

# ASSOCIAZIONE ITALIANA DI DIRITTO MARITTIMO



## THE ITALIAN MARITIME LAW ASSOCIATION:

### OVER 120 YEARS SINCE ITS FOUNDATION

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This article is the result of searching historical records and various archives, which allowed to trace the origins of the Italian Maritime Law Association, and to tell about its activities and the figures constituting its moving forces, from foundation to present times. The narrative describes a history which develops in parallel with that of Comité Maritime International.

SUMMARY: 1. From foundation through 1921: Alberto Marghieri, the first President of the Italian MLA and the CMI Conference of 1907 in Venice. – 2. Francesco Berlingieri sr., President from 1921 through 1939 and his role in the unification of maritime law and as Professor at the University of Genoa. The CMI Conference of 1925 in Genoa. – 3. His Presidential successors: Mariano d'Amelio, Amedeo Giannini, Giorgio Berlingieri sr., Antonio Lefebvre d'Ovidio. The CMI Conference of 1951 in Naples. – 4. Francesco Berlingieri jr., President of the Italian MLA from 1982 through 2005: an institution with the CMI. – 5. The recent history of the Italian MLA and its continuous involvement in the activities and functioning of the CMI.

1. *From foundation through 1921: Alberto Marghieri, the first President of the Italian MLA and the CMI Conference of 1907 in Venice*

The Italian MLA was established in 1899 and is one of the oldest Maritime Law Associations members of the CMI.

There seems to be no official document regarding its formation, although it is

known that it was founded in Naples upon the initiative of Academics and Lawyers of that City.

However the date may be traced from the CMI, which included Professor Paolo Boselli of Savona and Avv. Maurizio Caveri of Genoa among its founding members<sup>1</sup>.

Since its constitution<sup>2</sup> in 1897 the CMI, with President Auguste Beernaert, Vice President Charles Le Jeune and Secretary General Louis Frank, also had an Italian representation within the Bureau Permanent, as the Executive Council was originally named: Professor Umberto Pipia, of the University of Genoa.

The first Conference of the CMI took place in Brussels the 6 June 1897<sup>3</sup>, with the participation of the only Maritime Law Association existing at that time, the Belgian Association, which was founded the 22 November 1896<sup>4</sup>. The main item in the Agenda was the organization of the CMI, but Collision and Shipowners' Liability were also discussed.

The second Conference was organized in Antwerp from 28 September to 1 October 1898 and the NMLAs attending were: the French, founded in 1897, the German, in 1898, and the Belgian<sup>5</sup>.

The Conference was also attended by Observers from Denmark, England, Holland and Norway and its works concerned Shipowners' Liability.

The third Conference, in London from 13 to 15 July 1899, saw the participation of the nine existing NMLAs: Belgium, Denmark, France, Germany, Holland, Norway, Sweden, United States of America and Italy<sup>6</sup>.

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<sup>1</sup> Bulletin n. 1 de l'Association Belge pour l'unification du droit maritime, Février 1897, Imprimerie J. E. Buschmann, Anvers, p. 42.

<sup>2</sup> Lilar, Van den Bosch: *Le Comité Maritime International 1897 – 1972*, Anvers 1972 ; and F. Berlingieri jr : *Il Comité Maritime International "Le sue origini, la sua storia, il suo futuro"*, *Dir. Mar.*, 1979, p. 148.

<sup>3</sup> CMI, Report on the Antwerp Conference, 1898, p. 1.

<sup>4</sup> Bulletin n. 1, p. 11.

<sup>5</sup> CMI, Bulletin n. 4.

<sup>6</sup> CMI, Bulletin n. 5.

The Italian Maritime Law Association was just born as it appears from the CMI Bulletin on the Conference, which saw the delegates considering issues relating to Shipowners' Liability and Collision<sup>7</sup>.

An account of the foundation of the Italian MLA and of its attendance at the CMI London Conference in July 1899 is given also by Albert Le Jeune, the Vice President of the CMI, in his article for the Essays in Honour of Francesco Berlingieri sr., published in 1933 upon initiative of the Italian MLA<sup>8</sup>.

The fourth CMI Conference, from 1 to 3 October 1900 in Paris, included among the delegates of the Italian MLA Francesco Berlingieri sr.<sup>9</sup> together with Avv. Prospero Ascoli of Venice, Avv. Leone Senigallia of Naples, Avv. Enrico Bensa of Genoa, Avv. Luigi Gottheil of Naples and Duke Francesco Mirelli of Naples<sup>10</sup>.

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<sup>7</sup> In the Records of the works which took place the 15 July 1899, concluding the Session on Collision (p. 206 of the CMI Bulletin n. 5) there is a statement of Avv. Leone Senigallia, Secretary General of the Italian MLA: *"Signor Senigallia, Secretary of the Italian Maritime Law Association, – I regret that the Italian Association was only formed 15 days ago, consequently we have been unable to make any report. I have, therefore, been unable to give my personal expressions, because they might clash with those of my colleagues. I hope that at the Conference next year a full report will be handed in by the Italian delegates, which will show the interest which they take in the great work that is now being accomplished. In conclusion, I trust that in the year 1902 the Conference may honour us by meeting at Naples"*.

It may therefore be said that the Italian MLA was founded the 1 July 1899.

<sup>8</sup> There at p. 339-340, Albert Le Jeune says: *"La constitution de l'Association italienne n'était pas encore un fait accompli lors de la première conférence du Comité Maritime International en juin 1897. Feu Maurice Caveri, l'éminent juriste génois, pressenti à l'époque, ayant fait preuve de quelque hésitation, envoya à sa place un jeune concitoyen, M. Pipia. C'est à la 3<sup>me</sup> conférence, réunie à Londres en juillet 1899, sous la présidence de Sir Walter Phillimore, que nous voyons pour la première fois paraître des délégués de l'Association italienne de Droit Maritime, constituée peu de semaines auparavant."*

<sup>9</sup> In his article for the Essays in Honour of Francesco Berlingieri sr., Albert Le Jeune reports, at p. 340 : *"En 1900, le Comité Maritime International réunit à Paris sa 4<sup>me</sup> conférence. Sa réputation s'est déjà affirmée dans le monde: onze associations nationales ont été créées et travaillent assidûment; neuf gouvernements, dont le gouvernement italien, envoient des délégués pour suivre les travaux de la Conférence de Paris présidée par M. Lyon-Caen. Et parmi les délégués de l'Association Italienne, nous voyons apparaître, Mr le Professeur Berlingieri, qui s'est fait précéder par un rapport, indépendant de celui de l'Association italienne, dans lequel se dévoile déjà l'intérêt qu'il porte à l'œuvre entreprise par le Comité Maritime International dont il devait, à partir de ce moment, devenir l'un des plus fervents et des plus dévoués protagonistes."*

<sup>10</sup> In advance of the conference Questionnaires were circulated by the CMI in the subject to be discussed in Paris. The answers of the Italian MLA on salvage were made by members Vittorio de Rossi, Prospero Ascoli and Francesco Berlingieri sr., whilst the answers on Collision were made by members Francesco Mirelli and Vittorio de Rossi. Dir. Mar. 1900, p. 358.

The CMI Conferences continued to follow, practically every other year: 1902 Hamburg, 1904 Amsterdam<sup>11</sup>, 1905 Liverpool.

Many Conferences had in the Agenda Salvage and Collision, and led to the adoption of the relating International Conventions in 1910. Studies regarding a possible uniform law on Maritime Liens and Hypothecs were also included in the works of other CMI Conferences, starting with that of Amsterdam in 1904.

At Liverpool in 1905 the discussions seeking uniformity in that field did not yield any positive result and it was resolved to continue with the efforts to adjust the existing differences of opinions.

At the end of the Conference Francesco Berlingieri sr. made an invitation for the next conference of the CMI to take place in Italy<sup>12</sup>.

The Conference was organized in Venice from 25 to 28 September 1907 under the presidency of Alberto Marghieri<sup>13</sup> of Naples, the President of the Italian MLA from its foundation until 1921.

The National Associations at the time were 14: Germany, England, Austria, Belgium, Denmark, United States of America, France, Holland, Hungary, Japan, Norway, Argentina, Russia and Italy.

There was quite a large delegation of the Italian MLA at the Conference<sup>14</sup> and Francesco Berlingieri sr. attended on behalf of the Italian Ministry of Justice.

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<sup>11</sup> A paper outlining the position of the Italian MLA in the matter of Limitation of Shipowners Liability was prepared by Alberto Marghieri. *Dir. Mar.* 1904, p. 381.

<sup>12</sup> (CMI Bulletin n.12, p. 314): *"In the name of the Italian National Association, I wish to invite the Committee to hold its next conference in Italy. I will not name the city where the meeting could be held, that would be a matter for later arrangement between the Italian Association and the Committee. Delegates would probably all agree that to meet in anyone of the great commercial cities of Italy would be in itself an inspiration. The fact that the Committee which devoted its efforts to the unification and the improvement of national laws should hold meetings in one of those ancient and glorious cities where transmarine commerce really first had its start should be of value to the movement, which is one of grandiose effects. The Committee could be perfectly sure of having a most sympathetic and cordial reception in Italy, and hope that there would be a further development and a further move towards the completion of the valuable work which seemed lately so impossible, and which now seemed so near realization, at least in part."*

<sup>13</sup> Dean of the University of Naples, Professor of Commercial Law, Senator of the Kingdom of Italy, born the 12 June 1852. He died the 12 July 1937.

<sup>14</sup> CMI, Bulletin n. 19.

The Agenda included Limitation of Shipowners Liability, Maritime Liens and Hypothecs and Conflict of laws in the matter of freight.

The Conference approved a project of Convention on Maritime Liens and Hypothecs which was listing only four possible maritime liens: 1) judicial costs and expenses incurred for the custody and preservation of the ship, 2) wages of the master and crew members, 3) salvage, and 4) collision damages.

In fact, master's disbursements for the needs of the ship in the last voyage, bottomry, damages to cargo and claims for repairs, supplies, works and materials, which were included in the project drafted at the CMI Conference of Liverpool in 1905, were deleted<sup>15</sup>.

The seat of the Italian MLA at the time was in Naples. However, at an Assembly which took place in Rome the 15 December 1908 at the Ministry of the Merchant Marine, it was resolved to hold meetings and Assemblies in Rome, where the main seat was transferred<sup>16</sup>. Local branches were established in Naples, Genoa and Venice and an official

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<sup>15</sup> A report and the resolutions of the Conference in Dir. Mar. 1907, p. 350

<sup>16</sup> Verbale della tornata 15 dicembre 1908: *“L'anno 1908, il giorno 15 dicembre in Roma, nella sala della Biblioteca del Ministero della Marina si sono riuniti i qui appresso indicati signori, in seguito ad invito dell'«Associazione Italiana di Diritto Marittimo» e per le ragioni che si leggono nell'ordine del giorno e nella lettera del Presidente di detta Associazione, che verranno alligate al presente verbale..... Prendono la parola quasi tutti gli intervenuti e dopo lunghe discussioni si approvano le seguenti deliberazioni:*

*1.° Di stabilire in Roma la sede dell'Associazione per le riunioni delle Assemblée generali dei soci, ordinarie e straordinarie.*

*2.° Di trasformare in sezione la sede di Napoli e di stabilirne altre due, l'una in Genova e l'altra in Venezia.*

*3.° Di rivolgersi al Governo, alle Camere di Commercio, alle Società di Navigazione e ad analoghi sodalizi, per ottenerne un efficace concorso morale e pecuniario con quote annuali, affinché l'Associazione si metta in grado di provvedere a quanto decorosamente occorre al suo sviluppo ed ai lavori cui è chiamata, specie nei riguardi del Comitato Marittimo Internazionale di Anversa e delle Conferenze internazionali.*

*4.° Di provvedere alla pubblicazione degli Atti dell'Associazione in una Rivista marittima da distribuirsi ai soci.*

*5.° Per quanto si riferisce alla Sezione di Genova il signor ingegnere Giovanni De Meo assunse impegno di fare tutte le pratiche necessarie prendendo accordi col prof. Francesco Berlingieri; e per quanto riflette la Sezione di Venezia fu stabilito di pregarne il prof. Prospero Ascoli.*

*6.° Si aggiunse che quando fosse costituita la Sezione di Genova si sarebbe, presso la stessa, tenuta una riunione preparatoria per predisporre il lavoro dell'Associazione Italiana quale contributo alla Conferenza Internazionale che dovrà aver luogo a Brema durante l'anno 1909; salvo poi a tenere le riunioni definitive per l'approvazione delle Relazioni e la designazione dei Delegati alla detta conferenza.*

*7.° Si dette incarico alla presidenza di pregare il Governo a che nella scelta di delegati ad referendum presso le Conferenze Internazionali si professino persone facenti parte dell'Associazione, a fine di evitare*

Statute was adopted<sup>17</sup>.

The attendance of the Italian MLA at CMI Conferences was constant and so was for the participation to the works for the unification of maritime law and to the Diplomatic Conferences. The delegates of the Italian Government who attended the works of the Diplomatic Conference which took place at Brussels from 28 September to 8 October 1909 and which led to the approval of the Conventions on Collision and on Assistance and Salvage were Cav. Serra, the Italian Chargé d'affaires in Brussels, Cesare Vivante, Francesco Berlingieri sr. and Francesco Mirelli<sup>18</sup>. The 1913 CMI Conference in Copenhagen saw the first attendance of Giorgio Berlingieri sr.

2. *Francesco Berlingieri sr., President from 1921 through 1939 and his role in the unification of maritime law and as Professor at the University of Genoa. The CMI Conference of 1925 in Genoa.*

Francesco Berlingieri sr. became President of the Italian MLA in 1921 and was appointed as a member of the Bureau Permanent of the CMI for the term 1921-1924.

In 1922 the CMI Conference took place in London from 9 to 10 October. The NMLAs were 15: Germany, Belgium, Danmark, USA, France, England, Greece, Italy, Japan, Norway, Holland, Poland, Portugal, Argentina, Sweden. The newly formed Association of the Kingdom of Serbia, Croatia and Slovenia was established after the London Conference.

In 1923 the CMI Conference was organized in Gothenburg, where it was resolved to accept another invitation of Francesco Berlingieri sr. to hold the next CMI Conference in

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*discordie di opinioni, laddove trattasi di un lavoro completamente coordinato ed in armonia con i quistionarii elaborati dal Comitato internazionale di Anversa.*

*Procedutosi finalmente alla elezione delle cariche vennero eletti a Presidente Generale il prof. Alberto Marghieri; a Presidente della Sezione di Napoli il duca Francesco Mirelli; a segretario generale il prof. Carlo Betocchi ed a segretario della Sezione di Napoli l'avv. Giovanni Petruzzi. Si demandò alle Sezioni di Genova e di Venezia la scelta dei rispettivi presidenti ed ufficii di Segreteria."*

<sup>17</sup> Appendix n. 1: Statute of the Italian MLA 15 December 1908 and verbatim Records of the Assembly of the Italian MLA in the same date.

<sup>18</sup> Dir. Mar. 1909, p.382

Genoa from 28 September to 1 October 1925<sup>19</sup>.

Those were the days when the Italian Government was showing interest in the works of the CMI<sup>20</sup> and was also giving an economic support to the Italian MLA<sup>21</sup>.

The Genoa CMI Conference<sup>22</sup>, chaired by Francesco Berlingieri sr., dealt with Compulsory Insurance of Passengers, Immunity of State Owned Ships, the International Code of Affreightment and Maritime Liens and Hypothecs in the Agenda.

The opening ceremony took place in the Aula Magna of the Faculty of Jurisprudence of the University of Genoa with an address by Francesco Berlingieri sr.<sup>23</sup>

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<sup>19</sup> CMI Bulletin n. 65, p. 314: "M. Fr. Berlingieri ( Gênes). – Je suis persuade d'être le fidèle interprète des sentiments de tous les membres de cette Conférence en adressant les plus chaleureux remerciements à la ville de Gothembourg, à l'Association Suédoise de Droit Maritime, au Comité de la Bourse, au Comité de l'Exposition, à l'Association Générale des Armateurs et aussi à M. Lange, qui a été l'âme du Comité organisateur de notre Conférence.

*La glorieuse ville de Gothembourg et toutes les associations que je viens de nommer se sont prodiguées pour nous offrir l'hospitalité la plus large et la plus cordiale, et tous ont contribué à la bonne issue des travaux de cette Conférence qui constitue certainement une étape remarquable sur le chemin, glorieux parcouru par le Comité Maritime International.*

*A cette occasion, je me permets de rappeler à votre souvenir que l'année, j'avais invité le Comité maritime International à tenir ses assises prochaines dans la ville de Gênes ; j'ai été heureux de pouvoir céder la place cette année à l'Association Suédoise de Droit Maritime et nous avons été enchantés de recevoir l'hospitalité de cette Association dans la ville de Gothembourg. Mais il sera sans doute opportun que je renouvelle ici l'invitation pour la prochaine Conférence soit tenue cette fois à Gênes. L'Association Italienne de Droit Maritime, la ville de Gênes et toute l'Italie seront particulièrement honorés de recevoir chez ceux qui travaillent à l'unification internationale du droit de la mer. L'idée d'unifier le droit maritime a eu, il y beaucoup d'années déjà, des partisans distingués et autorisés en Italie et je me permettrai d'en citer seulement deux : le Ministre Mancini et le Professeur Fiore."*

<sup>20</sup> Appendix n. 2: letter 3 December 1923 of the Royal Ministry of Foreign Affairs to Francesco Berlingieri sr.

<sup>21</sup> Appendix n. 3: Letter 7 March 1934 of the Ministry of Communications to Francesco Berlingieri sr.

<sup>22</sup> It was announced in Dir. Mar., 1925, p. 403 and p. 486. A full report by Placido Civiletti on the works of the Conference is published in Dir. Mar. 1925, p. 632.

<sup>23</sup> CMI Bulletin n. 74, Conference de Gênes, Anvers 1926, p. 277: "E' con un intimo senso di esultanza che mi è finalmente consentito di vedere accolti da questa mia città, il cui spirito profondamente marinaro per secolare atavismo pulsa oggi all'unisono col mio cuore, gli antesignani e gli apostoli della unificazione del diritto del mare, coi quali, da oltre un quarto di secolo, ebbi l'onore e la somma ventura di vivere in operante e feconda comunione d'intendimenti e di studi pel raggiungimento delle comuni idealità.

*E l'accoglienza avviene in questo insigne Ateneo, dove ci sentiamo avvolti in un'atmosfera di gloriosi ricordi antichi e recenti, in questo Ateneo che esprime dal suo seno, nella sacra primavera del risorgimento italico, l'atleta del pensiero politico e sociale e il gentile ed eroico poeta soldato.*

*Coll'animo vibrante di questi sentimenti e di queste memorie, nel nome dell'Associazione Italiana di diritto marittimo, io porgo un fervido e cordiale saluto a quanti sono qui convenuti dalle più diverse piaghe, e con quest'animo saluto e ringrazio S.E. il Ministro della Giustizia, che ha voluto, colla sua presenza e colla sua calda ed elevata parola, onorare il solenne cominciamento dei nostri lavori.*

*Anche, per Voi, Eccellenza, come per me, questo augusto recinto è denso di giovanili ricordi!*



With its President Francesco Berlingieri sr. the Italian MLA continued to attend all the CMI Conferences until the second world war: Amsterdam 1927, Antwerp 1930, Oslo 1933, Paris 1937. At that time the Italian MLA had distinguished Honorary officers<sup>24</sup>.

At the Assembly of the Italian MLA which took place in Rome the 25 April 1930 it was resolved to make use of “Il Diritto Marittimo” as official publication journal of the Association<sup>25</sup>.

In 1934, when Francesco Berlingieri sr. left teaching for reasons of age, a nice ceremony took place at the Faculty of Jurisprudence of the University of Genoa.

In the presence of Rector Mattia Moresco, he was presented by the Dean of the Faculty of Jurisprudence Antonio Falchi with a gold medal for distinguished teaching services.

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*Qui voi moveste, nella promettente vostra giovinezza, i primi passi in quella Scienza del giure, nella quale non tardaste a rivelarvi insigne maestro, e il primo vostro scritto, la dissertazione di laurea, versò appunto sul tema relativo alle limitazioni della responsabilità dei proprietari di navi, e cioè su quel tema che formò l'oggetto di oltre un decennio di studi e di discussioni nelle nostre Conferenze, prima che si conseguisse quel laborioso accordo interstatale da cui ebbe vita la convenzione ora sottoposta alla ratifica dei Governi.*

*E con tanta maturità e dirittura di giudizio è condotto quel lavoro giovanile, che si è tratto a pensare, con un senso di rincrescimento, quale prezioso contributo di vigorosa luce intellettuale, di fine ed equilibrato criterio e di tenace fervore di volontà sia venuto a mancare al diritto marittimo e alla causa della sua unificazione internazionale, per avere la Eccellenza Vostra indirizzata la vigorosa e feconda sua operosità scientifica verso altri rami del diritto.*

*Ed un saluto riconoscente vada all'illustre rappresentante di Genova, al Magnifico Rettore di questa Università e alle altre Autorità e agli Istituti pubblici e privati che hanno all'Associazione Italiana di diritto marittimo prestato il loro concorso nelle festose accoglienze degli ospiti nostri.*

*Non è questo il momento di ricordare la ingente mole di lavoro compiuto e il lungo cammino percorso verso la meta prefissa del Comité Maritime International e dalle Associazioni Nazionali di diritto marittimo; giacchè non voglio ulteriormente prolungare la impaziente vostra attesa della parola di S.E. il Ministro.*

*L'assistenza e il salvamento e l'urto di navi sono ormai, mercè l'ingegnoso sistema delle convenzioni interstatali adottato dal Comité Maritime, uniformemente regolati in tutti, si può dire, gli Stati marittimi. Le convenzioni sulla limitazione della responsabilità dei proprietari di navi e sulla polizza di carico sono in corso di ratifica presso la maggior parte degli Stati e quella sui diritti reali di garanzia sulle navi non attende che lievi ritocchi per essere del pari definitivamente approvata. Il che sta a dimostrare come la feconda attività delle dette organizzazioni sia stata potentemente spronata e aiutata dal consentimento e dalla pubblica opinione e dai poteri statali, essendo oramai, dopo il meraviglioso incremento della navigazione e del traffico marittimo – dovuto specialmente all'applicazione delle strutture di metallo e della propulsione meccanica alle navi – penetrata profondamente nella coscienza collettiva la ineluttabile necessità di renderle uniformi a tutti i popoli del mondo. Verità questa intuita ed affermata, circa un secolo fa, da Lord Mansfield, con una forma precisa e lapidaria: «The maritime law is not the law of a particular country but the general law of nations».*

<sup>24</sup> Appendix n. 4: Abstract of Il Diritto Marittimo, 1937, p. 596.

<sup>25</sup> Dir. Mar. 1930, p. 220



Notably, it was the first time that the Faculty of Jurisprudence in Genoa conferred a medal to a Professor for retirement due to age limits<sup>26</sup>.

Francesco Berlingieri sr. died the 28 May 1939 at the age of 82. The first decades of the last century saw him as an absolute, tireless leader of the works of the CMI and for the unification of maritime law. With his intellect and capability he has been a guide to all concerned in the drafting of the various international conventions, in supporting their adoption at the relative Diplomatic Conferences and in promoting their ratification by the Italian Government<sup>27</sup>. He was the first Professor of maritime law at the Faculty of Jurisprudence of the University of Genoa<sup>28</sup>.

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<sup>26</sup> Dir. Mar. 1934, p. 1. After reporting on the Ceremony, an article follows by Francesco Berlingieri sr. titled: *“L’insegnamento universitario del diritto marittimo”* promoting the teaching of maritime law in the Universities. Another similar article, by Dino Vidali, with the significant title: *“Una disciplina senza scuola: Il Diritto Marittimo”* is published at p. 109.

<sup>27</sup> Appendix n. 5 : Letter 20 April 1937 of Francesco Berlingieri sr. to the President of CMI.

<sup>28</sup> In her article « Francesco Berlingieri e la prima scienza marittimistica genovese », published in *“Giuristi Liguri dell’Ottocento”*, Genova 2001, p. 141, Maura Fortunati, Assistant Professor of History of Italian Law with the Faculty of Jurisprudence of the University of Genoa, explains how maritime law started to be taught in the Italian Universities, with Francesco Berlingieri sr. becoming one of the first Professors of Maritime Law at the University of Genoa: *“Gli indirizzi predominanti in sede di legislazione universitaria erano vincolati alla legge Casati, che nel 1859 aveva fissato le materie ritenute fondamentali nelle facoltà giuridiche: nell’elenco previsto dall’art. 51 appare il diritto commerciale, ma nessuna menzione è fatta di quello marittimo. Anche la facoltà giuridica genovese si era attenuta a queste direttive, pure se, adeguandosi ad una tradizione ormai consolidata, l’insegnamento delle discipline marittimistiche – a differenza di quanto accadeva nella Regia Università torinese – era parte integrante dei corsi svolti dai primi docenti di diritto commerciale dell’Ateneo genovese.*

*Il diritto marittimo in realtà era considerato diritto troppo tecnico, specifico e settoriale per poter rientrare, di per sé stesso, tra le materie reputate indispensabili nella formazione dei futuri giuristi. E’ probabilmente per tale motivo che lo troviamo insegnato, in un’ottica di preparazione professionale completamente diversa, dedicata alla formazione di personale impegnato in attività economico produttive, in alcune scuole superiori che nascono a Genova nella seconda metà del secolo, quali la Scuola superiore navale, entrata in esercizio il 1 gennaio del 1871, e la Scuola Superiore di Commercio.*

*Il mondo accademico non può comunque rimanere a lungo insensibile all’interesse generalizzato che nell’ultimo ventennio del secolo, come visto, inizia a sorgere intorno alla materia marittima e nell’anno accademico 1889/90 nella facoltà di giurisprudenza compare una cattedra di diritto marittimo: in quell’anno ottengono la libera docenza nella disciplina Enrico Bensa e Francesco Berlingieri. Ad essi di lì a poco si affiancheranno Ulisse Manara, cui nel 1892/93 viene conferito l’insegnamento libero di diritto ferroviario e marittimo, Umberto Pipia, libero docente di diritto commerciale marittimo dal 1894/95 fino al 1904, Carlo Manenti”.*

Francesco Berlingieri sr. and his professional, international and academic activity are recalled by eminent jurists in the Essays in his memory, Dir. Mar. 1939.

Among them Torquato Giannini, Professor of Maritime Law at the University of Rome: *“Francesco Berlingieri – che a ragione fu detto una delle figure più rappresentative del diritto marittimo italiano e per lungo tempo, anzi, uno dei pochissimi elementi propulsori di esso, se non il solo – nel 1889 otteneva la libera docenza in diritto marittimo, quando ancora era incerto se potesse consentirsi un insegnamento*

3. *His Presidential successors: Mariano d'Amelio, Amedeo Giannini, Giorgio Berlingieri sr., Antonio Lefebvre d'Ovidio. The CMI Conference of 1951 in Naples.*

Senator Mariano d'Amelio, distinguished jurist and the first President of the Supreme Court of Cassation, succeeded to Francesco Berlingieri sr. as President of the Italian MLA. After his death, the 22 November 1943<sup>29</sup>, no President was appointed and for a number of years the Association was presided by the two Vice Presidents, Giorgio Berlingieri sr., Professor of Maritime Law at the University of Genoa and Senator Amedeo Giannini<sup>30</sup>, Plenipotentiary Minister and Professor of History of Treaties at the University of Rome.

After the war, the CMI resumed its Conferences in 1947 at Antwerp, when Baron Albert Lilar was elected President of the CMI, succeeding to The Rt Hon. Lord Justice Scott<sup>31</sup>.

In 1948 Amedeo Giannini was elected President of the Italian MLA.

A Conference of the CMI was organized in Italy for the third time, from 23 to 29 September 1951 in Naples<sup>32</sup>, marked by the final approval of a Convention on Arrest of

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*libero di materia che non era dichiarata ufficiale. Nel 1905 fu incaricato dell'insegnamento ufficiale nell'Ateneo genovese che tenne fino al 1933. Si ebbe così, come dicemmo, la prima cattedra continuativa di diritto marittimo in Italia. Nella sua veste di cultore costante e di professore universitario della materia, Francesco Berlingieri divenne il naturale rappresentante nelle Conferenze marittime dell'Italia".*

<sup>29</sup> His Eulogy in *Dir. Mar.* 1943, p. 1.

<sup>30</sup> A great friend to Giorgio Berlingieri sr., a diplomat and an outstanding jurist, as well as a promoter of international unification of maritime law. In the foreword of his book "*Le Convenzioni internazionali di diritto marittimo*", Milano 1930, he says: "*Perseguo da circa un decennio l'ingrato lavoro di raccogliere sistematicamente convenzioni internazionali e documenti diplomatici. Nessuno mi ha seguito; ma io continuo ostinatamente, quando e come posso.... Dedico questo volume a Francesco Berlingieri, decano dei marittimisti italiani, il più appassionato studioso del diritto marittimo che io abbia conosciuto in Italia e fuori, tenue pegno dell'amicizia che ci lega ed in ricordo del fervido lavoro compiuto per la riforma del codice della marina mercantile nella Sottocommissione della Commissione reale per la riforma dei codici*".

<sup>31</sup> The Conference was announced by the Bureau Permanent of the CMI with a letter dated 15 April 1947 (*Dir. Mar.* 1947, p. 439), which concluded with the following notice: "*En ce moment le Bureau permanent n'est pas d'avis de faire appel, pour la remise en activité du Comité, à la collaboration d'Associations nationales autres que celles de pays alliés et neutres*".

As a consequence, the Italian MLA was not allowed to attend the Conference. However, thanks to the Secretary General of the CMI, Leopold Dor, such injustice was partially put right. In fact the Italian MLA was invited to attend the Conference of Antwerp with a representative, who was Giorgio Berlingieri sr.

Ships, which was adopted at a Diplomatic Conference the subsequent year, with the Italian Government being represented by Giorgio Berlingieri sr. and Torquato Giannini<sup>33</sup>.

The CMI subsequently started the works for the revision of the 1924 Brussels Convention on Limitation of Shipowners Liability and a new text was approved at the Conference of 1955 in Madrid, the first CMI Conference attended by Francesco Berlingieri jr. at the age of 33.

The following years saw the CMI studying a project of Convention on Liability of Operators of Nuclear Ships, and the revision of a number of articles of the 1910 Convention on Salvage.

Other revision works, including those regarding the 1924 Brussels Convention on Bills of Lading and the 1926 Brussels Convention on Maritime Liens and Hypothecs, were attended to in the sixties.

When Amedeo Giannini died, the 18 December 1960<sup>34</sup>, Giorgio Berlingieri sr. succeeded him as President of the Italian MLA.

After the incident of the "Torrey Canyon" in 1967, IMO entrusted the CMI with a study on the liability for oil pollution damages and Francesco Berlingieri jr. contributed to

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<sup>32</sup> President of the Conference was appointed Amedeo Giannini. The NMLAs attending were 16: Belgium, Denmark, USA, Spain, Finland, France, England, Greece, Italy, Sweden, Norway, Holland, Portugal, Switzerland, Turkey, Yugoslavia.

The opening of the Conference was attended by the Ministry of Justice Adone Zoli and by the Ministry of Merchant Marine Paolo Cappa, who made the following address: *"L'Italie, pour la troisième fois, a l'honneur d'offrir son hospitalité dans une de ses villes maritimes, au Comité International Maritime, qui s'est déjà réuni en 1907 à Venise et en 1925 à Gênes et enfin à Naples en cette année 1951.*

*Venise, Gênes, Naples : voici trois étapes également fructueuses de vos généreux efforts. Si Venise peut être appelée la patrie de la convention sur les privilèges et l'hypothèque maritimes, à laquelle quinze Etats ont donné adhésion, Gênes peut revendiquer l'honneur d'avoir donné naissance à la convention sur le connaissance, approuvée par plus de trente Etats et territoires coloniaux. Je suis certain que le nom de Naples restera lié à la convention sur la saisie des navires. Cette dernière convention devra régler une discipline rapportant à un aspect extrêmement délicat due commerce maritime, étant donné qu'elle devra déterminer les formes et les moyens pour assurer une garantie aux créances maritimes. Il s'agit dans ce cas d'un problème extrêmement délicat : sa solution doit tenir compte du Mouvement rapide du navire et, en même temps, de la nécessité de protéger le droit du créancier, qui souvent se trouve dépourvu de garantie concrète après le départ du navire. Je suis certain que votre savoir juridique et votre expérience approfondie en matière vous indiqueront comment on peut harmoniser les exigences opposées et définir le mieux possible ce problème extrêmement délicat."*

<sup>33</sup> Reports on the CMI Naples Conference, by Giorgio Berlingieri sr., are published in Dir. Mar. 1951, p. 426 and p. 574.

<sup>34</sup> The Obituary in Dir. Mar. 1960, p. 265.

the relative works, as a member of the International Sub-Committee chaired by The Rt Hon. Lord Devlin. The works led to the 1969 CLC Convention and the 1971 FUND Convention, which were approved at the CMI Conference of 1969 in Tokyo, the first Conference attended by Giorgio Berlingieri jr. at the age of 21.

Giorgio Berlingieri sr. resigned as President of the Italian MLA at the Assembly of 27 June 1967 and was acclaimed Honorary President. Vice President Antonio Lefebvre d'Ovidio, Professor of Maritime law at the University of Rome, was elected President, with Francesco Berlingieri jr. being elected Vice President in his substitution<sup>35</sup>.

Honorary President Giorgio Berlingieri sr. died on the 25 November 1973 at the age of 89. He was commemorated in the Quarterly "Il Diritto Marittimo" by Professor Mario Casanova, the Dean of the Faculty of Jurisprudence at the University of Genoa<sup>36</sup>.

4. *Francesco Berlingieri jr., President of the Italian MLA from 1982 through 2005: an institution with the CMI*

Antonio Lefebvre d'Ovidio resigned as President of the Italian MLA in 1977. The previous year, the 18 March 1976, Vice President Francesco Berlingieri jr. was acclaimed

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<sup>35</sup> Verbaton records of the Assembly: Dir. Mar. 1967, p. 300.

<sup>36</sup> There (Dir. Mar. 1974, p. 1) Prof. Mario Casanova makes mention of a ceremony which took place the 8 May 1964 at the Faculty of Jurisprudence when Giorgio Berlingieri sr. was presented with a Book of Essays in his honor. Prof. Mario Casanova recalls: "*Alla magistrale raccolta avevano collaborato autorevoli giuristi delle più diverse nazionalità; testimonianza impressionante del prestigio e della rinomanza mondiale che Giorgio Berlingieri, onorando l'Italia e la nativa Liguria, aveva acquisito nel campo della scienza da lui professata. La partecipazione ufficiale della Università di Genova a questa cerimonia aveva anch'essa carattere eccezionale. Almeno in quel tempo, le onoranze universitarie erano, infatti, per una severa e mai interrotta consuetudine, limitate ai più illustri fra i professori ordinari, ossia ai soli c.d. cattedratici. E Giorgio Berlingieri era invece docente di Diritto marittimo. Non era professore ordinario. Non lo era, per la semplice e decisiva ragione che, in passato, nel nostro ordinamento universitario, non esistevano cattedre di Diritto marittimo. Si osservi, per incidenza, a questo proposito, che lo stesso padre di Giorgio Berlingieri, Francesco Berlingieri, l'eminente fondatore della moderna marittimistica italiana, aveva per lunghi anni insegnato nell'Ateneo genovese, ma, sempre e soltanto a puro titolo di incarico. A riconoscimento della sua opera, la Facoltà di giurisprudenza, gli aveva poi conferito l'alta e rara distinzione – da tempo scomparsa e forse oggi ricordata da pochi – di dottore aggregato*".

President of the CMI by the CMI Assembly at Brussels<sup>37</sup>.

The presidency of the Italian MLA remained vacant until 1982, when Francesco Berlingieri jr. was elected President and the seat was moved from Rome to Genoa.

During his fifteen years of presidency of the CMI<sup>38</sup>, a CMI event was organized by the Italian MLA, consisting of a Colloquium, followed by the CMI Assembly in Venice in 1982<sup>39</sup>. Another CMI Assembly took place in Italy, this time in Genoa, the 27 June 1992.

The Assembly, held at Palazzo Spinola<sup>40</sup>, was preceded by a Conference on Current Issues in Maritime Transportation, under the chairmanship of Francesco Berlingieri jr. and Professor Riccardo Monaco, the President of UNIDROIT.

The subjects dealt with at the Conference were International Carriage of Goods by Sea-Prospects for the 21<sup>st</sup> Century, New Trends and Developments in the Field of International Transports Law and Questions relating to the Carriage of Goods by Charter Party<sup>41</sup>.

Another event was organized again by the CMI in Genoa from 21 to 25 September 1992, consisting of a Seminar on Liability for Pollution Damages and Legal Assessment of Damages to the Marine Environment<sup>42</sup>.

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<sup>37</sup> Election and acceptance speech in CMI Documentation 1976, II, p. 87 and 100. Albert Lilar passed away just a few days before the 1976 CMI Assembly: CMI News Letter n.3/1976.

In his speech (CMI Newsletter 2/2018) at the opening of the 2017 CMI Assembly meeting in Genoa Francesco Berlingieri jr. remembered how he became President of CMI : *"My speech will be very short. I should like to thank all of you; but I would like to say how I became the President of the CMI. There was a dinner reception in Brussels and the President of the CMI was Albert Lilar who had been the President for 30 years, and there was a moment when Albert Lilar approached my wife. I did not realise why and then she told me why. He approached her to ask her permission to nominate me as the new President of the CMI and my wife was not so happy but she said: "How can I refuse to give you my permission?" And when the permission was granted Madam Lilar approached me and told me that she would be delighted if I would replace her husband, who was rather tired after 30 years of Presidency; so that was the way in which I was nominated. I did not expect that and I did not expect also to last so long a time. Now everything is not over because the CMI is quite alive and I am delighted to be still here, notwithstanding my age, to congratulate not me but the CMI on what the CMI has done after I left the Presidency. Thank you and do some good work today"*.

<sup>38</sup> A summary of his *"Fifteen years President of the CMI"* is published in *"Scritti in Onore di Francesco Berlingieri"*, Dir. Mar. 2010 – XX.

<sup>39</sup> G.M. Boi: Il "Colloquium" del CMI sulla polizza di carico, Dir. Mar. 1983, p. 907.

<sup>40</sup> CMI News Letter 1992/2, p. 1.

<sup>41</sup> CMI News Letter 1992/2, p. 7 and Dir. Mar. 1992, p.916.

<sup>42</sup> CMI News Letter 1992/3, p. 1.

The Seminar was followed by two meetings of the CMI Executive Council, which *inter alia* approved the adoption of a New Constitution<sup>43</sup>.

Francesco Berlingieri jr. resigned as President of the CMI in 1992<sup>44</sup>, and as President of the Italian MLA in 2005, being acclaimed President ad Honorem in both Associations. However his extraordinary activity for the unification of maritime law continued incessantly. Worth mentioning is his essential contribution to the drafting of the Rotterdam Rules<sup>45</sup>, as delegate of the Italian Government with UNCITRAL, together with Vice President of the Italian MLA Stefano Zunarelli, both attending the Sessions of UNCITRAL Working Group III at New York and Vienna.

5. *The recent history of the Italian MLA and its continuous involvement in the activities and functioning of the CMI.*

Giorgio Berlingieri jr. succeeded him as President of the Italian MLA, being elected by the Assembly which took place on the 20 October 2005.

The tradition of the contribution of the Italian MLA to the works and activities of the CMI continued: he was elected as a Member of the CMI Executive Council in 2009 by the CMI Assembly at Rotterdam<sup>46</sup> and as CMI Vice President in 2012 by the CMI Assembly at Beijing<sup>47</sup>.

Antonio Lefebvre d'Ovidio was acclaimed Honorary Member of the Italian MLA at

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<sup>43</sup> CMI News Letter 1992/3, p. 6.

<sup>44</sup> At the CMI Assembly of 21 April 1991 in Brussels: CMI News Letter Spring 1991, p. 1.

Professor Allan Philip of Copenhagen was elected as President of the CMI at that CMI Assembly.

<sup>45</sup> Kate Lannan, Legal Officer with UNCITRAL, in "Francesco Berlingieri: The Gentleman Diplomat" Scritti in Onore di Francesco Berlingieri, Dir. Mar., 2010, p. 658: "Professor Berlingieri has left his mark not only on the Convention itself, but on so many of us associated with the Rotterdam Rules and with their negotiation in the international area. His professionalism, his unflagging enthusiasm, his tireless efforts, his diplomacy and his willingness to compromise to achieve the greater good are recognized by us all". See also Stuart Beare - Anthony Diamond - Francis Reynolds: "Francesco Berlingieri and the Rotterdam Rules", Dir. Mar. 2010, p. 132.

<sup>46</sup> CMI Newsletter 2009/2, p. 3.

<sup>47</sup> CMI Newsletter 2012/3, p. 10.



the Assembly of 14 November 2008<sup>48</sup>.

A memorable event was organized in 2010 by the Italian MLA together with the oldest Italian Shipping Law Journal, “Il Diritto Marittimo”, founded by Francesco Berlingieri sr. in 1899, to which Giorgio Berlingieri sr., Francesco Berlingieri jr. and Giorgio Berlingieri jr. succeeded as Editors in Chief.

It was to pay tribute to Francesco Berlingieri jr. in the occasion of his 88<sup>th</sup> birthday (he was born in Genoa the 20 February 1922) with the presentation of Essays in his honor.

A Conference was organized together with the presentation of the Essays, with the contribution of 90 Academics and Lawyers from all over the world, and which had a first Session on his multiple activities: President of the CMI, Maritime Lawyer, Editor of “Il Diritto Marittimo”, International Lawyer, Academic Activity<sup>49</sup>, Officer of the Assault Units of the Italian Navy.

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<sup>48</sup> In proposing his nomination President Giorgio Berlingieri jr. said (verbation Records of the Assembly, Italian MLA website): *“Il Prof. Antonio Lefebvre D’Ovidio non necessiterebbe di alcuna presentazione. Autorevole giurista ed eccelso cultore delle discipline marittime, propulsore della scuola napoletana di diritto della navigazione, è stato Segretario di Redazione della Rivista del Diritto della Navigazione dalla sua fondazione nel 1935 quando la direzione venne assunta da Antonio Scialoia e poi ne è divenuto Direttore dal 1943, anno in cui, trentenne, era già ordinario nell’Università di Bari. E’ stato il più giovane componente della Commissione incaricata dalla riforma dei codici e ha partecipato ai relativi lavori ed in particolare alla redazione del codice della navigazione con impegno costante dal 1939 al 1942. Tra i suoi grandi meriti vi è quello di aver promosso l’adeguamento della normativa interna italiana alle Convenzioni internazionali e tale merito va sottolineato in modo particolare sia perché la riforma dei codici fu avviata nel difficile periodo della seconda guerra mondiale, sia perché Antonio Scialoia non sembrava considerare in modo favorevole l’introduzione nel nostro ordinamento di normative che erano ad esso estranee. E’ dunque assai significativo che la ricezione nel codice della normativa di alcune Convenzioni internazionali si debba proprio ad un allievo di Scialoia, il Prof. Antonio Lefebvre D’Ovidio che, come è perspicuamente osservato nella presentazione degli studi in suo onore, che ha coinciso con il suo ottantesimo compleanno e con il cinquantennale del codice della navigazione, ha aperto la via al superamento dei ‘tabù’ quando ciò sia necessario per adeguare l’ordinamento alle esigenze della vita”*. Many know or have been told about the conflicting views which opposed at length Francesco Berlingieri sr. and Antonio Scialoia regarding unification of maritime law and its codification and which were characterized also by the challenge to a duel. As a reference of their dialectical confrontation, the article of Francesco Berlingieri sr. *“Verso l’unificazione del diritto del mare – Parole in replica al Prof. A. Scialoia”*, in reply to the article of this latter titled *“Utopia”*, Dir. Mar. 1936, p. 105.

<sup>49</sup> Like his Father and Grand Father, Francesco Berlingieri jr. was a Professor of maritime law at the University of Genoa. After qualifying as University teacher (libera docenza) in maritime law, he participated in an university competition to become full professor of maritime law. It proved to be quite a difficult path as he was not the pupil of any full professor of maritime law. After failing in two competitions, Francesco Berlingieri jr. succeeded with the third effort and the good news were brought to his father Giorgio Berlingieri sr. by a member of the Examining Board, Antonio Lefebvre D’Ovidio, the most illustrious pupil of Antonio Scialoia, who confidentially informed that



A second Session was dedicated to the unification and harmonization of maritime law.

Antonio Lefebvre d'Ovidio died the 5 February 2011. A refined jurist, of great value, and a gentleman<sup>50</sup>, he was the leading architect of the drafting of the Italian Code of Navigation<sup>51</sup>. As an acknowledgement and in the occasion of the fiftieth Anniversary of the Code of Navigation, which coincided with his 80<sup>th</sup> birthday, Essays in his Honor were published,<sup>52</sup> upon the initiative of his pupil, Prof. Avv. Elda Turco Bulgherini.

The history of the Italian MLA in the new century is marked by a constant attendance at the CMI works and activities and by organizing Conferences and Seminars<sup>53</sup>.

The CMI returned to Italy in 2017, with the Assembly being organized by the Italian MLA in Genoa together with two Seminars, including one of the Young CMI, on the 7 and

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exceptions against the succeeding of Francesco Berlingieri jr. in the competition were made by a member from Genoa of the Examining Board.

As there was apparently no availability of a Chair in maritime law at the Faculty of Jurisprudence, Francesco Berlingieri was called as full professor of maritime law by the Faculty of Economics.

When a Chair in maritime law became available at the Faculty of Jurisprudence of the University of Genoa, his call in the position of full professor of maritime law was opposed by an important member of the Faculty. Francesco Berlingieri jr. therefore never had the opportunity of teaching maritime law at the Faculty of Jurisprudence in his birth place although being a full professor in maritime law.

His life as university professor has never been much happy. Without his knowledge and no prior consultation, his Chair at the University of Economics was splitted in two chairs, which was quite illogical given the small number of students. He took the occasion of his acclamation as President of the CMI in 1976, at the age of 54, to withdraw from University teaching.

He received so many honours from all over the world, including quite a number of law degrees *honoris causa*, one also from a famous University in Italy, which however was not the Genoa University. The saying "*No one is a prophet in his own country*" seems to suit him.

<sup>50</sup> These words are by Francesco Berlingieri jr., in *Dir. Mar* 2011, p. 3. His commemoration also by Prof. Avv. Elda Turco Bulgherini, Avv. Oscar Raimondi and the President of Confitarma Paolo D'Amico, in *Riv. Dir. Nav.* 2011, XV.

<sup>51</sup> Active participation to the drafting of the Code of Navigation came from the Italian MLA. A relating account is given in "*Il progetto del codice della navigazione e l'opera della Associazione Italiana di Diritto Marittimo*", *Dir. Mar.*, 1941, p. 1.

<sup>52</sup> *Studi in Onore di Antonio Lefebvre d'Ovidio – In occasione dei cinquant'anni del diritto della navigazione*, Giuffrè, 1995.

<sup>53</sup> In [www.aidim.org](http://www.aidim.org), where the verbatims Records of all Assemblies since 2005 are also uploaded, together with all Conferences and Seminars organized by the Italian MLA.

8 September. It was the occasion for the CMI and the 34 NMLAs attending to greet and honor their President ad Honorem<sup>54</sup>.

Most unfortunately, although in good health, Francesco Berlingieri jr. passed away the 6 March 2018 as a consequence of an accidental fall.

He has been remembered in many occasions, including the 2018 CMI Assembly which took place in London on the 9 November 2018. The Executive Council of the CMI in fact decided to inaugurate an occasional memorial lecture in his memory, which was made by Sir Bernard Eder Q.C., who addressed on “Unmanned vessels: challenges

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<sup>54</sup> The CMI Newsletter 1/2018 reported on the CMI event in Genoa *inter alia* as follows:

*“The year saw the CMI annual Assembly and the Executive Council meeting take place on 7-8 September in the lovely port city of Genoa, Italy.*

*This choice of location was largely a tribute to the Berlingieri family, and in particular, an opportunity for CMI to welcome Francesco Berlingieri, long-serving past President of the CMI and President Ad Honorem, to a CMI meeting in his home city.*

*Ninety-six years young, Professor Berlingieri attended the Executive Council meeting, the opening session of the half day seminar organized by the Italian MLA, and the closing dinner. As a mark of the esteem in which he is held by the organization, he was presented with a silver salver inscribed as follows:*

*“Francesco Berlingieri*

*Member of the Execution Council from 1972,*

*President from 1976 to 1991,*

*President Ad Honorem from 1991*

*In recognition and gratitude for his service and devotion to the CMI”*

*Whether attributable to the balmy Italian climate or the beautiful venues in which the meeting were held or the anticipation of visiting the surrounding countryside, to say nothing of the intellectual content of the seminar and Young CMI event, the Assembly and seminar attracted a healthy 250 Registrants from all around the world.*

*The Assembly was preceded by a reception held in the evening of 7 September. It was hosted by the Presidents of the CMI and the Italian MLA for all Delegates and Accompanying persons at a rather unusual venue – the Genoa Aquarium, the marine inhabitants of which put on a spectacular show by way of welcome and literally whetted the appetite for the cocktails and canapes that followed.*

*The seminar the following morning was held in the grand surroundings of the Palazzo Ducale. To those of us born and bred in the so-called “new world”, merely being there was a treat in itself. This is not to say, however, that the subject-matter of the seminar was less interesting – far from it. As usual with CMI seminars, a wide range of topical subjects was covered by experts in their respective fields.*

*The afternoon of 8 September was taken up by the formal work of the CMI annual Assembly. This was held in the old Stock Exchange building.*

*Meanwhile, at the Palazzo Ducale, presentations were made by members of the Young CMI and Young AIDIM. The 2017 Assembly proceedings were brought to a successful conclusion with the gala dinner for all delegates and Accompanying Persons being held at the Villa Lo Zerbino. This was a joyous affair which was held outdoors in the warm glow of an Italian September evening. As per tradition, the CMI banner was ceremonially passed by the Italian MLA to the British MLA, which is to play host to the 2018 Assembly.”.*

ahead”<sup>55</sup>.

Giorgio Berlingieri jr. completed his second term as senior Vice President of the CMI in 2018.

The President of the CMI thanked him “for his long service to the CMI Executive Council and to CMI generally over so many years. He noted that Giorgio would still continue to play a significant role on IWGs and as a Member of the Nominating Committee as well as President of the Italian MLA”<sup>56</sup>.

Various NMLAs asked him to accept a nomination as President of the CMI in the elections taking place at the 2018 Assembly in London. However he declined.

Close contacts between the Italian MLA and the CMI continue, as well as an effective cooperation to the works of the CMI.

There are Members of the Italian MLA in almost all IWGs of the CMI: Acts of Piracy and Maritime Violence, Liability for Wrongful Arrest, Maritime Law for Unmanned Ships, Offshore Activities, Cybercrime in Shipping, Fair Treatment of Seafarers in the Event of a Maritime Accident, Ship Financing and Security Practices, Cross Border Insolvency, Polar Shipping, Ship Nomenclature, Restatement of Lex Maritima. And in many Standing Committees: Carriage of Goods, Marine Insurance, Young Members, Implementation of International Conventions and Promotion of Maritime Conventions, Nominating Committee, Planning Committee.

There are eleven members of the Italian MLA who are Titulary Members of the

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<sup>55</sup> Dir. Mar. 2018, p. 787. Among the many commemorations of Francesco Berlingieri jr., those of Elda Turco Bulgherini, Riv. Dir. Nav., 2018, 1, of Stefano Zunarelli, Dir. Mar. 2018, p. 2, of Luis Cova Arria, CMI Newsletter 2018/2.

<sup>56</sup> Verbatim Records CMI Exco Meeting 8 November 2019, p. 20.

In 2018 Giorgio Berlingieri jr. resigned from a number of positions with the CMI, including the Chair of the IWG on Wrongful Arrest of Ships and as Editor of the CMI. The last publications he edited were CMI Yearbook 2016 New York II, the News Letter 2016/3 and the Twenty Year Index (1977-2016) of the CMI News Letter, which contains the following Foreword by the President of CMI Stuart Hetherington: “The News Letter, CMI’s quarterly publication, was the brainchild of Kaj Pineus and first appeared in July 1977. In 1966 a Twenty Year Index (1976-1996) was prepared. The Vice President of CMI and editor of both the CMI Yearbook and News Letter, Giorgio Berlingieri, has prepared this further index for the subsequent period 1997 to 2016. The CMI owes an enormous debt of gratitude to Giorgio, and his father Francesco, for the continuous production of this valuable publication since 1977.”

CMI.

The Officers of the Italian MLA are elected by the Assembly for a term of three years and shall be eligible for re-election without limits in the number of terms.

The Statute in force, approved by the Assembly of 7 July 1998 provides that they shall consist of the President, two vice Presidents, from five to eight members, and the Presidents of the Regional Committees.

The Statute in fact contemplates the possibility of forming local branches, with a territorial extension which is approved by the Officers of the Italian MLA.

Members of the Italia MLA within the extension of the Regional Committee may ask to belong to it.

The Regional Committee is governed by its Officers in compliance with standard rules approved by the Officers of the Italian MLA and cooperates with the Italian MLA in promoting locally the activity of the Italian MLA<sup>57</sup>.

The Regional Committee may organize local events and for this purpose may levy membership fees in addition to the subscription payable by members to the Italian MLA.

Regional Committees are a long established tradition with the Italian MLA and were quite numerous in the past<sup>58</sup>.

There are presently three Regional Committees: the Genovese Regional Committee, the Roman Regional Committee and the Regional Committee of Trieste.

The President and the two vice Presidents of the Italian MLA are elected by the Assembly, whilst the Secretary General and the Treasurer are appointed by the newly elected Officers of the Italian MLA.

The current Officers of the Italian MLA were elected by the Assembly of 13 November 2017: Prof. Avv. Alfredo Antonini, President of the Regional Committee of Trieste, avv. Giorgio Berlingieri, President and Secretary General ad interim of the Italian MLA, Prof. Avv. Sergio M. Carbone, Prof. Avv. Pierangelo Celle, Avv. Maurizio Dardani,

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<sup>57</sup> A report of a Conference organized in Amalfi the 21-22 September 1934 by the Regional Committee of Naples on Historical Studies of Medieval Maritime law is published in *Dir. Mar.* 1934, p. 341

<sup>58</sup> Foot note 20, Appendix n. 4: Abstract of *Il Diritto Marittimo*, 1937, p. 596

## ASSOCIAZIONE ITALIANA DI DIRITTO MARITTIMO

Prof. Avv. Marco Lopez de Gonzalo, President of the Genovese Regional Committee, Prof. Avv. Francesco Munari, Avv. Pietro Palandri, Avv. Alberto Pasino, Avv. Mario Riccomagno, Treasurer of the Italian MLA, Prof. Avv. Elisabetta Rosafio, Avv. Francesco Siccardi, Vice President of the Italian MLA, Prof. Elda Turco Bulgherini, President of the Roman Regional Committee, Prof. Avv. Stefano Zunarelli, Vice President of the Italian MLA.

The members of the Italian MLA presently amount to 250 and include 64 members of 40 years or younger.

The individual members consist of Lawyers, University Professors, Judges, Surveyors, Average Adjusters, Marine Engineers.

The corporate members and institutions include the National Association of Insurance Companies, Ship Brokers, Shipowning Companies, the Italian Ship's Register, Insurance Companies, Chambers of Commerce, Forwarding Agents, Port Authorities, P&I Agents, the Italian Shipowner Association, Towage and Salvage Companies, The Italian Maritime Cluster, Insurance Brokers.

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All Best Wishes to the Italian MLA for a continued role and contribution to the activities and works of the CMI for the unification and harmonization of maritime law.

ASSOCIAZIONE ITALIANA DI DIRITTO MARITTIMO

Piazza dei Martiri, 30 - NAPOLI

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# STATUTO

APPROVATO nella TORNATA del 15 DICEMBRE 1908



NAPOLI

TIPOGRAFIA ANGELO TRANI

Via Medina, 25

1909

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## STATUTO

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ART. 1. — È fondata in Italia un' *Associazione italiana di Diritto Marittimo*, collegata al *Comité Maritime International* di Anversa.

L'assemblea generale ha luogo una volta l'anno in Roma.

L'Associazione ha tre sedi: Napoli, Genova e Venezia. Può avere Sezioni in altre città del Regno.

ART. 2. — Scopo dell'Associazione è di concorrere e di collaborare insieme alle analoghe Associazioni di altri Paesi alla unificazione delle leggi marittime per formarne un testo adottabile dai diversi Stati.

L'Associazione sarà altresì organo di tutto quanto riflette il movimento legislativo marittimo italiano, sia promuovendo riforme reclamate dal commercio, sia esaminando disegni di leggi e di regolamenti sulla materia.

ART. 3. — Le proposte e le risoluzioni dell'Associazione saranno raccolte in processi verbali e ne verrà fatta la più larga diffusione.



ART. 4. — L'Associazione interviene alle Conferenze internazionali per la unificazione del Diritto Marittimo, prendendo parte ai lavori organizzati dal *Bureau Permanent* di Anversa a mezzo di appositi delegati designati dall'Assemblea in numero di sei.

I delegati rappresentano collettivamente l'Associazione ed hanno un sol voto nella Conferenza.

ART. 5. — L'Associazione ha un presidente, tre Vice-Presidenti ed un ufficio di Segreteria, costituito da un Segretario Generale e tre Vice-Segretarii.

Il Consiglio di Presidenza e di Segreteria dura in carica un triennio. I componenti sono rieleggibili.

I presidenti delle singole sedi sono di diritto vice-presidenti dell'Associazione.

ART. 6. — Sono socii coloro che accettano il presente statuto e versano il contributo annuo di lire dodici, in una sola rata. Essi hanno diritto a ricevere gratuitamente i processi verbali contenenti i lavori dell'Associazione, nonchè gli atti delle Conferenze Internazionali ed ogni altra pubblicazione proveniente dal *Comité Maritime International*.

ART. 7. — L'Assemblea costituita dalla riunione dei soci di tutte le sedi è convocata in Roma almeno una volta all'anno, per l'approvazione del bilancio, e per tutto quanto riguarda l'azione dell'Associazione, specie nei rapporti del *Comité Maritime International*.

Essa può essere convocata anche straordinariamente.

Almeno tre mesi prima della convocazione dell'Assemblea viene comunicato ai soci l'elenco degli argomenti intorno a' quali l'Associazione dovrà adottare le proprie risoluzioni, sia per quanto riflette il movimento legislativo italiano, sia per quanto ha attinenza con i lavori delle Conferenze Internazionali.

Ciascuna sede organizza i proprii lavori in armonia del presente Statuto.

ART. 8. — Sempre che sia necessario sarà comunicato ai Socii apposito quistionario.

ART. 9. — L'Assemblea nomina uno o più relatori e stabilisce la data della sua nuova convocazione per le conclusioni da votarsi.

ART. 10. — L'Associazione concorre con un annuo contributo alle spese del *Comité Maritime International* di Anversa per la pubblicazione e la diffusione degli Atti e per le Conferenze Internazionali.

ART. 11. — Gli uffici di Amministrazione dell'Associazione potranno risiedere in quella città nella quale dimora il Presidente.

## Verbale della tornata 15 dicembre 1908

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L'anno 1908 il giorno 15 dicembre in Roma, nella sala della Biblioteca del Ministero della Marina si sono riuniti i qui appresso indicati signori, in seguito ad invito dell' « Associazione Italiana di Diritto Marittimo » e per le ragioni che si leggono nell'ordine del giorno e nella lettera del Presidente di detta Associazione, che vengono alligate al presente verbale.

Tra gli intervenuti e gli aderenti notiamo : l'on. deputato Rienzi, l'on. deputato Marcello, l'on. deputato Marghieri, il duca Francesco Mirelli, il cav. avv. Giuseppe Paratore, il professore avv. Carlo Betocchi, l'avv. Leone Adolfo Senigallia, l'avv. Luigi Gottheil, il cav. Francesco Dresda, vice presidente della Camera di Commercio di Napoli, l'Ing. Giovanni De Meo, l'avv. Giovanni Petrucci, nonchè S. E. il Ministro della Pubblica Istruzione, on. Rava, S. E. il Ministro delle Poste e Telegrafi, on. Schanzer, il comm. Carlo Bruno, direttore generale della Marina Mercantile, l'on. Fiamberti, l'on. Alfredo Lucifero, le Camere di Commercio di Genova, Venezia, Bari, Girgenti, Messina; la *Navigazione Generale Italiana*, la Società *La Veloce* ; la *Società di Navigazione Marittima e Fluviale* ; la Società di Navigazione *Italia*; la *Società Napoletana di Navigazione a vapore*, la *Mutua marittima nazionale*, il *Sindacato Internazionale degli Armatori*, il *Sindacato Marittimo Italiano*, il *Consorzio Autonomo del Porto di*

*Genova*, la *Sicula-Americana*, la Società di Assicurazioni marittime *Liguria*, la *Banca Generale della Penisola Sorrentina*, la *Banca Commerciale Marittima di Viareggio*, il prof. Francesco Berlingieri, dell'Università di Genova, il prof. Prospero Ascoli, della Scuola Superiore di Commercio di Venezia, il prof. avvocato Enrico Bensa, dell'Università di Genova, il comm. Ambrogio Castellano, il Capitano Salvatore Raineri, il comm. Francesco Saverio Ciampa, il cav. Tommaso Astarita e l'avv. Enrico Soprano.

Apertasi la seduta è invitato ad assumere la presidenza il prof. Alberto Marghieri e a fare da segretario l'avv. Giovanni Petruzzi, il quale dà lettura della lettera d'invito e dell'ordine del giorno.

Prendono la parola quasi tutti gli intervenuti e dopo lunghe discussioni si approvano le seguenti deliberazioni:

1.º Di stabilire in *Roma* la sede dell'Associazione per le riunioni delle Assemblee generali dei socii, ordinarie e straordinarie;

2.º Di trasformare in sezione la sede di Napoli e di stabilirne altre due, l'una in Genova e l'altra in Venezia;

3.º Di rivolgersi al Governo, alle Camere di Commercio, alle Società di Navigazione e ad analoghi sodalizzi, per ottenerne un efficace concorso morale e pecuniario con quote annuali, affinché l'Associazione si metta in grado di provvedere a quanto decorosamente occorre al suo sviluppo ed ai lavori cui è chiamata, specie nei riguardi del Comitato Marittimo Internazionale di Anversa e delle Conferenze internazionali;

4.º Di provvedere alla pubblicazione degli Atti dell'Associazione in una Rivista marittima da distribuirsi ai socii.

5.º Per quanto si riferisce alla Sezione di Genova il signor ingegnere Giovanni De Meo assunse impegno di fare tutte le pratiche necessarie prendendo accordi col prof. Francesco Berlingieri; e per quanto riflette la Sezione di Venezia fu stabilito di pregarne il prof. Prospero Ascoli.

6.º Si aggiunse che quando fosse costituita la Sezione di Genova si sarebbe, presso la stessa, tenuta una riunione preparatoria per predisporre il lavoro dell'Associazione Italiana quale contributo alla Conferenza Internazionale che dovrà aver luogo a Brema durante l'anno 1909; salvo poi a tenere le riunioni definitive per l'approvazione delle Relazioni e la designazione dei Delegati alla detta conferenza.

7.º Si dette incarico alla presidenza di pregare il Governo a che nella scelta di delegati *ad referendum* presso le Conferenze Internazionali si preferissero persone facenti parte dell'Associazione, a fine di evitare discordie di opinioni, laddove trattasi di un lavoro completamente coordinato ed in armonia con i questionarii elaborati dal Comitato internazionale di Anversa.

Procedutosi finalmente alla elezione delle cariche vennero eletti a Presidente Generale il prof. Alberto Marghieri; a Presidente della Sezione di Napoli il duca Francesco Mirelli; a segretario generale il prof. Carlo Betocchi ed a segretario della Sezione di Napoli l'avv. Giovanni Petruzzi. Si demandò alle Sezioni di Genova e di Venezia la scelta dei rispettivi presidenti ed ufficii di Segreteria.

La seduta venne tolta alle ore 12.



R. MINISTERO  
DEGLI  
AFFARI ESTERI

Roma, 3-DIC. 1923

Ufficio Trattati  
e Società delle Nazioni

Chiarissimo Professore,

N. 250397  
1214

Posizione

N. B. — Nella risposta indicare l'Ufficio, il numero  
e la data della presente. In un rapporto trattare  
di un solo argomento.

Oggetto

Ho letto con particolare interesse la Sua relazione sulla Conferenza di diritto marittimo che ha avuto luogo nell'agosto scorso in Göteborg, e mentre La prego di volere accogliere l'espressione del mio vivo compiacimento per un così importante lavoro La ringrazio, a nome del R<sup>o</sup> Governo, per l'azione da Lei spiegata in quella Conferenza, al pari che nelle altre cui ha preso parte, a vantaggio dell'Italia, senza punto scostarsi dai più elevati e sani principi giuridici.

Nel trasmettere all'Ambasciata degli Stati Uniti d'America in Roma l'esemplare di quella relazione, chiestomi da essa e da Lei gentilmente inviati, le ho fatto presente che da parte nostra gradiremmo avere qualche copia della relazione, se data alla stampa, del Delegato Americano alla Conferenza stessa e qualora si darà seguito ad una tale richiesta, sarà mia premura di spedirLe un esemplare della pubblicazione in parola.

Gradisca Chiarissimo Professore gli atti della mia ben distinta considerazione.

Illmo. Prof. Avvocato  
FRANCESCO BERLINGIERI

Genova

Via Roma 10.



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*Ministero delle Comunicazioni*

IL DIRETTORE GENERALE  
DELLA MARINA MERCANTILE

Roma, li 7 MAR. 1934 Anno XII-

Illustre Professore,

Mi è gradito informarla che S.E. il Ministro ha accolto la domanda di sovvenzione della Società Italiana di Diritto Marittimo a favore della quale ha autorizzato il pagamento della somma di lire quattromila.

Il relativo mandato, intestato alla S.V., sarà quanto prima esigibile presso la Tesoreria Provinciale di Genova.

*Con deferenti saluti,*

*Leone Lino*  
*[Signature]*

Ill.mo Prof. Francesco BERLINGIERI  
Presidente della Società Italiana  
di Diritto Marittimo

GENOVA  
Via Roma 10



## **ASSOCIAZIONE ITALIANA DI DIRITTO MARITTIMO**

### *Presidenti d'onore*

S. E. il Ministro di Grazia e Giustizia

Prof. ARRIGO SOLMI

S. E. il Ministro delle Comunicazioni

ANTONIO STEFANO BENNI

### *Presidente onorario*

S. E. Medaglia d'Oro Conte COSTANZO CIANO

Presidente della Camera dei Deputati

### *Presidente effettivo*

Prof. Avv. FRANCESCO BERLINCIERI

### *Vice Presidenti*

On. BIAGIO BORRIELLO Deputato al Parlamento

Cap. ANTONIO N. COSULICH

Ammiraglio GIOVANNI SECHI Senatore del Regno

### *Segretari generali*

Avv. PLACIDO CIVILETTI

Prof. Avv. TORQUATO CARLO GIANNINI

### **COMITATI REGIONALI**

**GENOVA - FIUME - TRIESTE - VENEZIA - ROMA**

**NAPOLI - CATANIA - PALERMO - CAGLIARI**

## ASSOCIAZIONE ITALIANA DI DIRITTO MARITTIMO

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LA PRESIDENZA

Genova, le 20 Avril 1937

VIA ROMA 10-2

Mon cher Président,

Je viens de rentrer de Rome et je m'empresse de Vous communiquer que le Directeur Général de la Marine Marchande m'a donné, au nom du Ministre, l'assurance que les deux Conventions de Bruxelles sur la responsabilité des propriétaires de navires et sur les connaissements seront sous peu ratifiées, la question du change dans les rapports intérieurs en conséquence des mesures qui ont suivi les dernières décisions sur la monnaie ayant été réglée.

J'ai donc toute raison de croire que au moins en ce qui concerne ces deux Conventions toute question au sujet de leur ratification soit finie.

Je Vous prie, mon cher Président, de bien vouloir agréer l'expression de mes meilleurs sentiments.

A' Son Excellence LOUIS FRANCK

Ministre d'Etat

Gouverneur de la Banque Nationale de Belgique

Président du Comité Maritime International

BRUXELLES

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