

IMLI^e-News

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IMO Director of Legal Affairs and External Relations Division:

“IMLI is now a well established and respected academic institution”

Dr. Rosalie Balkin, the Director of the Legal Affairs and External Relations Division of the London based International Maritime Organization (IMO), delivered on the 27th of September the inaugural lecture of the 17th IMLI’s annual LL.M. course in international maritime law entitled “*The Legal Framework of the IMO*”.



Dr. Rosalie Balkin lecturing to the 17th Generation of IMLI lawyers.

Dr. Rosalie Balkin has held the position of the Director of Legal Affairs and External Relations Division, IMO, since 1998. Prior to that she was Assistant Secretary in the Office of International Law at the Federal Attorney-General's Department in Canberra, Australia and has also held academic posts at a number of universities, including University of the Witwatersrand in Johannesburg, South Africa; Melbourne and New South Wales Universities in Australia and Cambridge University, U.K. She has published extensively in the field of public international law and is also the co-author of a textbook on the Law of Torts. Before joining IMO Dr. Balkin headed the Australian delegation to the IMO Legal Committee and was, for a number of years, Vice-Chairman of that Committee.

After the inaugural lecture Dr. Balkin presided over the “IMLI Flag Ceremony” during which lawyers pursuing their LL.M.studies at IMLI placed their national flags at the Institute premises.

Dr. Balkin, which were the highlights of your lectures at IMLI ?

What I was trying to achieve was to give to the students an overview on how IMO works, how it came about, the legal framework in which it operates and the importance of an organization such as IMO in the context of maritime safety and prevention of marine pollution. My second lecture was more focused on the work of the IMO Committees, in particular, that of the Legal Committee where I tried to present the class with an overview of the establishment and work of the Legal Committee and its role within IMO.

What are the priorities of the IMO Legal Committee at this very moment ?

The top priority is the proposed revision of the International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988, and its Protocol relating to Fixed Platforms Located on the Continental Shelf. The revision aims to significantly expand the types of acts in respect of which perpetrators will become liable to criminal prosecution or extradition. The revised Convention will also allow law enforcement officials of States Parties to board suspect foreign-flagged vessels with a view to preventing terrorist attacks before they occur or taking other necessary action. A Diplomatic conference will be held shortly and we hope that both Protocols will be adopted. The revision of a SUA Conventions were a particular challenge for the Legal Committee, due to the fact that they are primarily criminal law instruments rather than maritime law instruments and, consequently, this is an area in which the Legal Committee does not have much experience.

What is going to be the future “agenda” of the Legal Committee ?

After the adoption of the Protocols to the SUA Convention, the Legal Committee will focus its attention to the adoption of a new Convention regulating wreck removal (The Wreck Removal Convention) which is expected to be adopted in 2007.

The Legal Committee has been also involved (together with the ILO) in ongoing work aimed at improving the legal protection of seafarers. There are currently two “joint” working groups involved in this process. The first, which has been established for some time now, has been concerned with *liability and compensation regarding claims for death, personal injury and abandonment of seafarers* and, as a result of its work, a set of guidelines has been adopted by the IMO Assembly. The second working group,, which has been just established, is concerned with the *fair treatment of seafarers following a maritime accident*. The Legal Committee will be considering the progress of the “joint groups” during its next session.

Another important piece of news is that the current chairman of the Legal Committee, Mr. Alfred Popp (Q.C.), will retire at the end of this year and Prof. Lee Sik Chai from South Korea will be taking over as Chairman in 2006.

What is the position of IMLI within the IMO family ?

The role of IMLI within the IMO family remains one of the utmost importance.

IMLI is a vital part of the IMO family, because of the training it provides to lawyers from countries that need expertise in the field of international maritime law. One of the major aims of the Institute is to turn out graduates, especially from developing States, who will thereafter return to their home States to assist in the building up of a maritime law infrastructure, and who will be in a strong position to assist their respective Governments with the implementation of their international maritime obligations.

None of the existing academic (maritime) institutions covers in quite so comprehensive a manner as IMLI does the entire area of international maritime law (including, particularly, that developed under the aegis of IMO). It is heartening to see that, each year, there are more applications for positions in the course than positions available...This is definitely a reflection of the quality of the IMLI course. Another notable development is that the Institute is now increasingly attracting students also from developed States, which all goes to illustrate the fact that IMLI is now a well - established and respected academic institution.

The IMLI course has been structured very much with IMO needs in mind and in this regard, too, IMLI is unique.

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