



The first year

The first year of any venture is also necessarily something of an adventure into unknown and uncharted territory and so IMLI's first year proved to be for both staff and students. Neither group knew quite what to expect of Malta, of each other, of the content of courses, the teaching methods or - the most unknown quantity of all - of the examinations since inevitably no past question papers or students could be consulted. The fact that only two of the 19 students came from Malta and the other 17, five of them women, came from 17 different developing countries, also presented a considerable challenge as they had to learn not only a great deal about

maritime law but also about each others' cultures and cuisines and the special peculiarities of living on a tiny island in the Mediterranean with its own special culture, language and history.

Needless to say both staff and students must have viewed the future with some trepidation when we officially opened our doors on October 1st, 1989. It was with a growing sense of relief and satisfaction that we realised quite quickly that this innovative academic experiment was going to work; that there was both sufficient good will on all sides and a sufficiently high level of ability and dedication to

study on the part of the students to ensure that the maximum benefit was obtained. The course syllabus, at first seemed dauntingly full. It covered not only shipping law but an introduction to the basic principles of international law, to international institutions, including extensive coverage of the IMO, and to the origin, concepts and development of international environmental law and the vast range of issues comprehended in the modern law of the sea. But gradually it shrank to manageable proportions as the topics were covered both by the permanent and part-time staff and by numerous distinguished visiting lecturers to whom, for their indispensable assistance in our first year, we will remain forever indebted.

(cont. on pg. 2)

Message from Mr. William O'Neil, Secretary-General of IMO

Since meeting for the first time in 1959 IMO has always acted on the principle that its conventions, codes and other measures depend for their effectiveness on people. It is people who draft them and adopt them and it is people who put them into operation. It is people, in short, who make IMO measures work.

The Organization has had a flourishing technical co-operation programme since the 1960s, the emphasis of which has always been on training. Numerous maritime training academies all around the world have been established and developed with the assistance of IMO to ensure that the world's seafarers are able to meet the high standards required by IMO instruments.

In more recent years the Organization has established the World Maritime University, which is improving the standards of management on shore around the world. The IMO International Maritime Law Institute is the latest training institution to be opened by IMO - and one of the most important.

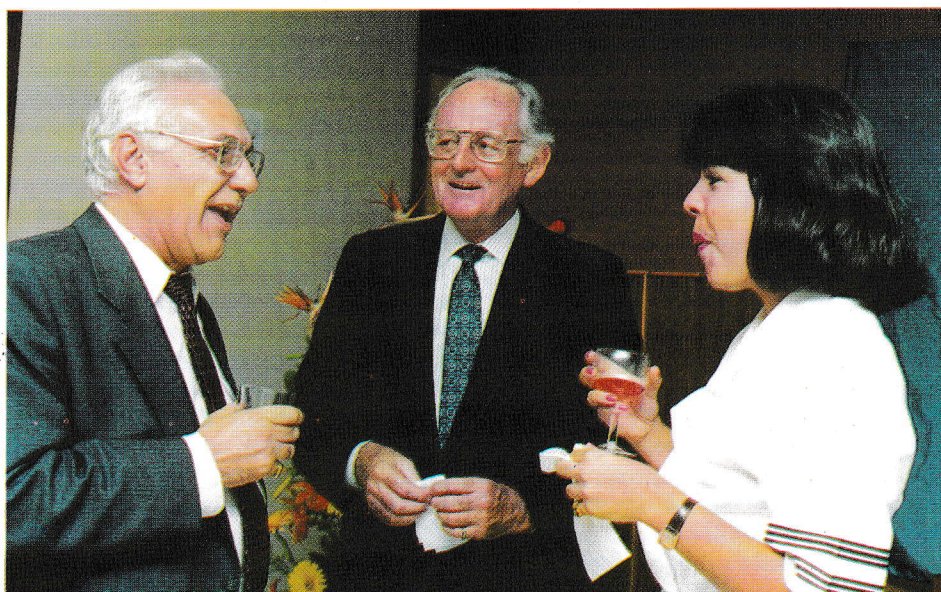
All IMO conventions, codes and resolutions are legal instruments. They have to be carefully examined before

ratification can be considered and then have to be incorporated into national law before they can be enforced.

It is highly technical and important work, for what is done by the legislators forms the basis for everything that happens later on.

The graduates of the IMO International Maritime Law Institute therefore have a vital role to play in IMO's quest for safer ships and cleaner oceans. That is why it is with the greatest possible pleasure that I send this message and wish every success to the Institute, the staff, the graduates and the students.

I trust the Newsletter will prove to be a useful source of information to you all now and in the years to come.



The Secretary General (center) in one of his visits to IMLI, with Dr. Joe Fenech, Parliamentary Secretary for Maritime and Offshore Affairs, who was instrumental in the setting up of IMLI and Ms. Iria I. Barrancos Domingo from Panama who graduated last year.

The Shipping Law Programme

The Shipping Law programme at IMLI is a well rounded course embracing virtually all aspects of private maritime law. It covers both commercial and regulatory aspects, including the relevant IMO and ILO and UNCTAD Conventions. In these respects, the programme is comparable to similar shipping or admiralty law programmes taught at major universities or institutes elsewhere.

What is unique about the IMLI programme is that it includes a major component dealing with the development and drafting of maritime legislation. Approximately 25% of the academic course is devoted to this. In this course, students are first exposed to lectures and seminars on the procedures by which legislation is developed under various legal and political systems in different jurisdictions. Next, the students are given a fairly extensive grounding in the fundamental principles of statutory interpretation by study of leading cases and texts. Following this study of general legislation, the students are then introduced to the peculiarities of maritime legislation, which is highly

technical in content. Students are taught the various methods by which international maritime conventions are incorporated into national legislation. For several weeks group drafting exercises are then held, by the end of which students are well equipped to begin drafting their individual project, which constitutes 25 per cent of the final examination.

The maritime legislation course at IMLI was designed with a view to training maritime lawyers from the developing world in the techniques of modernizing and updating existing legislation through incorporation into national law of the numerous IMO and other conventions to which these countries have become parties. It is hoped that this training will be of considerable practical value and we have indeed been pleased to hear that former students are already making use of this training.

Another unique feature of the shipping law programme is the students' introduction to the technical aspects of shipping. This part of the course is

(The first year - cont. from pg. 1)

There were many notable events in our first year. We will particularly remember the official ceremony on November 7th, 1989 at which the then IMO Secretary General, Mr. Srivastava, inaugurated the Institute in the presence of the Maltese Parliamentary Secretary for Maritime Affairs, Dr. J. Fenech, the Deputy Prime Minister, Professor Guido De Marco (currently President of the UN General Assembly) and many distinguished guests; our Field Trip to London where, amongst other things, we sampled a meeting of the IMO Legal Committee and visited the International Chamber of Shipping, Lloyds and a P and I Club; our "class picnic" - a barbecue in the Buskett woods - and, of course, our Graduation Ceremony on June 23rd, graced by the presence not only of Mr. Srivastava (now Secretary General Emeritus) and Dr. Fenech but also Hon Dr. V. Tabone, the Maltese President, and Sir Robert Jennings, a member of the International Court of Justice, who gave the address to the graduating students. This was an occasion on which all members of IMLI, staff and students were ensued with a great sense of pride on their achievement and of satisfaction, that despite the ups and downs that inevitably were experienced on the journey from the opening of IMLI in October 1989 to this closing ceremony of the first academic year, we had arrived at our destination and were about to returning to their countries a

group of students well trained in all aspects of maritime law and in the elements of legislative drafting and report (essay) writing.

None of this, of course, could have been achieved without the full co-operation and support of the academic staff, both full and part-time, visiting lecturers, administrative and secretarial staff and the students themselves. Everyone had to put up with numerous practical problems when equipment was not available or simply did not work, but all the people at IMLI laboured with great commitment to make it a success and it is by virtue of their efforts that this was brought about.

Now, we have welcomed a new group of 21 students, which again includes 2 from Malta but also 19 each from a different developing country; our staff, buildings and equipment have also expanded. We thus approach the new academic year with the same feeling of adventure as in 1989 but never again will it be a venture into the unknown.

Our pioneering "trail blazers" will thus retain a special place in IMLI's history and a continuing interest in their successors, which I hope this Newsletter will encourage.

Professor Patricia Birnie
Director

introduced very early in the academic year and is accompanied by visits to the Malta harbour and dry dock. It covers subjects such as seamanship, navigation, ship construction and naval architecture, chartwork and cargo practice. As mentioned earlier, shipping law is highly technical in nature, and lawyers need to first "get their feet wet" before they can grapple with the peculiarities of maritime law and appreciate some of the oddities of maritime practice. This training certainly gives IMLI graduates an edge over some of their counter-parts elsewhere, as also does the series of lectures on the economics of shipping.

In the 1989-90 year, the first year of IMLI, several students chose shipping law topics for their essays. The topics ranged from Ship Registration, Ship-Building Contracts to Multi-modal Carriage of Goods. One of two prizes for the best essays was awarded to a student who wrote on Ship-Building Contracts. This year, (1990-91), it appears that even more students are interested in shipping law topics for their essays.

As the professor responsible for directing the Shipping Law and Maritime Legislation programmes at IMLI, I would like to extend my continuing best wishes to the first graduates in all of their future endeavours, to thank the numerous visiting professors who took part in the courses, and to welcome the 1990-91 students to another intensive and challenging but hopefully enjoyable programme.

Professor P.K. Mukherjee
Senior Deputy Director

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The IMO International Maritime
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the auspices of the International
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specialized agency of the United
Nations

At the 1989-1990 Graduation



H.E. Dr. V. Tabone, the President of Malta, being introduced by Dr. Joe Fenech to Judge Sir Robert Jennings of the International Court of Justice (center) in the presence of Dr. C.P. Srivastava IMO Secretary-General Emeritus. Sir Robert was the Keynote Speaker at the 1989 - 90 graduation.

Editorial

I have been given the privilege of editing this first issue of IMLI News. It is our intention to use this magazine as our link with IMLI graduates throughout the world. We consider them to be amongst our best ambassadors. We expect them to promote IMLI and its goals in their country. It is therefore important that the network of IMLI alumni - particularly as it grows every year - should be fully informed on all developments occurring at their Institute.

Another important function of this magazine is that of informing the international maritime world of IMLI's activities. Established by IMO, our Institute aims at providing government legal services and related maritime sectors with highly trained lawyers who are capable of assisting in the implementation of international maritime law and giving advice on international maritime legal matters.

Particular emphasis in their training is made on legal drafting techniques. This, it is hoped, will provide States - particularly developing States - with the necessary expertise to examine the numerous IMO legal instruments and advise on their incorporation into national laws.

In this respect, as Mr. William O'Neil, Secretary-General of IMO has kindly noted in his special message to this Magazine (see page 1), IMLI graduates "have a vital

role to play in IMO's quest for safer ships and cleaner oceans."

IMLI Record Corner will become a regular feature in our IMLI News. If you have anything which ought to be or might be recorded in the next issue, please write to the editor giving full details. News of developments in your career or family are of particular interest, as are foreign assignments.

Please do not be hesitant about reporting such events as they are helpful in assisting us to monitor the progress of our graduates. It is of paramount importance that you inform IMLI of any change in your address.

Finally, I would like to conclude on a personal note. I was fortunate enough to be present, in the Summer of 1987, at the now historic meeting - between Dr. Srivastava, then the IMO Secretary-General and Dr. J. Fenech - when the idea of setting up IMLI was born. We wanted to establish an institution which would assist developing States train their lawyers in international maritime law.

Today, over two years after, I am confident that IMLI is definitely on its way to developing into a center of excellence for the teaching of its chosen field of law. This success is a result of hard work and the tremendous efforts of all parties involved - particularly IMO, the Maltese Government, and the IMLI staff and students under the dedicated guidance of Professor P. Birnie.

IMLI Record Corner

.... K. Mahmud is working for the Anti-Narcotics Legal Division G. Griscti is a partner with a law firm, working in maritime law and is also legal adviser to the Ministry for the Environment K. Aquilina is about to embark on a Ph.D. at LSE but not on a maritime subject E. Daniel is back with the Maritime and Transit Services Corporation M. Lak is back with the Pakistani Navy N. Amaratunga is back working in the Attorney General's Department Fred and Venice Amoa had a daughter on July 29, 1990 A.B.M. Karim and his wife had another son in the same month. Our sincerest congratulations.

IMLI 1989-1990 Awards

**IMO Award for
Outstanding Overall Performance:**
C. Pui Ming Wong, J. Kondowe.

Malta Government, Best Essay Prizes:
Public International Maritime Law:
N. Amaratunga
Shipping Law:
N. Nwandu

**IMLI Maritime Legislation Drafting
Project Award:**
G. Royer

Graduates of the Academic Year 1989 - 1990

Joseph Athanasius, P.O. Box 47, New Port, Victoria, Mahe, Seychelles.

* *Public International Law of the Sea - The Role of Equity in the Law of Maritime Zone Delimitation.*

A.B.M. Rezaul Karim, Assistant General Manager, Bangladesh Shipping Corporation, B.S.C., Bhayan, Saltgola Road, Chittagong, Bangladesh.

* *Exclusive Economic Zone: A New Institution of Law of the Sea.*

Elias Daniel, Deputy General Manager, Maritime and Transit Services Corporation, P.O. Box 1186, Addis Ababa, Ethiopia.

* *The Convention on International Multimodal Transport of Goods: Certain Legal Issues under the Convention.*

Wandi Yamuna, Department of Transport, P.O. Box 457, Konedobu, Papua, New Guinea.

* *The Legal Significance of a Single or Double Zonal Maritime Boundary in International Law.*

Glenn G. Cabanez, Maritime Industry Authority, 1000 PPL Bldg., U.N. Avenue, Ermita, Manila, Philippines.

* *Archipelagic Doctrine.*

Lt. Cdr. Muhammed Yar Lak, Law Branch, Naval Headquarters, Islamabad, Pakistan.

* *Right of Innocent Passage of Warships in Peace and War.*

Kwacha John Chilundu Kondowe, Ministry of Justice, State Advocate Chambers, Plzag 312, Blantyre 3, Malawi.

* *Land-Locked Malawi and the International Law of the Sea.*

Cathy Pui Ming Wong, c/o Attorney General's Chambers, 4/F Queensway Government Offices, 66 Queensway, Hong Kong.

* *The International Regime of Ship Registration and the Modified Shipping Register of Hong Kong.*

Kevin Aquilina, 3 Stuart Street, Gzira, Malta

* *Maltese Legislation on the Prevention, Reduction and Control of Marine Pollution: A Critical Study.*

Iria I. Barrancos Domingo, P.O. Box 821, Balboa Ancon, Panama, Republica de Panama, Central America.

* *Genuine Link in Ship Registrations: A Spent Force in International Maritime Law.*

Nkemdilim Nwandu, Legal Adviser & Company Secretary, Nigerdock Nigeria Limited, P.M.B., 1256 Apapa, Lagos, Nigeria.

* *Shipbuilding and Shiprepair: Comparative Legal Perspectives.*

Gail Royer, c/o Ministry of Legal Affairs, Government Headquarters, Roseau, Commonwealth of Dominica.

* *Dumping of Hazardous Wastes at Sea - Legislative and Enforcement Jurisdiction under the Public International Law of the Sea: A Caribbean Perspective.*



IMLI - The class 1989-1990

Johan Fred Amoa, P.O. Box 253, Apia, Western Samoa

* *The Case for International Legal aid in Dispute Settlement.*

Ian Williams, Solicitor General's Department, Redhouse, Port of Spain, Trinidad & Tobago.

* *Abandonment of Offshore Installations in the Context of UNCLOS and the Continental Shelf Convention, 1958.*

Khadijah Mahmud, Anti-Narcotics Task Force, Block F (North), Level 6, Pusat Bandar Damansara, 50502, Kuala Lumpur, Malaysia.

* *The Conservation and Utilization of the Living Resources in the Exclusive Economic Zone (with special reference to the Situation in Asean Region).*

Yousif Zainalabeddin M. Zainal, Arab Maritime Transport Academy, P.O. Box 1552 - Sharjah, United Arab Emirates

* *Straits of Hormuz: Innocent Passage and Transit Passage in Light of the Iran-Iraq War.*

Giovanni Griscti, 13 Gort Street, Paceville, Malta.

* *Some Legal Aspects of Bareboat Charter Registration.*

Nimal Gamini Amaratunga, Senior State Counsel, Attorney General's Department, Colombo - 12, Sri Lanka.

* *The Law of the Sea and Customary International Law.*

* *Title of Essay submitted in partial fulfilment for Master's Degree in International Maritime Law.*

Students '90-'91

Mr. Hassan Rajaei, Iran; Mr. Alexander Lino Maluza, Malawi; Mr. Marc Habonimana, Burundi; Mr. Kelvin John,

Dominica; Mr. U. Khin Maung San, Myanmar; Mr. George M.A. Dulu, Kenya; Mrs. Priyani Manel Wijemanne, Sri Lanka; Miss. Pulcherie Constance Dedji, Benin; Mrs. Rubina Khurram, Pakistan; Ms. Miriam E. Samaru, Trinidad & Tobago; Mrs. Fatou Bomm Bensouda, Gambia; Mr. Manh Ha Tran, Vietnam; Mr. Emmanuel Kofi Mbiah, Ghana; Mr. Haile-Mariam Essayas, Ethiopia; Mr. Gustavo Adolfo Orellana Portillo, Guatemala; Mr. Hanung Cahyono Ismangil, Indonesia; Mr. Ricardo Fernandez Velasco, Cuba; Mr. Francisco A. Villarroel, Venezuela; Mr. Abnour Sidi Said, Algeria; Mr. Wenzu Mintoff, Malta; Mr. Mario Scerri, Gozo, Malta

Director's Appeal

The Director takes the opportunity provided by this Newsletter to draw the attention of graduates, visiting professors and all friends of IMLI to the urgent need for further contributions to:

(i) The IMLI Library, in the form either of donations of specific books or of funds for their purchase. The donor's name will be recorded in the books concerned.

(ii) The IMLI budget, in the form of either student scholarships or support for the core budget.

Their help in identifying possible donors would be appreciated, as would any gift of books or monies they themselves may be able to make.

The Director would also like to thank those governments, organizations, companies and individuals whose generosity has made it possible for IMLI to open and to build on its successful start.