

Circulated in more than 100 States to personalities in the legal and maritime professions

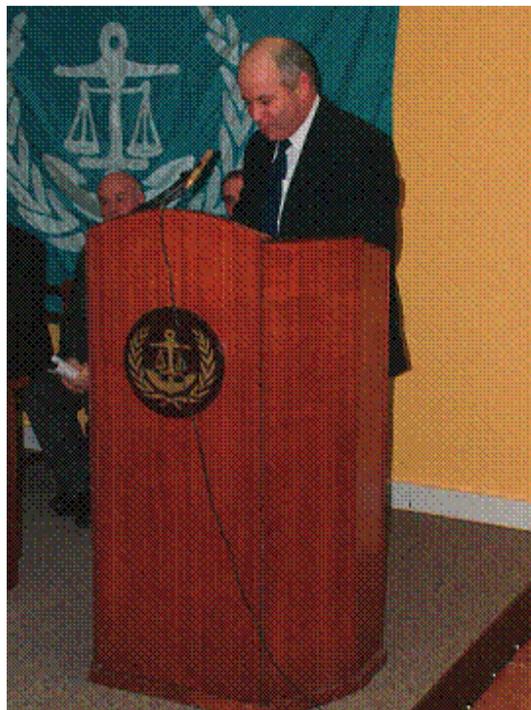
IMLI *e*-News

The IMO International Maritime Law Institute Official Electronic Newsletter (Vol. 3, Issue No. 27) 9 March 2006

Minister Censu Galea:

“IMLI is IMO’s premier institution for maritime law training”

The Hon. Censu Galea (*Minister for Competitiveness and Communications, Malta*) delivered the welcome address at the inauguration of the 11th IMLI EC Maritime Law Course.



*Hon. Censu Galea (Minister for Competitiveness and Communications, Malta)
at IMLI (9th February 2006)*

This is the text of the welcome address by Hon. Minister Censu Galea, on occasion of the inaugural lecture of the 11th IMLI EC Maritime Law Course.

Commissioner Borg, Excellencies, Hon. Vice President, Distinguished Guests, Ladies and Gentlemen,

It is my great pleasure to witness the start of yet another course on Community Maritime Law by the International Maritime Law Institute, IMO's premier institution for maritime law training.

This particular course is now in its eleventh year and its importance and relevance is highlighted by the fact that alumni from over 100 countries have attended this course, enriching their professional competence and expertise in European maritime law. Within the EU, maritime legislation is arguably one of the most dynamic sectors of legislative development. These are exciting times for those involved in European maritime activity as the European Union is currently embarking on a far-reaching exercise to consolidate its regulatory regime under the guidance of a single maritime policy.

Commissioner Borg has been tasked by the European Commission to spearhead this process via a Green Paper, which will eventually serve as the basis for the development and elaboration of a holistic EU maritime policy. Malta welcomes and fully supports this initiative. Indeed, this approach to maritime affairs has been advocated by Malta since 1967 when the Government of Malta drew the attention of the United Nations General Assembly to the need for a new comprehensive regime governing humankind's activities on the oceans. This initiative, which culminated in the 1982 UN Convention on the Law of the Sea, was based on the fundamental premise that all problems of the oceans are closely inter-related and need to be considered holistically.

The European Union has numerous maritime-related programmes and directives but as far as approaches to maritime related problems and opportunities go, they largely remain sector based. This contrasts greatly with the closely inter-related characteristics

of actual maritime issues, where the very nature of the issues demands that such matters are treated simultaneously whether they are ecological, economic or political in nature. It is around this main consideration that Malta's convictions as to the fundamental principles that ought to serve as a guide in formulating the future maritime policy have been formed, and which I would like to share with you this morning.

The first principle is that, even in the maritime sector, European interests need to adopt the conceptual pillars of the Lisbon Agenda, foremost amongst which are the knowledge-based economy, risk management and global connectivity. This should however, always be accompanied by sustainability. Another sine qua non for this policy to be successful is a background of a stable and safe maritime order. Europe should in fact foster such stability by promulgating the adoption and enforcement of international treaties and by developing European maritime policies within existing international maritime regulatory processes, such as IMO and UNCLOS.

On the other hand, it is also reasonable to balance this with a deliberate recognition of the particularities of Europe. The scope of such recognition should range from the maritime interests of landlocked EU Member States to the specific regional, state and coastal needs of European maritime States. Within this context, attention should be given to the current regional seas initiatives such as, for example, the Mediterranean Action Plan – which could also provide a model for establishing cooperation with non-Member States.

This co-operation is also relevant in the light of the need for Europe to address European maritime interests in the oceans, beyond European waters, including polar icecaps. It is not for me to delve, here, into the jurisdictional, political and commercial complexities of this scenario which warrants an element of governance on the high seas. The point to be underlined here is, however, the crucial importance of establishing regional understanding, with involvement of non-EU regional stakeholders. If one takes as an example the regional network between Mediterranean and Black Sea States, one can realise how in this case, such understanding helps to facilitate integrated resource

management, by involving all stakeholders in the management of fisheries, shipping, marine and coastal environment protection and marine scientific research.

This open approach is indispensable, considering that within any context or aspect, Europe is definitely a global heavyweight and therefore, whatever the EU does in maritime policy will be felt way beyond its regional boundaries.

The Union has taken a more pronounced role in ensuring greater safety at sea – both in terms in human lives and in terms of environmental protection – and has spearheaded notable initiatives that would have perhaps stagnated or never left the drawing board had it not been for the EU's energetic drive. At the same time we still believe that international maritime related organizations should remain the place where internationally applicable regulations are agreed.

Whereas the EU has been instrumental in pushing forward maritime safety on the global agenda and is a leading force for reform in the international scene, one must, however, avoid the pitfalls of unilateralism with the consequent danger of undermining the importance of IMO and its Conventions in regulating international shipping. Any policies, initiatives and regulations have to be devised in such a way as to supplement and strengthen international conventions.

In this regard, the EU should use its considerable strength to push forward its vision and aims via its Member States within IMO and raise the bar for standards on a global level rather than on a regional basis as this could possibly result in regulatory fragmentation along regional lines to the detriment of all stakeholders in this most globalised of activities. Moreover, Malta believes greater energy can be devoted to the enforcement of existing regulations – both at European and at international levels – and to the encouragement of more widespread ratification of existing conventions. Past experience has shown that the European Union has the influence to bring about such a change effectively.

On the other hand a practical example of the importance of regional co-operation is the “Motorways of the Seas” concept. What has originally started as an exploration into alternatives to alleviate congestion on the European road networks has developed into a fully-fledged project in its own right that is envisaged to include co-operation on a regional level. Malta has welcomed the conclusions of the High Level Group chaired by former Transport Commissioner Ms Loyola De Palacio – which were adopted by the Ministerial Conference on the Motorways of the Sea in Ljubljana last month – to identify priority transport networks with neighbouring countries, particularly within the light of the EU Neighbourhood Policy.

It is recognised by all that an efficient transport network is a fundamental requirement for fostering trade and development. The recent enlargement of the European Union has opened up new opportunities for the EU to enhance co-operation with its neighbours and to promote stability, prosperity and security. The initiative to extend the Motorways of the Seas to neighbouring countries will go a long way in supporting and sustaining the Euro-Med Barcelona process. Closer economic integration must, however, progress hand in hand with issues such as maritime safety and pollution prevention as an increased shipping activity will invariably result in a higher risk of congestion, pollution or even loss of life at sea.

Another initiative that epitomises this participative approach is also the effort to enhance co-operation between the Mediterranean MoU and the Paris MoU on port State control. It is in fact Malta’s belief that promoting such an enhancement would be conducive to such aims as an integrated approach to vessel monitoring and a region-wide plan for responding to maritime casualties.

In conclusion, Malta believes that a European approach to the governance of the sea, one that is innovative and aimed at enabling greater prosperity and dialogue within regions sometimes fraught with tension, would represent a significant 21st century development to the benefit of all.

I wish you all the best of luck and a successful conclusion to your studies.

Thank you.

**** If you do not want to receive IMLI e-News in future, please return this message to the above address with request to DELETE in the subject field.***

***** For further information please contact Mr. Mitja Grbec (Editor, IMLI e-News) at publications@imli.org***