

## The second year...

It is with a sense of satisfaction that I can report that we had 19 students in 1991-92 from 19 different countries, including coastal, shipping and land-locked States and representing most of the major regions of the world - Africa, Asia, the Middle East, Latin America and the Caribbean. They maintained the same high standards that were set by the first year's student body and rose to the challenge, as it had done, of leaving their home countries and families

for a whole academic year, by dedicating themselves to the intensive study of international maritime law that IMLI both provides and demands.

Though the course content remained the same, more emphasis was placed on shipping law. The number of lectures on this aspect were increased and more time was devoted to drafting of maritime legislation. Most students also chose shipping law topics for their essays.

Nonetheless, the international law of the sea was adequately covered by the Director and Professor Attard and there were several welcome visits by a number of outside experts. Dr. Müller (Switzerland) dealt with historical aspects and also the problems of land-locked states and Dr. Edeson (FAO) identified problems encountered in drafting fisheries legislation and its relevance to marine pollution. Dr. Barbara Kwiatkowska (Netherlands) identified drafting problems in relation to international straits and archipelagoes; Dr. Mensah (former Assistant Secretary General of IMO) again gave a unique

*(cont. on pg. 2)*

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

The International Maritime Law Institute has been in operation for two years now and in assessing its achievement since then I need only quote from the academic review carried out last year: 'The major and most distinct impression is that the first two years of IMLI have been most successful.'

This conclusion is very encouraging, for the success of IMLI is important not just to IMO but to international shipping as a whole. IMO is known as a technical organization, but its technical work is contained in conventions and protocols which are in fact legal instruments.

To be implemented they have to be incorporated into national laws and their enforcement then depends upon a legal process that ultimately may necessitate court proceedings. Implementation of IMO measures, in short, depends upon competent maritime lawyers as well as seafarers, administrators and shipping companies.

It is well known that many countries have been hindered in developing their

maritime resources by a lack of expertise. This is not something that can be obtained easily. In the established maritime countries expertise has been gathered over many centuries and is passed on by well-tried means. The developing countries do not possess the advantage of these long traditions.

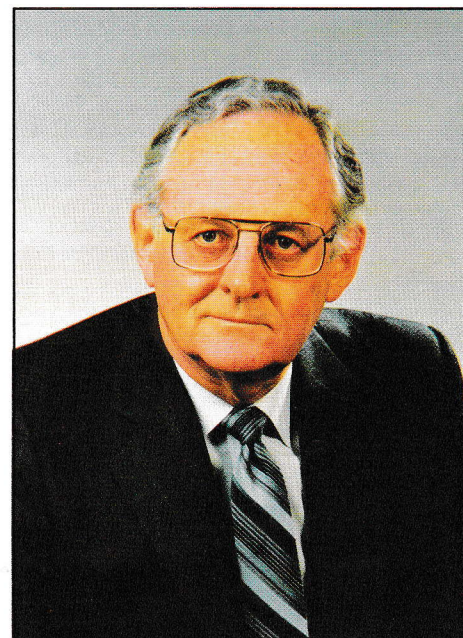
IMLI was founded to help fill this gap. Like all new ventures it was something of an unknown quantity and nobody was sure how it would develop. But those of us who have been privileged to be associated with the Institute during its first two years have been delighted at what it has achieved.

Credit must go to the Government of Malta for its unfailing support, to the Director and the academic staff, including the visiting professors who have been so generous with their time and expertise.

But I think all of them would agree that the greatest credit should go to the students themselves. In the words of the academic review they have been a very heterogeneous group, but have

had much in common. They have been 'well qualified, very mature and extremely dedicated and hard-working. It is therefore no wonder that they in general have achieved excellent results in their studies.'

The founders of IMLI can ask for no greater reward than the success of the students who have come to Malta. The Institute has carried out its initial mandate in fine style. I am sure that it will go on to even greater success in the future.





# The Shipping Law Programme

During the second year of IMLI, the shipping law programme overall, was more intensive than before. The programme not only covers the commercial and regulatory aspects of maritime law in a substantive way, but also includes a fairly comprehensive study of the technical and economic aspects of ships and shipping in a series of introductory lectures. Of course, the maritime legislation component of the IMLI course is also, in essence, a part of the shipping law programme. The three elements thus constitute a programme of studies that is unique and challenging.

In the 1990-91 academic year, the technical aspects of shipping were covered in considerable detail, although the principal topics generally remained the same. More emphasis was placed on topics such as navigation and chartwork, aids to navigation, ship stability and cargo work, which have a direct bearing on maritime law. This part of the programme was taught entirely by the Senior Deputy Director and covered during the first week of the academic year. As before, visits to the port, dry docks and ship yard were organized, including a conducted tour of the Sea Malta Ro-Ro ship, the ZEBBUG, all of which proved to be extremely informative and fruitful for the students.

*(second year - cont. from pg. 1)*

insight into the role and operations of IMO in treaty and other forms of maritime and environmental law making.

We recorded a number of special events during the year, including a successful Field Trip to London in June during which visits were paid to the IMO, where we were addressed by the Secretary-General, the members of the Legal Division and the Director of the International Maritime Bureau. We also visited an Admiralty Court, the Standard P&I Club, the International Chamber of Shipping, the Baltic Exchange, Lloyds and Lloyds Register. Enjoyable barbecues were held at the beginning and end of the year at Paradise Bay and in Buskett Gardens. The culminating event, however, once again was our graduation ceremony held on June 29th, 1991 at which an outstanding address to the graduates was given by Sir Nicholas Phillips, an English High Court judge. Addresses were given, and prizes presented by the Director; by the Hon. Dr. Joseph Fenech, Parliamentary Secretary for Maritime Affairs, and by Mr. Magnus Goransson, Head of Legal Services and External Affairs at the IMO. The pride experienced at our first graduation was again in evidence as the graduates received the award of their well earned degrees.

We retained the service of all our hard-working and committed staff (augmented now by a clerical assistant), who do so much and in so many ways to endeavour to make the students' year at IMLI a happy one. All of them wish to join me in extending our best wishes to you all in your present and future legal careers. We have improved the social facilities available by the addition of a table tennis and small billiard table; both are much used and appreciated as a means of relaxation from the intensive study required by our courses.

We have yet to achieve our aim of 50% female students but are pleased that by the end of 1992 we will have educated 15 women maritime lawyers and that they have included some of our best students.

Introductory lectures on shipping economics and port management were given by Professor Alistair Couper of the University of Wales, Department of Maritime Studies and International Transport, which were also very informative and useful.

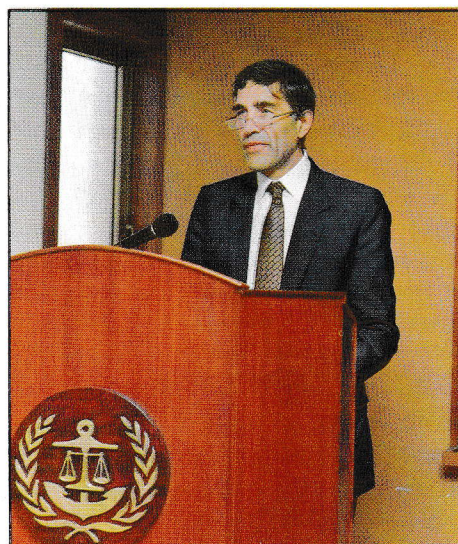
In the early part of the substantive shipping law course, which is an examinable component, more lectures than before were given on the general law of contracts, torts, sale of goods and judicial remedies to afford the students a better grasp of these areas in the context of maritime law. Also, more time was devoted to the study of IMO, UNCTAD and other maritime conventions, not only from the perspective of substantive law, but also in terms of their incorporation into national legislation.

The students had the benefit of meeting and being taught by several eminent visiting fellows in the past year. Professor David Jackson taught enforcement of maritime claims and arrest of ships, Professor Frank L. Wiswall covered the law of marine collisions, Mr. Mans Jacobsen gave lectures on the CLC and Fund Convention and conducted a drafting exercise related to the submission of a claim under those two conventions.

A major event this year has been the completion and opening of a handsome extension to the library. We hope that Malta's generosity in this respect will soon be matched by gifts of books to fill its shelves since a well-stocked library is vital to the continued maintenance of our academic standards.

We were pleased at Christmas to receive so many cards and good wishes from former students and visitors and above all to hear news of your activities. Just as a library cannot exist without books so a Newsletter cannot function without news, but we are delighted to hear from you at any time. We, of course, remember you all as part of our growing IMLI "family" but we appreciate greatly this evidence that you also remember us.

Patricia Birnie  
Director



*Sir Nicholas Phillips, QC judge, Queen's Bench Division of the Royal Courts of Justice, gave the address to the graduates on June 29, 1991. In it he recalled his first visit to Malta as a midshipman in the Royal Navy and drew upon his extensive experiences as counsel in various major maritime cases.*

Mr. Louis Mbanefo gave two lectures on the Nigerian experience in consolidating maritime legislation. Professor Jan Ramberg lectured on civil liability in maritime law.

During part of the second term, Professor Jerzy Mlynarczyk was resident for a period of six weeks. He taught general average and pilotage, covered more ground on charter parties and assisted with tutorials and supervision of some essays. Marine insurance and carriage of goods by sea were taught, as before, by Dr. Gotthard Gauci and Dr. Max Ganado, respectively, and Dr. Tonio Fenech gave two lectures at IMLI.

The Senior Deputy Director taught all the remaining topics in shipping law including registration, nationality and ownership of ships, sales and purchases of ships, maritime liens and mortgages, Mareva injunctions and other ancillary remedies, private and regulatory law of marine pollution, law of masters and seamen, law of maritime safety, law of wrecks and salvage, groundings, government liability, and limitation of liability including calculations.

The maritime legislation course, taught entirely by the Senior Deputy Director, was expanded to include more lectures on the theory and principles of legislative drafting and rules of statutory construction. More drafting exercises were conducted in the form of class as well as group exercises. Techniques of incorporating international maritime conventions into national legislation were also taught and practised.

Sixteen of the twenty essays were written in shipping law and a wide variety of topics were chosen by the students.

As the professor responsible for the direction of the shipping law programme, including the maritime legislation component, I would like to take this opportunity to thank all the visiting fellows for their invaluable contributions to the programme. I would also like to extend my greetings to all the IMLI graduates and wish them well in their careers as maritime lawyers.

Professor P.K. Mukherjee  
Senior Deputy Director

## List of Governors

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## IMLI NEWS

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The IMO International Maritime  
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the auspices of the International  
Maritime Organization, a specialized  
agency of the United Nations.

## Editorial

This issue of the Newsletter coincides with the conclusion of another successful IMLI academic year. Since its establishment, over three years ago, IMLI has trained lawyers from numerous states worldwide. It has achieved a high academic standard and is well on its way to becoming a centre of excellence for post graduate training and research in the field of international maritime law. This success is best reflected in the important posts which 'IMLI Masters' are entrusted with, once they return to their countries.

We, at IMLI, look forward to training more lawyers for many more years to come. States, particularly developing ones, greatly need sound legal expertise to advise on the various intricate problems which the shipping and marine industries face. The vast IMLI teaching programme offers students a unique opportunity to study the main branches of international maritime law in one course.

IMLI can only exist in the long run, if it is able to meet its operating costs. For this purpose an IMLI fund has been set up. Members of the international maritime community and former IMLI students, in particular, have an obligation to help in our efforts to raise funds for IMLI. A brochure explaining IMLI's work has recently been produced. Interested persons can write for a free copy. Contributions can be sent to the IMLI fund, Mid-Med Bank Ltd., 196/198 The Strand, Gzira, Malta. Account No. 395042459.

## Academic Review

Professor Aage Ös, Deputy Director-General, Royal Norwegian Ministry of Foreign Affairs was invited to undertake an academic review of the IMLI courses in the light of the two years of experience now gained. He not only visited IMLI to interview the academic staff but invited comments from members of the Governing Board and visiting professors and sent questionnaires to students. Professor Ös' major and most distinct impression from his review was that the first two years of IMLI had been most successful. Governors and visiting professors unanimously expressed satisfaction with its outstanding achievements. He found that the course was unique, covering a much wider range than is normally available for a Master's degree in maritime law, and was of a high standard. He recommended that the process, which was underway, of shifting the balance of the courses more towards shipping law, should be continued, but did not find any reason to change the course content as such, and that some classes should be devoted to the different legal systems. He also approved the present examination system and recognised that the field trip was an important element in the course.

IMLI further implemented the review's recommendations during the 1991-92 academic year, expanding especially practical exercises in the drafting of legislation. At a recent meeting of the newly established Academic Committee, consisting of Professor Ös, Mr. Göransson (the Director of IMO's Legal Office), Professor Cléton (Chairman of the IMO Legal Committee) and the academic staff, general approval was expressed on the current balance of the courses and their content.

## 1990-1991 Awards

*IMO Secretary General's Prizes for Outstanding Overall Performance:*

E. Mbiah, R. Khurram

*Malta Maritime Prizes for Best Essays:*

T.M. Ha, A. Sidi Said

*IMLI Prize for Best Maritime Legislation Project:*

H. Rajae

## Retiral of Director

Professor Birnie will be retiring from the post of Director at the end of the 1991-92 academic year. She does not expect to retire completely but to continue teaching and research on law of the sea and international environmental law on a part-time basis in London and Oxford Universities. She wants, however, to take this opportunity of expressing her great satisfaction with the high standards and results achieved by IMLI students and staff to date and her thanks to the academic, administrative and other staff for the wonderful support they have given her over the last three years. The difficulties that might have been expected to arise in establishing a new institution were largely avoided because of their exceptionally hard work and their dedication to the aims of the Institute and the welfare of the students.

The students, of course, have been and will remain the most important consideration and Professor Birnie considers herself fortunate to have had so many able and interesting students from so many different countries during her Directorship and wants also to express her admiration of their industry and dedication to their studies, despite the difficulties of being so far from home and families for so long. She sends her warmest greetings to them all and wishes them well in their careers. She hopes that they will not only keep in touch with IMLI but also with her.

## IMLI RECORD CORNER

**Iria Isabel Barrancos Domingo:** is a Partner in a new law firm in Panama - Barrancos, Claramunt, Henriquez y Olivares

**Glenn Cabanez:** Director - Maritime Industry Authority; Phillipines

**Kelvin John:** now studying for the bar at Kingston University, Jamaica

**Khadijah Mahmud:** now Legal Adviser, Ministry of Justice of Malaysia and occasionally involved in maritime issues

**Emmanuel and Lynn Mbiah:** had a baby girl

**Hassan Rajae:** now on the Iranian Delegation at IMO London and attending inter alia, meetings of the Legal Committee. The Director recently met him there.

**Yousif Zainal:** United Arab Shipping Company, has had a baby boy. He is also undertaking some research for the Gulf Co-operation Council on marine pollution legislation of states in its regions.



# Graduates of the Academic Year 1990 - 1991

Fatou Bomm Bensouda, Attorney General's Chambers and Ministry of Justice, Marina Parade, Banjul, **The Gambia**

\* *The 1986 United Nations Convention on the Conditions for Registration of Ships An Endorsement of the Open Registry Concept?*

Pulcherie Constance Dedji, P.O. Box 1234, Cotonou, **Benin**

\* *The Seaman's Employment Contract: Some Legal Issues relating to the Beninese Regime*

George H A Dulu, Kenya Ports Authority, P.O. Box 95009, Mombasa, **Kenya**

\* *The Power of Removal of Wrecks by Harbour Authorities An Examination of the Law Applicable*

Haile-Mariam Essayas, Ethiopian Shipping Lines, P.O. Box 2572, Addis Ababa, **Ethiopia**

\* *The Hamburg Rules - Basis of Liability and Onus of Proof. The Pendulum Swings.*

Ricardo Fernandez Velasco, Milagrus 114, Vibora, C Habana, **Cuba**

\* *A Practical Approach to Security and Enforcement of Maritime Claims under English Law*

Marc Habonimana, B R 1590, Bujumbura, **Burundi**

\* *Some Proposals for the Establishment of a Navigational Regime for Lake Tanganika*

Hanung Cahyono Ismanjil, Taman Wisma Asri, CC 26/19, Bekasi, **Indonesia**

\* *The Liability of a Pilot under Compulsory Pilotage*

Kelvin John, 9 Murphy Lane, Goodwill, Roseau, **Commonwealth of Dominica**

\* *Birds Island (Avis Island): Its effect on Delimitation of Dominica's Exclusive Economic Zone*

Rubina Khurram, 51/2 Shah Faisal Colony, Karachi-25, **Pakistan**

\* *Total Loss and Abandonment in the Law of Marine Insurance*

Alexander Lino Maluza, Department of Legal Aid, P.O. Box 675, Lilongwe, **Malawi**

\* *The Right of Access to Marine Fishery Resources by African Land-Locked States under International Law: Illusions and Realities*

Emmanuel Kofi Mbiah, P.O. Box 2266, Accra, **Ghana**

\* *Implementation of the UN Convention on Multimodal Transport of Goods Some Legal Issues from a Ghanaian Perspective*

Khin Maung San, No 72(B)91st Str, Kandawlay, Mingalataungnyunt Township, Yangon, **Myanmar**

\* *The Position of a Third Party under a Mareva Injunction*

Gustavo Adolfo Orellana Portillo, 7a, av



IMLI - THE CLASS 1990 - 1991

7-78, Zona 4, Edificio Centroamericano, Of 503, Guatemala City, **Guatemala**

\* *Arrest of Ships in Guatemala*

Hassan Rajae, Masjed Street, Sajjas Street, Gholhak, Shariati Avenue, Post Area 19416, Tehran, **Iran**

\* *Some Legal Aspects of The Amoco Cadiz Accident Lessons for Iran*

Miriam Samaru, 9 La Seiva Avenue, Maraval, Port of Spain, **Trinidad & Tobago**

\* *The Mareva Injunction - The Development of a New Order and the Jurisdictional Consequences*

Mario Scerri, 103 Vajringa Street, Victoria, Gozo, **Malta**

\* *Containerised Transport and the Package Limitation*

Abdnour Sidi Said, Cite 5 Juillet, Bt 58D No 5, Bab Ezzouar, Alger, **Algeria**

\* *The Barring of Limitation under the 1957 and 1976 Global Limitation Conventions*

Man Ha Tran, 19 Lach Tray Street, Haiphong, **Vietnam**

\* *The Seamen's Rights to Wages under Contracts of Employment*

Francisco A Villarroel, ZDA Transversal Sebucan, QTA Maryche, Caracas, **Venezuela**

\* *Civil Liability of the Shipowner for Oil Pollution Damage*

Priyani Manel Wijemanne, CSC Ceylon Shipping Corporation, 6 Sir Baron Jayatilleke Mawatha, Colombo 1, **Sri Lanka**

\* *The International Regime for Liability and Compensation in Cases of Ship-Source Oil Pollution Damage.*

\* Title of essay submitted in partial fulfillment for Master's Degree in International Maritime Law.

## Students '91 - 92

Mrs. Lucy Asuagbor, Cameroon; Miss Mazni Buang, Malaysia; Mr. Alex K. Chepsiror, Kenya; Mr. Ali Yare Darvishi, Iran; Mr. J.R. Ejoku-Opolot, Uganda; Miss Maria Dolores Gauci, Malta; Mr. Edward Thomas Kadiri, Tanzania; Mr. Kosimiki M.G. Latu, Western Samoa; Mr. Joseph Mukundu, Zimbabwe; Mr. Simon Micallef Stafrace, Malta; Ms. Azuka Nkemdilim Ogo, Nigeria; Mr. Pemamiththa A. Ratnayeke, Sri Lanka; Mr. Guillermo H. Ruan Rodriguez, Colombia; Miss Lidwina N. Shapwa, Namibia; Mr. Gerald Zackios, Marshall Islands.

## Director's Appeal

IMLI's need for further support in the form of financial assistance and donations in kind remains urgent. The Director again takes the opportunity to invite the growing number of graduates, visiting professors and all other friends of IMLI to use their utmost endeavours to secure financial support whether in the form of donations to the core budget, student fellowships or covering the cost of a professorship. She asks you also to provide her with the names of any suitable persons, companies or foundations that might be contacted on IMLI's behalf on these matters.

Donations of money to purchase books, periodicals, conference proceedings, reports and other materials would also be much appreciated, as would any gifts of these in kind. We must not let the shelves of our elegant library extension remain unfilled. We hope that former students and others will send us, as appropriate, copies of proceedings and other materials from any relevant conferences that they attend.