

Speech to students of IMLI

29 March 2017

**By Kitack Lim, Secretary-General
International Maritime Organization**

Ladies and gentlemen, IMLI students,

It is a genuine pleasure to be with you today, and to have this opportunity to say a few words to you. When I look around at all of you here today, studying to improve your own lives and to make a positive contribution to your home countries, I really feel a strong sense of optimism and a bright future ahead.

As students at IMLI, you are already part of a great family – the family of IMO. I, myself, am a graduate of IMO's other educational establishment, the World Maritime University, so I can really appreciate what an important time this is for you and how valuable your experiences here will prove to be as you pursue your careers in the future. Who knows where this experience will lead you? Maybe today am I talking to a future Secretary-General? I hope so!

Since its formation, nearly 70 years ago, IMO's main task has been to develop and maintain a comprehensive regulatory framework for international shipping. Its mandate was originally

limited to safety-related issues, but subsequently this has expanded to environmental considerations, maritime security, legal matters, technical cooperation and issues that affect the overall efficiency of shipping.

One major output of IMO's work is a comprehensive body of international conventions, supported by literally hundreds of guidelines and recommendations that, between them, govern just about every facet of the shipping industry – from the drawing board to the scrapyard.

But developing and adopting conventions is an empty exercise unless the requirements of those conventions are properly and effectively implemented. And that is where you come in.

The adoption of an IMO convention can feel like the end of a process. A conference is held, the text is agreed, and everybody shakes hands. But adoption of a convention should not be the end. If anything, it should be just the end of the beginning, because an IMO convention is only worth anything if it is effectively and universally implemented.

All those hundreds, even thousands of hours spent refining the text, all that technical expertise that has been poured into it, all those studies and all that research count for nothing unless the

end result has a tangible impact. For that to happen, ratification, widespread entry into force and effective implementation are all needed. And these are every bit as important as the development and adoption of the convention itself.

In practice, implementation involves a number of different actors including shipping companies, classification societies and even seafarers. But, ultimately, there is a legal responsibility, and that lies with the IMO's Member governments.

According to international law, once treaties are adopted they generally need to be incorporated into national law in order to become binding legal instruments. In many cases, the people with this responsibility are IMLI graduates and I am sure many of you will join their ranks in the future.

Most States use the time between signing a treaty and depositing their instrument of ratification to draft and pass the necessary law through their domestic parliaments. This is generally time well spent because it means the States are able to implement their convention obligations as soon as the treaty enters into force.

But it is not always straightforward. Occasionally, States may ratify a treaty without having put in place the various legislative, administrative and other practical measures needed for effective implementation.

According to the Vienna Convention on the law of treaties, shortcomings in national law are no excuse for non-performance when it comes to international instruments. That is why those of you who will return from IMLI to your countries to carry out this task will have such important work ahead of you.

From IMO's perspective, it is not within our mandate to question whether a State wishing to ratify a convention is ready to implement it. Nevertheless, we do have a number of ways in which we can help our Member States in this respect.

For example, we give widespread publicity to newly adopted regulations and standards. We try to identify problems that States may be encountering and promote discussion and seek solutions in the relevant IMO committees. And, through our technical cooperation programme, we offer advice and practical assistance to help developing countries establish and operate the legal, administrative and human infrastructure they need to comply with the applicable regulations and standards.

But, in many cases, there is a lack of effective national legislation for the implementation and enforcement of IMO conventions – and a clear need for expertise in international maritime law within IMO Member States (and in particular developing States) to ensure that IMO treaty provisions and rules are incorporated, implemented and enforced through the native legal system.

For me, this is a crucial problem; but together, we at IMO and you, IMLI students, have the capability to tackle it.

And, if we succeed, the benefits will be felt far beyond the world of shipping. A proper, effective national framework of shipping laws, together with the capability to enforce them, enable a country to participate fully in a broad range of maritime activities. And, for developing countries in particular, maritime activity can both provide a source of income in its own right and support growth and development across an entire national economy.

As I mentioned a few moments ago, international shipping now has a comprehensive regulatory regime that covers just about every aspect of ship design, construction and operation, as well

as related issues like liability and compensation, wreck removal and ship recycling.

This regulatory framework will inevitably need to be amended and upgraded, to keep pace with technological developments and with the changing expectations of our Member Governments and the populations they serve.

IMO is the single, global body for maritime policy and regulation. Over the past half-century, it has had a huge beneficial impact on shipping and this has been felt by all those who rely on the industry. Looking ahead, I would like to see the positive benefits of IMO's work spread even further.

IMO treaty instruments do an excellent job in defining the rights and privileges and, at the same time, the duties, obligations and responsibilities of nations in their use of the world's seas and oceans. And, for these international legal measures to be effective, States, in their turn, need to enact appropriate domestic legislation to reflect their provisions and provide, thereby, a mechanism for implementation and enforcement.

By providing a steady influx of highly trained legal professionals, IMLI has been instrumental in enabling this to happen. IMLI graduates now occupy positions of great

responsibility throughout the maritime world and their knowledge, expertise and influence has been of immense and tangible benefit, particularly for the developing world, and indeed for all the economies and communities that rely on the safe and secure passage of their goods across the seas.

And I am confident that, in the future, as many of you here today go on to join that growing band, your own contribution will be equally strong and equally valuable.

Thank you.
