young man of 34 he received instructions to act on behalf of Italia di Navigazione in relation to the collision between the "Andrea Doria" and the "Stockholm" off Nantucket on 25 July 1956, which had resulted in the rescue of 1,660 passengers with the loss of 46 lives. Ken Volk and Gordon Paulsen being two of the United States Attorneys long associated with the case arising from that collision.

He was President of the CMI from 1976 to 1991.

He is President Ad Honorem of the Italian Association of Maritime Law, he is an honorary member of the Order of the British Empire (OBE), he is a Doctor Honoris Causa in Jurisprudence from Bologna University and also from the Universities of Antwerp and Athens. He is an Honorary Member of the British Maritime Law Association, the USMLA as well as various other organisations and the editor of "Il Diritto Marittimo".

In the wonderful collection of essays which Giorgio collected to honour Francesco on the occasion of his 88th birthday in 2010 was one by Kate Lannan of UNCITRAL. From her experience of working with Francesco on the Rotterdam Rules between 2002 to 2008, she described him as the "Consummate gentleman diplomat". In order to elaborate on that theme she cast her net widely to see what others had said about the qualities of such people. She then quoted the following:

*"A diplomat is a person who can tell you to go hell in such a way that they actually look forward to the trip"*

*"It is a necessary quality of a diplomat or a politician that he will compromise. Uncompromising politicians or diplomats get you into the most terrible trouble."*

*"A gentleman is a man who can disagree without being disagreeable."*

I note that she overlooked the description of an ambassador by Sir Henry Wotton, the English author and diplomat of the late 16th and early 17th centuries. He described an ambassador as being "an honest gentleman sent to lie abroad for the good of his country." That got him into quite a lot of trouble in Italy, which possibly explains why Kate did not refer to it!

I should say, that amongst those essays was the delightful "hommage to Francesco Berlingieri" by my predecessor, Karl-Johan Gombrii. He disclosed that the Berlingieri name had been associated with the CMI at least since 1900. His research led him to identify that there was a young maritime lawyer called Francesco Berlingieri from Genoa at the CMI Conference in Paris in 1900. He also noted that at the CMI Conference in Copenhagen in 1913, although Francesco Berlingieri headed the Italian delegation there was also a young maritime lawyer from Genoa present by the name of Giorgio Berlingieri. He also noted that in 1959 at the Rijeka Conference both Giorgio Berlingieri and a young maritime lawyer from Genoa by the name of Francesco Berlingieri were present as part of the Italian delegation and in 1977 at the CMI Conference in Rio de Janeiro, Francesco Berlingieri was the President of the CMI and a young maritime lawyer from Genoa, Giorgio Berlingieri, was also a member of the Italian delegation. (That amounted to two Francescos and two Georgios). One of the Francescos being the person that we honour today. The others being his father and grandfather and our own Vice President Giorgio; all have been Presidents of the Italian MLA and active within the CMI. This caused Karl to comment that the Berlingieris during the last hundred or more years do not "waste names"!

Very few of you here today need me to tell you very much more about Francesco. His attributes are well documented but let me highlight a few more of them.

Apart from the brief period after the Second World War when Lord Justice Scott was the President of the CMI for about a year, Francesco was the first non-Belgium to be President of the CMI. He is the third longest serving President of the CMI, coming in behind Albert Lilar, who he succeeded, and served in that role for 29 years (1947 to 1976) and Louis Franck who served for 16 years from 1921 to 1937.

In writing about his 15 years as President of the CMI, Francesco identified the administrative challenges which he faced. The fact that he was in Italy while the Secretary-General Executive was in Sweden and the Secretary-General Administration was in Belgium and, secondly, also the new international order which started to emerge as a result of the formation of the IMO in 1959, UNCTAD in 1964 and UNCITRAL in 1966. I can empathise with all of that. The more things change the more they remain the same.

My first exposure to the whirlwind which was Francesco was at the Paris Conference in 1990. While there had been tentative steps taken before then to resolve the problems of the Hague Visby regime and the lack of support for the Hamburg Rules it was at the Paris Conference that the first serious steps to finding a solution were launched by Francesco using his diplomatic skills. Although his role as President ceased the next year his continued involvement with that project for CMI and then as an Italian delegate to the UNCITRAL meetings is as they were set out and commented on by Kate Lannan in her 2010 essay; there is no need for further elaboration from me.

Hopefully the international community will come to its senses and finally start ratifying that Convention in large numbers and enable the next generation of maritime lawyers to appreciate one of Francesco's great legacies.

The contribution that Francesco and his wife of 68 years, Anna, who we memorialised last year, made to the CMI cannot be measured in words.

Francesco: we would like to present this salver to you as a small token of the appreciation we have for you and the esteem within which you are held by the worldwide maritime community.

**Stuart Hetherington**

8 September 2017