



IMO



INTERNATIONAL MARITIME LAW INSTITUTE "20 Years in the Service of the Rule of International Maritime Law"



Commemorative Seminar held at IMO Headquarters, London
on the 5 May 2009

IMLI CELEBRATES ITS 20TH ANNIVERSARY



H.E. Mr. Efthimios E. Mitropoulos
(Secretary-General, IMO and Chairman, Governing Board of IMLI)
delivering the keynote address



Conferral of the IMLI “Award for Meritorious Contribution towards the Dissemination, Harmonization and Implementation of International Maritime Law” to Mr. Yohei Sasakawa
(Chairman, The Nippon Foundation)

The year 2009 marked the 20th Anniversary of the IMO International Maritime Law Institute. To celebrate IMLI’s 20 years in the service of the rule of international maritime law, the Secretary-General of IMO, H.E. Mr. Efthimios E. Mitropoulos held a Commemorative Seminar at the IMO Headquarters in London on 5 May 2009.

The Panel of Speakers, presided by H.E. Mr. Efthimios E. Mitropoulos (Secretary-General of IMO and Chairman of the Governing Board of IMLI) included Professor David Attard (Director of IMLI), Professor Francis M.B. Reynolds Q.C (Barrister/Professor Emeritus, University of Oxford/IMLI Visiting Fellow), Ambassador Lino

Vassallo (Permanent Representative of Malta to IMO) and Mr. Yohei Sasakawa (Chairman of The Nippon Foundation).

The Seminar was attended by many distinguished guests including Mr. William A. O’Neil (Secretary-General Emeritus of IMO), Members of the IMLI Governing Board, Diplomatic Representatives and IMLI graduates from all over the world.

During the Seminar Mr. Yohei Sasakawa (Chairman of The Nippon Foundation) received the IMLI “Award for Meritorious Contribution towards the Dissemination, Harmonization and Implementation of International Maritime Law”.



Professor David Attard *(Director, IMLI)* delivering the opening remarks



Distinguished guests attending the seminar

KEYNOTE ADDRESS

BY H.E. MR. EFTHIMIOS E. MITROPOULOS



H.E. Mr. Efthimios E. Mitropoulos (*Secretary-General, IMO and Chairman, Governing Board of IMLI*) delivering the keynote address

Excellencies, Permanent Representatives to IMO, Secretary-General Emeritus, Dr. Sasakawa, Professor Reynolds, IMLI Director, Governors, Distinguished guests, IMLI Graduates, Media representatives, Ladies and gentlemen,

It gives me great delight to welcome you here today and I consider it a genuine privilege to open this event in which, on the occasion of its 20th anniversary, we will pay tribute to the International Maritime Law Institute – one of the great success stories of IMO.

Last Saturday, along with many dignitaries present here today, I assisted at the 20th IMLI graduation ceremony in the Institute's motherland, Malta, at which yet another fresh batch of graduates bid farewell to their home-from-home for the past year, fully equipped with the skills and knowledge they need to succeed in the professional arena. This has become a familiar and very welcome task for me, as it was for my predecessors – one that I cherish enormously and look forward to with anticipation every year.

Indeed, so regular is the process and so reliable the end-product that it is tempting to think of the Institute as a kind of legal conveyor belt; but this would be to miss the point that studying at IMLI not only provides a first rate academic education but also inculcates an ability to think and to act as an individual. It is said that "a mind, once stretched by a new idea, never regains its original dimensions." For 20 years, students have been leaving IMLI with broader minds, richer experiences and the best possible preparation for the challenges of their future professional life. This year's graduates, the class of 2008/2009, who I am delighted to see here present today, are not an exception.

So let us look back 20 years, to a world without IMLI. Then, as now, IMO was responsible for a sizeable body of international treaties and several other legal instruments. Then, as now (with one exception), the Organization did not have

the power to ensure the effective implementation of these important international measures. Instead, their enforcement depended on States which, generally, have to incorporate IMO measures into their domestic law. In the 1980s, however, many Governments, particularly in the developing world, were experiencing difficulties in this respect, due largely to a lack of appropriate legal expertise at the national level. This problem, understandably, became one of great concern to IMO.

The IMO International Maritime Law Institute (IMLI) was established to address this problem. The main purpose of the Institute is to train lawyers from developing countries in private and public international maritime law. The Institute was launched in 1988 and started its first course in 1989. Today it remains a lasting and greatly valued testimony to the foresight, diligence and tenacity of its founding fathers but, above all, of Professor Attard who played a central role in its establishment and who has been instrumental in its development into a centre of academic excellence.

From those noble beginnings, IMLI has flourished and grown into the centre of academic excellence that we know today. Central to the Institute's educational offering is its specialized post-graduate course leading to the degree of Master of Laws (LL.M.) in International Maritime Law.

Unlike many traditional programmes, the Institute's LL.M. programme provides students with a specialized education in maritime law from a truly international perspective. Major legal systems, including the civil and common law systems, are comparatively considered in relation to maritime affairs.

Particular emphasis is placed on the international regulatory framework developed by IMO to ensure maritime safety and security and the protection of the marine environment. But the programme also covers commercial law aspects of shipping, including the carriage of goods by sea and marine insurance as well as public international law and the law of the sea.

Crucial, from the IMO perspective, the programme is designed to provide training in the development and drafting of maritime legislation. Intensive drafting exercises are carried out taking into account both the international law on the given subject as well as national maritime policies and objectives.

Although candidates for the LL.M. programme are usually officially nominated by their Governments or national administrations, the comprehensive and interdisciplinary character of the programme also equips graduates to serve in non-governmental bodies, such as the legal departments of port authorities, shipping companies and organizations providing legal advisory services to Governments and shipping concerns.

In addition to the LL.M programme, IMLI now also offers a programme leading to the Degree of Doctor of Philosophy in International Maritime Law, as well as a series of short courses aimed at those seeking to update their knowledge of current developments in particular areas of maritime law.



Distinguished guests attending the seminar

And, in a very recent development, I was delighted to learn, last Thursday, that the Government of Malta has announced that it now officially recognizes all qualifications awarded by IMLI, through its Ministry of Education, Culture, Youth and Sports. This means that IMLI's qualifications will be formally recognized by educational authorities throughout the world – which is very good news for all concerned, not least, for today's graduands.

IMLI justifiably prides itself on the international and multi-cultural nature of its campus life. In this respect, it is a very special institution. On the one hand, its international faculty (composed of around 50 professors and lecturers drawn from leading international organizations, universities and firms, who visit the Institute throughout the programme) brings the legislative and judicial experience of so many diverse maritime jurisdictions directly to the classroom – an invaluable asset, and one which is supported by an excellent resident faculty providing day-to-day teaching of the programme and supervision of students' progress. And, on the other hand, the student body itself draws candidates from across the globe. Time spent at IMLI promotes a spirit of mutual understanding and co-operation between cultures, paving the way for future collaboration between graduates in combining efforts towards maritime law unification. Thus far, a total figure of 517 students, from 115 countries and territories world-wide, have undertaken training at the Institute, in the course of which they have each participated not just in an educational programme but also in what the IMLI website so aptly describes as "an exciting, inter-cultural journey".

Ladies and gentlemen,

As IMLI celebrates its 20th anniversary in full-scale operation, I should like to express my deep appreciation for the Institute's successes as a whole and, to the Director and the dedicated teaching and administrative staff in particular, my thanks for their contribution in imparting invaluable knowledge and expertise to the benefit of students, their Governments and the maritime community at large.

I should also like to take this opportunity to pay tribute to the many donors, supporters and benefactors who, down the years, have provided funding, in-kind support and expertise necessary for the Institute's continuing operation. In acknowledging these many contributions, all of which have been very gratefully received, I wish to make special mention of Dr. Sasakawa and The Nippon Foundation, whose leadership and support for IMLI have been outstanding over many years and will be deservedly recognized with the presentation of a special award in a few moments.

And, of course, none of the Institute's achievements would have been possible without the continuing dedication and application of the Institute's Governing Board, which has provided a foundation of solid governance for the Institution since the outset. The generosity of the host Government of Malta, the excellent facilities provided and the unstinting support of the Malta Maritime Authority have earned our admiration and gratitude. I offer them both my sincere thanks.

Indeed, my thanks go to all the many donors and supporters – and, to those who may still be considering whether or not to join their ranks, I draw their attention to resolution 63/111 of the United Nations General Assembly, on Oceans and the law of the sea, which was adopted in December 2008. Not only did this formally recognize the importance of IMLI's work as a centre of education and training – high praise indeed from such an august body – but it also urged States, intergovernmental organizations and financial institutions to make financial contributions to the Institute's budget: I sincerely hope that message will be taken to heart and acted upon.

And so to conclude: over the years, IMLI has produced a superlative body of expert and qualified maritime lawyers who are now, collectively, making a very positive and valuable contribution in pursuance of the causes espoused by IMO: safe, secure and efficient shipping on clean oceans. Ministers of justice, attorneys general, chief justices, ambassadors, chief executives and senior corporate managers can all be found among their number – not to mention delegates to the IMO Legal Committee.

Today, IMLI remains a lasting and greatly valued testimony to the foresight, diligence and tenacity not only of its visionary founders, but also of the many others who have followed in their wake. Studying at IMLI provides students from developing countries with a unique opportunity to embrace the international nature of maritime law in a multicultural environment under the guidance of world-renowned professors and lecturers. Its contribution has been, and continues to be, immense.

Given the environmental and economic problems the world is currently facing, the significance of international shipping as a cost-effective and 'green' form of transport has never been more marked. Shipping will support the global economy as it eventually recovers and will help to guarantee sustainable prosperity in the future. IMLI graduates, past and future, will have a key role to play in ensuring this vital industry is effectively and fairly regulated. Thus, IMLI remains as relevant today as it ever has been, and I wish the Institute – and all devoted to and involved in its laudable work – every success and good fortune as you embark upon the next 20 years.

Thank you.

OPENING REMARKS

BY PROFESSOR DAVID ATTARD



Professor David Attard (*Director, IMLI*) delivering the opening remarks

Secretary-General,
IMLI Governors,
Excellencies,
IMLI Graduates,
Distinguished Guests,

On behalf of the IMO International Maritime Law Institute, I wish to state, at the very outset, what a great privilege and honour it is to address you today as its Director. I am particularly grateful for your presence and interest. I am glad that you have found the time to share with us this joyful occasion.

IMLI was established in 1988 under an Agreement concluded between IMO and the Government of Malta and commenced its first academic year in October 1989. It is sited in beautiful premises, on the University of Malta Campus, which was generously made available by the Government of Malta. The founders granted it with an international legal personality and promulgated a Statute which declares that the Institute enjoys autonomy within the framework of the International Maritime Organization. IMLI was also given the right to enjoy academic freedom required for the achievement of its objectives, [with particular reference to the choice of subjects covered and methods of instruction]. Our Institute is governed by a formidable Board of Governors, under the Chairmanship of Mr. E. Mitropoulos. Its members are appointed primarily on the basis of their outstanding expertise in the field of maritime law.

The Institute, the first one of its type anywhere, offers a unique course designed to cover the whole spectrum of international maritime law. Its programme consists of numerous modules, which include international law, law of the sea, shipping law, marine environmental law, and legislation drafting. Training at the Institute also fosters excellence in three important areas:

1. the development of expertise to advise on and develop national maritime legislation;
2. the development of legislative drafting skills to ensure that States have the necessary expertise to incorporate international rules into domestic legislation; and
3. the preparation of lawyers to participate in, and contribute to, the deliberations of the international maritime fora.

In order to qualify, students – who primarily should come from developing States – are required to have a first law degree. A major and innovative

feature of the Institute is that 50 per cent of the places on the course each year are reserved for women candidates.

The duration of the course is one academic year and successful students are awarded a Masters Degree in International Maritime Law.

IMLI students are required to undertake one of the most intensive international maritime law courses available worldwide. IMLI's teaching staff faces the fascinating challenge of training lawyers from diverse cultures, and different legal systems of the world. The Anglo-Saxon, Roman-Germanic, Civil Law and Shariah legal cultures have all been represented in our courses. For months, the participants live together and are required to undertake – with almost monastic dedication – studies which are designed to transcend this diversity and educate the intellect in the pursuit for uniform maritime legislation implementing IMO Conventions.

More recently the Institute offers other Programmes of Study, ranging from the Doctor of Philosophy in International Maritime Law to an Advanced Diploma for non-lawyers who wish to understand the major features of international maritime law.

Distinguished Guests,

IMLI's small permanent, teaching staff is complemented annually by a formidable list of eminent practitioners and authoritative academics in the field of international maritime law, who represent the world's main legal systems. We feel this is important as it offers our students the opportunity to learn maritime law on a comparative basis.

The cornerstone of any academic institution is its reputation. At IMLI we are conscious of the need to ensure that our training and teaching conform to the highest standards which need to be maintained if we are to preserve our reputation as a centre of excellence. I feel it is reasonable to assert that our academic accomplishment is reflected in the confidence demonstrated by 115 Governments who have sent their finest officials to train at IMLI.

This academic success is the result of various practices that have been put in place, such as the appointment of independent external examiners and cooperation with members of leading academic institutions such as the Universities of Oxford, Yale and the Sorbonne.

Furthermore, our linkage with IMO provides us with access to the most competent expertise in shipping available throughout the world. With IMO's assistance, IMLI continues to seek to fine-tune its syllabus to reflect the latest developments in international maritime law.

We also have a fruitful cooperation with the Comité Maritime International that assists us in our efforts to attract leading practitioners to lecture at IMLI.

We are particularly proud of our Project entitled "Human Resources Development Project for the Advancement of a More Effective Global Legal Order for the Oceans" with The Nippon Foundation. It has enabled lawyers from all over the world – particularly from Asia – to undertake their studies at IMLI. We are immensely grateful to Mr. Yohei Sasakawa, under whose guidance The Nippon Foundation is effectively, through developing human expertise, contributing to the development of international maritime law.

Distinguished Guests,

It is well known that the success of international maritime conventions and



similar legal instruments is – to a large extent – dependent on the will of States. The viability of these texts depends generally on whether States are themselves prepared, through national laws, to enforce the rules therein. In view of the global nature of such a task, it is important to bear in mind that not all States have the knowledge, experience or resources of the traditional maritime States. Indeed, it has also been noted that although many developing States have reasonable numbers of legal trained persons, they generally do not have a sufficient number of lawyers trained in international maritime law.

Essentially, IMLI's work over these past 20 years has been designed to respond to this deficiency. IMLI has received widespread approval of its efforts to ensure that States are provided with the human expertise necessary to effectively serve the rule of international maritime law. This approval is reflected in the declarations adopted in many fora. I wish however this afternoon to focus on just a few. The IMO Flag State Implementation Sub-Committee declared in a unanimous decision that IMLI played an "important role in IMO's efforts to enhance the implementation of the various IMO standards worldwide."

It is a matter of great pride that in November 2007 - the IMO Assembly adopted a resolution entitled "Research Work Undertaken by the IMO International Maritime Law Institute". The resolution – by IMO's highest authority - recognizes IMLI as a centre of academic excellence in the maritime legal field and expresses appreciation for its work, including its research activities. [Member States, the IMO organs, international organizations and all other stakeholders of the global maritime community were urged to make use of the competencies of IMLI in commissioning legal research relating to their respective fields of activity and to take into account the findings and recommendations of research work undertaken by the Institute.]

It is a matter of great pride that last December the United Nations General Assembly adopted a Resolution (A/Res/63/111) which:

"Recognizes the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, notes that the number of its graduates in more than 102 States, confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute."

It is with great satisfaction that I am able to report that [over the past twenty years 463 lawyers from 112 States and territories, from both the developing and the developed world, have completed successfully their LL.M. studies at IMLI.] Today, there is hardly a major port in the developing world, wherein the maritime community will not find the expertise of an IMLI graduate, who is able to understand and speak the language of international maritime law.

It seems to me no exaggeration to state that IMLI is a generating unique and formidable global network of lawyers, which has already started to influence the development of international maritime law. I am pleased to announce that IMLI graduates have set up a Pacific Regional Association which is actively participating in the progressive development and codification of international maritime law within Asia and internationally. In fact, the Executive Council of the 'Pacific International Maritime Law Association' (PIMLA) has asked me to convey its best wishes to the participants of this Seminar.

We are pleased to note that IMLI graduates occupy senior positions in their country's highest institutions. It gives me great pride to note that IMLI graduates are actively contributing to their country's development. Many occupy senior and prestigious positions ranging from Ministers, Chief Justices, Judges, Magistrates, Attorney-Generals, University Professors, and legal advisers to Governments.

In the international fora, IMLI graduates have demonstrated a similar aptitude for success. It is often possible to find them leading national delegations to IMO meetings and diplomatic conferences. The Vice-Chairmanship of the IMO Legal Committee and International Oil Pollution Compensation Funds are just two of the notable international posts to which IMLI graduates have been elected. IMLI's contribution to the international maritime community is vividly reflected in a statement issued at the Geneva Diplomatic Conference on Arrest of Ships. In this declaration eight IMLI graduates who were representing their country, expressed their appreciation and gratitude for their studies at IMLI, which have enabled them to contribute effectively towards the codification and progressive development of international maritime law.

It is these individual successes that illuminate our work and inspire us to move forward. They confirm, in my view, the wisdom of IMLI's founding fathers, in particular Dr. C.P. Srivastava and Dr. Joe Fenech. IMLI's achievements will remain a monument to their impressive foresight and dedication to the cause of international maritime law.

I also wish to recognise the support of Secretary-General Emeritus O'Neil. It was critical in the years when there were those who questioned IMLI's viability and role. It was therefore significant when after considerable work and effort, he was able to characterise IMLI as an outstanding success and to recognize it "as an indispensable part of the international system of maritime law".

I also wish to record my gratitude for the great support and generosity of the current Secretary-General, who over the past years has, despite his many commitments, supported the work of IMLI. We are extremely honoured to read that Mr. Mitropoulos was able to write recently:

"...over the years, IMLI has produced a body of expert and qualified maritime lawyers who are now, collectively, making a very positive and valuable contribution in pursuance of the causes espoused by IMO – safe, secure and efficient shipping on clean oceans. In pursuing its noble educational objectives, IMLI has drawn praise from the highest quarters."

I hope, in my address, I have managed to transmit to you some of the important features of our exciting work and its global ramifications in the service of international maritime law. I wish to conclude by expressing my gratitude to all who have helped in ensuring that IMLI provides excellent and unique training in the field of international maritime law.

Finally I wish to address our graduates: Your achievements will continue to embellish the Institute's academic reputation. We are proud of your efforts and confident that you will utilise the knowledge and training you have received in the service of the rule of international maritime law.

Thank you very much.

ADDRESS ON “ACADEMIC PROSPECTS OF IMLI” BY PROFESSOR FRANCIS M.B. REYNOLDS Q.C.



Professor Francis M.B. Reynolds Q.C., (*Barrister/Professor Emeritus, University of Oxford/IMLI Visiting Fellow*) delivering his address on “Academic Prospects of IMLI”

I feel much honoured to be asked to speak in such august company as the Secretary-General, and Ambassador Vassallo, to say nothing of Professor Attard, on this auspicious occasion which marks 20 years of consistent achievement on the part of IMLI. I have now been visiting IMLI for 12 years (though I did miss one). I was first introduced by Mr Bill Birch Reynardson of the CMI, which has long been a supporter of IMLI; Mr Birch Reynardson, with others, was at the time very active in making that support practical. In fact he came and sat in the front row at the first lecture I gave, which initially somewhat alarmed me, but I suppose I must have passed the test because I have kept on being invited.

What I have seen is a remarkable development over the years. It is no disrespect to previous generations of students to say that they seem to get better each year: I said this last year and I say it again now.

In a sense I am repeating what previous speakers have said both today, and in visits during the year reported on the web. But I make no apology for saying again that I believe the function performed by IMLI is a most valuable contribution to the international maritime community.

If one looks at the syllabus through which the students are taken (I almost said, which is inflicted on the students) one can only say that the coverage is immense. Although Professor Attard and the Secretary-General have made reference to these, I give now an extended version. It ranges from straight private shipping contracts for carriage by sea and marine insurance, and the specific maritime additions as to collisions, salvage, general average, towage, pilotage, tonnage limitation and ship arrest to the public international law of the sea and the law of international institutions, environmental law, maritime labour law, international safety and regulation and security.

Few if any people could be expert in all these topics; but any person seriously involved in maritime matters at governmental level must be at the very least quite fully aware of their existence, outline and structure, and must know how to find out, quickly, more about anything they encounter which is significant but unfamiliar. An example is piracy: to how many of us had it occurred before recent events that there may on the present state of affairs be nothing to do with pirates but release them? Taking them far away to the arresting country may be of doubtful value and they may sometimes even regard this as a benefit.

I believe that the value of the IMLI Master’s degree conferred on its students on Saturday is that it makes those already concerned, or about to be concerned, with maritime matters aware of the breadth of the topic, of the many technical

fields involved. In some of those fields they will have become skilled (or may already have been skilled when they arrived); as regards others they will finish the course knowing the pitfalls and traps to be avoided in the overall pursuit of preserving the rule of international maritime law and preserving the lives and livelihoods of sailors the world over. It is of course to the latter topic that the IMO, whose Institute this is, is dedicated.

As has already been described, the students, in addition to taking in the broad coverage I have listed, prepare research papers, often on matters relevant to their own jurisdiction, and engage in drafting exercises. Despite differences in language, these are surely a most valuable part of the course for people who may themselves become involved in drafting, or its scrutiny. The process is overseen by an external examiner in accordance with normal university procedure; and the students have the use of an excellent and well-run library of which I remember Professor Tetley saying to me: “And all this is for 30 students?”

Over and above the formal course itself, a long line of distinguished personages from the shipping world visit and share their experience with those on the course – finishing this year with the Secretary-General of the United Nations, whose office is not of course directed to shipping but who stands as a symbol of international cooperation.

I should note also that the Institute confers other qualifications: an Advanced Diploma, and a Doctorate, of which the second was obtained this year by Dr Patricia Mallia, an old friend of the Institute. It concerns “Migrant Smuggling by Sea”, a public international law topic highly relevant in Malta at this time, and of course not only there.

In my view the IMO, the Government of Malta, The Nippon Foundation and other supporters such as the CMI are to be congratulated on supporting the institution now celebrating its 20th birthday. We must congratulate the students also on successful completion of the course, and we know that they will now be adding to what has for twenty years been a worldwide IMLI fraternity. Finally, we must not forget thanks to the small but lively band of people who run the place, starting with Professor Attard (assisted by his valued secretary Josephine), and taking in the rest of the staff, academic, administrative and domestic – and if I may be permitted an in-joke that not everyone present will understand, not forgetting the cats, who while they come into none of these categories are certainly a conspicuous feature of the institution.



Distinguished guests attending the seminar

ADDRESS ON BEHALF OF IMLI'S HOST STATE

BY AMBASSADOR LINO VASSALLO



Ambassador Lino Vassallo (*Permanent Representative of Malta to IMO*) delivering his address on behalf of IMLI's Host State, the Government of Malta

Mr Secretary-General, Mr Secretary-General Emeritus, Distinguished Colleagues, Distinguished Guests, IMLI graduates wherever you are all over the world.

Mr Secretary-General, Mr Secretary-General Emeritus, Distinguished Colleagues, Distinguished Guests, IMLI graduates wherever you are all over the world.

I am privileged not only to have been invited to participate at this commemorative event but also to have been asked to share some of my thoughts with you.

Of course this is not meant to be an exhaustive and lengthy presentation. The occasion and time constraints call for brevity. As I said I shall just share some thoughts with you. After all the IMLI success story does not need a great deal of talk. It is there for all to see, for all countries, large and small, rich and poor, developed and developing to benefit from. After all the sea is one. The maritime industry is one global activity - mare nostrum as the common heritage of mankind. We cannot talk and act within the constraints of regionalism but we need the broadness of universality.

And that is the IMO International Maritime Law Institute: to serve the rule of international maritime law.

IMLI had existed long before it was born.

Yet there was a time when there was no IMLI, that is, until three men of vision and determination got together and overcome all odds and created IMLI. And that is not all. The fathers of IMLI have succeeded to infuse their enthusiasm on others and that is one reason why IMLI is today a sustainable Institute.

It is said that to accomplish great things, we must not only act, but also dream; not only plan, but also believe.

The firm belief in the need of universal application of IMO standards and conventions and the importance of training to realise this vision had long been the hallmark of Dr CP Srivastava Secretary-General of the International Maritime Organisation. The success that was the World Maritime University, his brainchild, was ample proof of this.

The firm belief in Malta's vocation as an international service centre and a centre of excellence and, the commitment and dedication of the Honourable Dr Joseph Fenech Malta's Minister responsible for maritime affairs was known to all in Malta and, also abroad to quite a number of people Dr Fenech was dealing with in his relentless pursuit of this goal. Malta's success as an international maritime and service centre, particularly the establishment of the Maltese shipping register as one of the largest in the world but, more important still, as a most reputable flag, is in great part due to his vision and sheer determination.

The firm belief in the wide dimension that is international law to serve a new world order distinct and above the narrow approach of unilateral, national or regional action had already been amply demonstrated by Dr David Attard a man of international standing particularly in his career (or should I call it mission) as Professor of International Law at the Universities of Oxford and Malta. This vision was also to be demonstrated once more in Professor Attard's initiative that led to global awareness and international action on climate change, incidentally the topic of this year's World Maritime Day.

The seed that eventually gave birth to the IMO International Maritime Law had long been there.

Some men see things as they are and say, "Why?". George Bernard Shaw continued "I dream of things that never were and say, "Why not?".

It was twenty one years ago that three men of vision together worked on each other's ideas, strengths and initiatives and in a short time, so typical of these three wise men of action, set up IMLI.

IMLI which had existed for so many years was born. If one takes IMLI for granted one could almost be forgiven. There is such an obvious need for this institution that one wonders why it has been with us for only twenty years. During this time IMLI, without much ado, has taken its rightful place within the global international maritime law set up becoming an integral part of the training programme that is the key to the implementation of international and regional maritime law regime.

Nevertheless, the water is deeper, much deeper. During a similar celebration to that of today involving both WMU and IMLI I had said that we are celebrating the fact that the pen is mightier than the sword. I reiterate this today.

Criminalisation, unilateral action, patronization are non achievers. If, I repeat if, ever they would achieve anything it would be short term. That the quality and safety culture is becoming so universally ingrained as to guarantee a continuous process of improvement, in itself leading to implementation as a natural way forward, could only be achieved through the substantial training programme of which IMLI is one important component.

IMO has been successful, very successful. Only those with a very narrow vision, who have no idea what are the real achievements of this Organisation, who have no idea what shipping is all about, what is the maritime industry, say differently. IMO does not govern by dictat but by belief and universal application. This is the real success of IMO.

Malta is proud to be a contributor to this process particularly through IMLI which Malta proudly hosts and supports.

IMLI like WMU is motivated by the old saying usually attributed to Confucius: Give a man a fish, and you'll feed him for a day. Teach a man to fish, and you have fed him for a lifetime. Translated conceptually this means: education is the most important thing you can give someone to better his circumstances. IMLI really and truly serves the rule of international maritime law.

The success and achievements of these last twenty years are a tribute to these founding fathers represented here today by none other than Professor Attard himself. The maritime industry pays tribute to three of you. Gratitude and tribute goes to you Mr O'Neil, Secretary-General Emeritus and to you Mr Secretary-General Mr Mitropoulos for your continuous support and who over the years led successive Board of Governors that included stalwarts like the late Professor Muller of Switzerland. Our grateful thanks also goes to the first IMLI Director, Professor P. Bernie, to a long list of sponsors and donors, represented here by none other than Dr Sasakawa of The Nippon Foundation who supports IMLI through a belief in its need, to the resident and visiting professors and, to the IMLI staff.

Alas, each for his own reason, Dr Srivastava and Dr Fenech cannot be with us. While they would have been proud of what has been achieved, nonetheless they would have spurred us on for more. Already IMLI, emulating the oceans it serves, has spread to all four corners of the world without any political, economic or racial barriers. Considering the sceptical acceptance of the Institute in the early days this is indeed a great achievement.

Perhaps now is the time for WMU and IMLI, while maintaining their separate identities, to collaborate to fill the gaps in the training programme, especially institutionalised short term professional training. Building on what already exists particularly the strengths of the two institutions and the diversities of their two localities but both enjoying freedom of movement between their host countries, WMU and IMLI together can ensure the wholeness of the training programme.

To the founding fathers of IMLI and to you Mr Secretary-General Malta reiterates its support not only for IMLI which we shall continue to host, but for the whole training programme. The education and training programme makes possible the realisation of the work of this Organisation in a solid and universal manner.

Dear IMLI graduates do not be disheartened by what you have experienced here today. Life at IMO is not only listening to the podium. We await your participation. Your education and training will enrich the debate and will strengthen the universality of this organisation.

Happy birthday IMLI. Never rest on your laurels but harness the wind of your success to sail ahead.

Yet, never must we forget that the pen is mightier than the sword.

Thank you.



CHAIRMAN OF THE NIPPON FOUNDATION RECEIVES IMLI AWARD



H.E. Mr. Eftimios E. Mitropoulos (*Secretary-General, IMO and Chairman, Governing Board of IMLI*) presenting the IMLI “Award for Meritorious Contribution towards the Dissemination, Harmonization and Implementation of International Maritime Law” to Mr. Yohei Sasakawa (*Chairman, The Nippon Foundation*)

In recognition of the contribution made by The Nippon Foundation, during the Commemorative Seminar to celebrate IMLI’s 20th Anniversary held at the IMO Headquarters in London on 5 May 2009, the IMLI “Award for Meritorious Contribution towards the Dissemination, Harmonization and Implementation of International Maritime Law” was conferred upon Mr. Yohei Sasakawa (Chairman of The Nippon Foundation).

As a result of his unwavering efforts a joint project between the two institutions entitled “Human Resources Development Project for the Advancement of a more effective Legal Order for the Oceans” was launched in 2003 demonstrating the full support of The Nippon Foundation to the Institute’s objectives.

The aim of this common undertaking is to contribute to the promotion, adoption, effective implementation and enforcement of international maritime conventions adopted under the aegis of the United Nations and the International Maritime Organization, and to encourage greater participation by developing States, particularly Asian, in the major international maritime law conventions and legal instruments.

The Project has been successful due to the fruitful collaboration between the two organizations. To date, the Project continues to offer post-graduate study and research opportunities in international maritime law for deserving candidates. For this purpose the Institute provides its academic and technical expertise and The Nippon Foundation is generously providing scholarships which enable deserving candidates to pursue their studies in international maritime law at the Institute.

In total, so far, fifty-six lawyers from thirty-two States have benefited from the scholarships awarded under the Project.



Mr. Yohei Sasakawa (*Chairman, The Nippon Foundation*) placing IMLI’s badge on the IMLI Map to mark the participation of the first Japanese lawyer (Mr. Takashi Arikawa) in the Institute’s LL.M. programme.



Mr. Yohei Sasakawa (*Chairman, The Nippon Foundation*) with the Nippon Scholars of the IMLI Class of 2003-2004.

ADDRESS ON “IMLI’S ROLE IN CAPACITY BUILDING”

BY MR. YOHEI SASAKAWA



Mr. Yohei Sasakawa (*Chairman, The Nippon Foundation*) delivering his address

Distinguished Guests, Ladies and Gentlemen,

It is a great honor to have this opportunity to address you here today. I especially wish to thank Secretary-General Mitropoulos and Professor Attard, for their strong support.

Six years ago, The Nippon Foundation launched a scholarship program to develop the human resources needed to promote a maritime legal order around the world. In these six years, we have provided scholarships to 56 recipients in 32 countries. I am very proud that our program has contributed, even in a modest way, to the development of IMLI and the international maritime community. I am equally proud that our efforts in support of IMO and the Institute’s development are being recognized in this way.

I am well aware, however, that in receiving this award, we are also being encouraged to make even greater contributions to the Institute’s development in the years ahead. I am very pleased, naturally, to accept this award along with the commitment that it implies.

I would like to express my highest praise and deepest appreciation for the contributions made to the maritime community by the Institute’s graduates. Praise also goes to the IMO and IMLI for the research that they have undertaken during the past 20 years.

The United Nations Convention on the Law of the Sea states that the seabed and its resources are a “common heritage of humankind.” As such, everyone alive today has a responsibility to pass on the oceans, in good order and in sustainable condition, to the next generation.

This was the position advocated by Malta’s Ambassador to the United Nations, Arvid Pardo, in 1967. Roughly 20 years later, IMLI was established, in 1988. Today, yet another 20 years on, the Institute has reached a new milestone in its history. In the interim, the human race has made increasingly active use of the seas in order

to secure its survival and prosperity. The scope of our activities has now reached tremendous proportions, and our impact on the oceans has been significant.

Looking ahead 20 years to 2030, the Earth’s population is projected to reach 8 billion people. Twenty years beyond that, in 2050, it will top 10 billion. Today, the relationship between mankind and the oceans is entering a new phase. In the near future, humanity will have to depend more and more on the oceans for the resources indispensable to survival - including food and energy.

Life originated in the oceans, and today our lives continue to be supported by the oceans. Our human habitats, however, have now expanded to the point that they are destroying Nature’s ecological systems. Today, order is being lost, the oceans are being ravaged, and the seas are slowly becoming a garbage dump for the products of human greed. If we continue to use the oceans - oceans which are finite - in ways that ignore international order, our “common heritage of mankind” could be totally depleted within our lifetime.

To avoid that fate, we must carry out our responsibilities as users and beneficiaries of the oceans. We must change our notion that the oceans are “infinite.” We must protect the oceans, and take proper action against the undesirable changes they are undergoing. And to show us how, we need outstanding human resources that can tackle the many problems affecting them, flexibly and with foresight. We need people who can make the international law of the sea firm and secure.

Contamination of the marine environment is a problem that goes beyond national borders. Marine pollution has the potential to cause serious damage to all populations living along ocean shores. We therefore must join hands across borders to take action against contamination of our oceans.

Today, the development and use of newly discovered deep-seabed resources is raising legal and policy issues of a kind man never before envisioned. We must address them using our collective wisdom, by adopting new and flexible approaches.

Today, we also see a rash of hostage-taking and the plunder of property at sea. This is a situation that cannot be stopped by a single country acting alone. To confront these evils we face in common, we must all join forces and cooperate to restore order to our oceans.

Before the oceans are completely used up, those of us alive today must cultivate farsighted human resources with the capacity to pass safe, secure oceans to the generations of tomorrow. We must also work together to confront the problems affecting our oceans today, as well as the problems likely to arise tomorrow. I strongly believe that these tasks and ideals will be embraced by the talented individuals who have already graduated from IMLI, and by those who will follow in their footsteps in the future.

Ladies and Gentlemen,

Today, human greed is slowly changing our peaceful oceans into places of anarchy and plunder. I am referring of course to the problem of piracy in the waters off Somalia.

I have long been involved in securing the safe passage of ships in the Malacca and Singapore Straits. This is an area once known as a pirates' nest. In recent years, however, incidents of piracy here have declined significantly. This success owes to international cooperation - cooperation centering on Japan - in actively supporting the framework of countries that border the straits and the countries and companies that use them. Through the years, The Nippon Foundation has participated in many discussions and projects relating to piracy in this region. If I may, I would like to briefly offer you my views, based on our experience in the Malacca and Singapore Straits, in the hope of restoring order to the waters off Somalia.

Currently, naval vessels from some 20 countries are patrolling the waters in that area. In spite of this, there have already been more than 60 pirate attacks there this year. This is more than half of last year. And there are no signs that this alarming trend might end. The responses to this crisis have been varied and makeshift. If the situation continues, the cost burden will likely bring today's patrol activities to an end. Clearly, a very long time will be required before order is restored.

To effectively combat piracy in this broad area, unity is required. In this respect, doubts persist as to whether the activities of the countries involved are being carried out in an organized and efficient manner. Inevitably, a new framework must be established.

Ladies and gentlemen, piracy is a scourge that affects the entire world, and combating it is in the interests of the entire international community. It is projected that ultimately about 40 countries will participate in fighting piracy off Somalia. I believe that never in history have so many nations coordinated together like this for a common purpose. On this occasion, it is vital for the international community to seek out a new framework, based on a new way of thinking, to combat this new enemy.

Earlier, the international community created a system to prevent the recurrence of conflict and maintain peace. I am referring to the United Nations' peacekeeping operations, or PKO. Since their inception, PKO initiatives have produced many positive results. I suggest that activities by the UN, based on a new way of thinking, are needed for fighting piracy. In the same way that the PKO initiative was jointly devised, I think the time has come for mankind to pool its collective wisdom and implement new activities. We must work under UN leadership to restore peace to the world's oceans. We might call such activities an "OPK," or Ocean Peace Keeping, initiative.

I hear that the IMO is now coordinating internationally to strengthen and develop coast guard forces in the coastal nations affected by the recent spate of piracy. I understand that the final goal is for those nations to take charge of counter-piracy duties themselves. My OPK agenda would be an efficient response to the needs of

the international community until the new coast guard systems are fully prepared. The nations of the world would join forces and act in unison.

It may sound like I am proposing a dispatch of warships on a grand scale. The activities I envision, however, would include, for example, monitoring, from air, land and sea, the coastal areas near pirate strongholds. The information gathered this way would then be used by naval vessels to crack down on and prevent piracy, including blocking the transport by sea of weapons to the pirates. Through the sharing of command and communication systems, as well as a common code of conduct, we should be able to look forward to well-controlled and effective activities.

In tandem with these activities, of course, it will also be necessary to take steps to strengthen the patrol capacities of the coastal countries, and to both restore security and combat poverty in the areas where the pirates have been based. In addition, while it is critical for the international community to cooperate in dealing with piracy, I think the time has come to expect the private sector to also make various contributions.

The breakdown of order, resulting from piracy and terrorism, is not only a topic of discussion at IMO; it is also frequently debated by the international community. And as one would expect, it is also a hot topic at IMLI.

We all share the world's oceans. Environmental destruction in any single country can have an immediate impact not only on neighboring countries, but also on the world as a whole. Examples of this kind would be the contamination caused by a disaster at sea or destruction of the ecosystem by ballast water.

Issues affecting the oceans - issues such as erosion of safety at sea and destruction of the marine environment - always have the potential to become international problems. Today, rapid innovations in technology and economic development are making maritime issues increasingly complex. To cope with these issues, we have two urgent duties, from both the legal standpoint and that of marine stewardship and ocean policy. One is to exercise discretion so as not to destabilize international relations, all the while avoiding conflicts of interest among neighboring parties. The other is to develop human resources with specialized knowledge of the oceans and a broad, global perspective.

In light of this situation surrounding the international maritime community, The Nippon Foundation hopes to launch, over a period of five years, two brand-new courses at IMLI. One relates to the preservation of the marine environment and the other is dedicated to maritime security.

Our hope is that, together with the Institute's traditional global network, these two new courses will result in the emergence of outstanding human resources from IMLI. These professionals will proactively work to influence the creation of rules of the sea at the IMO, and will possess the flexibility to deal with changes affecting the world's oceans. We are confident the two new courses will provide rich soil for developing the people on whose shoulders will rest the future stability of international marine order.

Along with the initiatives taken by the IMO and governments around the world, I believe IMLI is capable of developing ways of achieving a new maritime community and a new marine order that go beyond conventional methods, fixed ideas and legal conventions. It has the capacity to develop the human resources needed to accomplish those tasks. It can then actively apply the results of that development to the maritime community. And to support those positive, forward-looking activities, The Nippon Foundation stands ready to do everything within its means.

Ladies and Gentlemen,

On the occasion of this 20th Anniversary Seminar, we truly look forward to the Institute's taking yet one more great step forward.

Thank you.

PROGRAMMES OFFERED BY IMLI

Established under the auspices of the International Maritime Organization (IMO), a specialized agency of the United Nations, the IMO International Maritime Law Institute (IMLI) is an international centre of postgraduate education and training in all aspects of maritime law. It is headquartered on the campus of the University of Malta.

IMLI offers three programmes – Ph.D., LL.M., and Advanced Diploma – and a wide number of short, modular courses.

Master of Laws (LL.M.) in International Maritime Law

The Master of Laws (LL.M.) Programme in International Maritime Law is held over one academic year, beginning in September and running until May of the following year. It covers all areas of shipping law, the law of the sea, marine environmental law, maritime security law as well as legislative drafting. The programme is intensive, and comprises taught courses and research work.

Participants are given special training in the techniques of implementation of international maritime conventions and regulations into domestic legislation. The Faculty consists of a Director and full time international staff who are responsible for the general teaching and supervision of the courses. The Faculty is complemented by several eminent personalities including distinguished academics, maritime lawyers and judges of international repute who lecture on various international maritime law topics, on which they are leading experts.

Candidates are generally nominated and supported by their Governments, but seats are also allocated to independent candidates. Candidates must have obtained a university degree in law as a condition for enrollment. The Programme is delivered entirely in English, as such, proof of proficiency in the English language is required. Due to the intensive nature of the Programme, the number of admissions is limited for each academic year. Accommodation facilities are available on the premises.

Since the establishment of the Institute 20 years ago, 428 lawyers from 111 States have graduated from the Institute's LL.M. Programme. Graduates are instrumental in advising their Governments on the need for new or revised laws and regulations in maritime affairs and on their implementation. A high number of IMLI's alumni occupy senior positions in Government and shipping companies.

Doctor of Philosophy (Ph.D.) in International Maritime Law

The Doctor of Philosophy (Ph.D.) programme is exclusively research-based and involves the writing and defence of a 100,000-word thesis in an area of international maritime law. A prestigious list of world-renowned experts in maritime law act as supervisors. This is an external degree which must be completed within three to five years and may be undertaken almost entirely from abroad. A Master's degree and university education in law are considered as pre-requisites.

Advanced Diploma in International Maritime Law

The Advanced Diploma Programme in International Maritime Law is designed to benefit professionals (including those at the most senior levels) who are involved in maritime practice both in the private and in the public sectors and who, because of their careers, are unable to be away from their jobs for any length of time in excess of a few weeks per year. The Programme is structured on a credit system. Candidates must earn a sufficient number of credits after following and successfully completing courses on distinct subject areas to allow him or her the award of an Advanced Diploma. The Programme is open to non-lawyers. Candidates are required to possess a degree from a recognized University or other academic institution, or must possess qualifications of comparable standards, including relevant professional or practical experience, or both, recognized for this purpose by the Institute.

Short Courses

Modular, short-term courses are offered throughout the academic year on selected topics of maritime law. These courses are open to non-lawyers. On request, IMLI also provides tailor-made, intensive training courses and seminars to corporate and international organizations.

