

IMLI NEWS



THE MAGAZINE OF THE IMO INTERNATIONAL MARITIME LAW INSTITUTE - MALTA. No. 12 /2001

IMLI - CMI COOPERATION IN THE SERVICE OF THE RULE OF INTERNATIONAL MARITIME LAW



MESSAGE FROM H.E. MR. WILLIAM O'NEIL, SECRETARY-GENERAL
OF THE INTERNATIONAL MARITIME ORGANIZATION



IMO conventions require effective implementation if they are to have an impact on the safety of shipping and the prevention of marine pollution. Putting IMO legislation into effect is inevitably dependent on the knowledge and skill of the lawyers who develop and manage the legal framework to ensure that "quality shipping" is able to prosper in a highly competitive world.

That is why IMLI was created - to help ensure that Governments have access to trained, expert legal staff who can incorporate IMO instruments into their own national legal system. So far the Institute has trained 211 students from 85 different countries, helping to build up a team of experts who are capable of ensuring that IMO standards are properly enforced. At the same time, IMLI graduates have been able to pass on the knowledge they have acquired in Malta to colleagues at home.

The Institute itself owes its existence to the support, assistance and co-operation of the Maltese authorities, as well as contributions from other donors. IMLI's teaching programme is enhanced by a dedicated group of Visiting Fellows whose voluntary assistance has enabled the Institute to provide tuition on a broad range of topics of maritime law and practice.

I would particularly like to highlight the contribution of the Comité Maritime International (CMI), the non-governmental international organization, formally established in 1897, which is dedicated to the unification of maritime law in all aspects.

The CMI has provided the Institute with eminent



H.E. Mr. William O'Neil (Secretary-General, IMO)
with members of the academic staff and IMLI graduates at the 2000 Graduation Ceremony

visiting lecturers and fellows who have donated their valuable time to the Institute to share their knowledge in the field of Shipping Law. The charitable fund of the CMI has also provided IMLI with financial assistance.

Furthermore, the CMI has held consultative status at IMO since 1967 and makes a valuable contribution to IMO's work, in particular that of the Legal Committee, by sharing the same expertise its lecturers share with IMLI students. It will come as no surprise that many former IMLI graduates

are to be found amongst the IMO Member States' delegations to the Legal Committee.

Indeed, many IMLI graduates return from Malta to their countries and take up positions in government and industry where they can directly or indirectly help IMO to achieve its aims of improving shipping safety and preventing marine pollution. IMLI thus has an indisputable role in supporting IMO's objectives and achieving the implementation of its conventions and instruments.



MESSAGE BY MR. PATRICK GRIGGS, PRESIDENT OF THE COMITE MARITIME INTERNATIONAL



For nearly 10 years now it has been my great pleasure to be associated with the work of IMLI both as a visiting lecturer and as a member of IMLI academic board. Whilst most of the teaching at IMLI is necessarily academic, my colleague Richard Shaw and I have tried on our various visits to demonstrate to the students how international maritime law works in practice. It is one thing to read and understand the 1969 CLC and 1971 Fund Convention — it is quite another to relate those Conventions to actual real life oil spills. That we attempted to do. Equally I remember how much fun the students derived from attempting to assess the value of salvage services rendered under Lloyds Open Form of Salvage Agreement.

Those who doubt the value of IMLI need only trace the careers of their graduates. Almost without exception those who have graduated from IMLI



Mr. Patrick Griggs (President, CMI)
delivering his address during the Honoris
Causa Ceremony 2000

have found that their qualifications open doors to new careers. It was a matter of delight to me to teach a Latvian student at IMLI in April one year only to encounter her less than a year later as an active member of the Latvian delegation to the Spring meeting of the IMO Legal Committee. During my association with IMLI the devoted and able staff have changed but the one constant factor on the teaching side has been Professor David Attard whose enthusiasm of the work of IMLI has been an inspiration to both students and to visiting lecturers for the past 12 years.

May I wish IMLI graduates and current students, the academic and administrative staff continued success. It is difficult to over estimate the contribution which IMLI has made to the international understanding and implementation of international maritime law.

IMLI HONOURS CMI MEMBERS

CONFERMENT OF THE TITLE OF HONORARY PROFESSOR OF INTERNATIONAL MARITIME LAW

WHEREAS THE IMO INTERNATIONAL MARITIME LAW INSTITUTE RECOGNIZES

The merits of

PROFESSOR FRANCESCO BERLINGIERI

Who has given dedicated service to the practice, study and development of international maritime law particularly through his work within the *Comité Maritime International*, which he led for many years and of which he is now President *ad honorem*;
Who has inspired legal thinking by virtue of his teaching of maritime law at numerous universities, including the University of Genoa and Tulane University;
Who has written various scholarly publications and contributions, including a leading text on the arrest of ships;
Who contributed in great measure to the unification of international maritime law, particularly through his active participation in various diplomatic conferences convened for such purpose;
And who has generously contributed to the academic welfare of the IMO International Maritime Law Institute through his vision and inspiration in the formulation of its academic syllabus and through his teaching there of admiralty law;

THE IMO INTERNATIONAL MARITIME LAW INSTITUTE ACCLAIMS

PROFESSOR FRANCESCO BERLINGIERI

A most meritorious candidate for the Title of Honorary Professor of International Maritime Law.
Now, therefore, by virtue of the powers vested by the Statute under which the IMO International Maritime Law Institute is established, the said distinction of Honorary Professor of International Maritime Law is being conferred on

PROFESSOR FRANCESCO BERLINGIERI

On this 10th day of January of the year two thousand and one



CONFERMENT OF THE TITLE OF HONORARY PROFESSOR OF INTERNATIONAL MARITIME LAW

WHEREAS THE IMO INTERNATIONAL MARITIME LAW INSTITUTE RECOGNIZES

The merits of

DR. FRANK LAWRENCE WISWALL

Who has given life-long service to the rule of international maritime law and to the world maritime community in its efforts to establish global standards for safer shipping and cleaner seas;
Whose wisdom and unstinting determination, as Vice-Chairman and Chairman of the Legal Committee of the International Maritime Organization, led to the promulgation of numerous international maritime conventions;
Who, as Vice-President of the Comité Maritime International, continues to make a fundamental contribution to the preparation of draft international maritime conventions;
Who has written numerous scholarly works on Admiralty and is the Editor-in-Chief of seven volumes of *Benedict on Admiralty*, a landmark in the literature of international maritime law;
And who has wholeheartedly committed himself to the teaching of the law of marine collisions at the IMO International Maritime Law Institute, and contributed in great measure to the growing repute of the IMO International Maritime Law Institute as a centre of academic excellence;

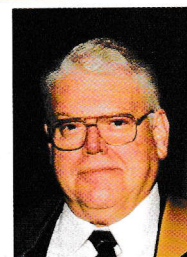
THE IMO INTERNATIONAL MARITIME LAW INSTITUTE ACCLAIMS

DR. FRANK LAWRENCE WISWALL

A most meritorious candidate for the Title of Honorary Professor of International Maritime Law.
Now, therefore, by virtue of the powers vested by the Statute under which the IMO International Maritime Law Institute is established, the said distinction of Honorary Professor of International Maritime Law is being conferred on

DR. FRANK LAWRENCE WISWALL

On this 30th day of March of the year nineteen hundred and ninety nine



CONFERMENT OF THE TITLE OF DOCTOR OF INTERNATIONAL MARITIME LAW HONORIS CAUSA

WHEREAS THE IMO INTERNATIONAL MARITIME LAW INSTITUTE RECOGNIZES

The merits of

MR. WILLIAM BIRCH REYNARDSON

Who has given life-long service to the rule of international maritime law and to the development of international trade law;
Who has been appointed Commander of the British Empire for services to international maritime law;
Whose wisdom as Vice-President of the Comité Maritime International contributed to the widespread commitment to the harmonization of international maritime law;
Who has been a guiding light to his fellow British maritime lawyers especially during his term as Vice President of the British Maritime Law Association;
And who has, in the immediate past, shared the benefit of his unique and tremendous experience with generations of maritime lawyers and contributed in great measure to the growing repute of the IMO International Maritime Law Institute as a centre of academic excellence;

THE IMO INTERNATIONAL MARITIME LAW INSTITUTE ACCLAIMS

MR. WILLIAM BIRCH REYNARDSON

A most meritorious candidate for the Title of Doctor of International Maritime Law Honoris Causa.
Now, therefore, by virtue of the powers vested by the Statute under which the IMO International Maritime Law Institute is established, the said distinction of Doctor of International Maritime Law Honoris Causa is being conferred on

MR. WILLIAM BIRCH REYNARDSON

On this 17th day of March of the year two thousand



CONFERMENT OF THE TITLE OF HONORARY PROFESSOR OF INTERNATIONAL MARITIME LAW

WHEREAS THE IMO INTERNATIONAL MARITIME LAW INSTITUTE RECOGNIZES

The merits of

PROFESSOR FRANCIS M.B. REYNOLDS

Who has given dedicated service to the study and development of international maritime law and international trade law;
Who has inspired legal thinking by virtue of his teaching of maritime and international commercial law at numerous universities, particularly the University of Oxford;
Who has written various scholarly publications and contributions, including the monumental *Bowstead and Reynolds on Agency and Benjamin on Sale of Goods*, of which he is one of the authors;
Who has contributed to the preparation of the United Kingdom 1992 Carriage of Goods by Sea Act which inter alia reformed rights to sue on bills of lading;
And who has generously contributed to the teaching of carriage of goods by sea at the IMO International Maritime Law Institute, thereby contributing in great measure to the growing repute of the IMO International Maritime Law Institute as a centre of academic excellence;

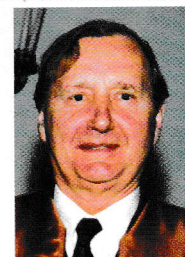
THE IMO INTERNATIONAL MARITIME LAW INSTITUTE ACCLAIMS

PROFESSOR FRANCIS M.B. REYNOLDS

A most meritorious candidate for the Title of Honorary Professor of International Maritime Law.
Now, therefore, by virtue of the powers vested by the Statute under which the IMO International Maritime Law Institute is established, the said distinction of Honorary Professor of International Maritime Law is being conferred on

PROFESSOR FRANCIS M.B. REYNOLDS

On this 17th day of March of the year two thousand



CONFERMENT OF THE TITLE OF HONORARY PROFESSOR OF INTERNATIONAL MARITIME LAW

WHEREAS THE IMO INTERNATIONAL MARITIME LAW INSTITUTE RECOGNIZES
The merits of

DR. WALTER MUELLER

Who has given life-long service to the rule of international maritime law and to the world maritime community in its efforts to establish global standards for safer shipping and cleaner seas;

Who has over the years actively participated in the deliberations of the International Maritime Organization;

Who was elected to preside over diplomatic conferences which have given birth to international maritime conventions of fundamental importance, including the 1969 International Convention on Civil Liability for Oil Pollution Damage, the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, the 1974 Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, the 1993 International Convention on Mortgages and Liens, and the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea;

Who continues to contribute to the preparation of draft international maritime conventions as Titulary Member and Honorary Vice-President of the Comité Maritime International;

Who has inspired legal thinking by virtue of his scholarly publications and his teaching at numerous universities, particularly the University of Zurich;

Who has encouraged a comparative approach towards the development of international maritime law;

And who has wholeheartedly committed himself to the teaching, at the IMO International Maritime Law Institute, of comparative maritime law and drafting of maritime legislation, designed to farther the quest for uniformity and harmonisation;

THE IMO INTERNATIONAL MARITIME LAW INSTITUTE ACCLAIMS

DR. WALTER MUELLER

A most meritorious candidate for the Title of Honorary Professor of International Maritime Law.

Now, therefore, by virtue of the powers vested by the Statute under which the IMO International Maritime Law Institute is established, the said distinction of Honorary Professor of International Maritime Law is bang conferred on

DR. WALTER MUELLER

on this 30th day of March of the year nineteen hundred and ninety nine

**THE IMO INTERNATIONAL MARITIME LAW INSTITUTE (IMLI) FUND**

The premises of the IMO International Maritime Law Institute are provided by the Government of Malta. All other operating costs are met by voluntary contributions from governments, companies, foundations and international development assistance organizations.

IMLI requires funding generally to enable the further consolidation of its institutional stability and security and in particular to support its core staff, scholarships for lawyers from developing States, the costs of visiting lecturers, and the consolidation of its library facilities and research programmes.

Donations for these purposes can be paid to the:

IMLI Fund Account No. 395042459

Swift Transfer Code: MMEBMTMT

HSBC Bank (Malta) plc., 196/198 The Strand, Gzira, Malta

Tel.: (356) 342388, 335499, 337850 Fax: (356) 340788

Telex: 1215 MW, 1436 MW

Donors to date include:

• Commission of the European Communities • Commonwealth Fund for Technical Co-Operation (CFTC) • Comité Maritime International (CMI) • United Nations Development Programme (UNDP) • United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Bank • Government of Algeria • Government of Angola • Government of Cape Verde • Government of Congo • Government of Fiji • Government of France • Government of Ghana • Government of Haiti • Government of Indonesia • Government of Iran • Government of Kenya • Government of Latvia • Government of Lithuania • Government of Luxembourg • Government of Malaysia • Government of Malta • Government of Marshall Islands • Government of Mozambique • Government of Namibia • Government of Nigeria • Government of Peru • Government of Poland • Government of the Russian Federation • Government of The Netherlands • Government of Tonga • Government of Saudi Arabia • Government of Sudan • Government of Switzerland • Government of Tanzania • Government of The Bahamas • Government of The Gambia • Bufete Coindet & Asociados (Honduras) • Canadian International Development Agency (CIDA) • Caspian Shipping Co. (Republic of Azerbaijan) • CMI American Foundation • Costamare Shipping Company • Det Nordenfjeldske Dampskibsselskab As, Norway • General Maritime Transport Company, Libya • Greek Shipping Co-Operation Committee • India National Shipowners' Association • International Association of Dredging Contractors • International Centre for Ocean Development, Canada • Japan Shipbuilding Industry Foundation (Sasakawa Fellowship Fund) • Korea Shipowners Association • Lloyd's Register of Shipping • Malta Maritime Authority • Maritime B.P. (France) • Medserv Limited (Malta) • Mr. P.S. Panagopoulos and Mr. A. Panagopoulos • Nigerdock Nigeria Limited • Norad • Onassis Group of Companies • Papachristidis Company • SMIT International • Swedish International Development Authority (SIDA) • Thomas Miller & Co. Ltd.

WEBSITE UPDATE

The Institute's website (<http://www.imli.org>) was recently updated, to include the latest international documents, students' directories and the latest editions of this Newsletter.

IMLI ALUMNI

Mr. Edward Kabir (Nigeria, class of 2000) was recently promoted to Assistant Director and Zonal Legal Adviser of the Nigerian Ports Authority Eastern Operation.

IMLI NEWS

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Editor Mr. Norman Martínez

All correspondence should be addressed to:

IMLI News,

**IMO International Maritime Law Institute,
P.O. Box 31, Msida MSD 01, Malta.**

Tel.: (356) 319343, (356) 310816 Fax: (356) 343092

E-mail: imli@maltanet.net

The IMO International Maritime Law Institute was established under the auspices of the International Maritime Organization, a specialized agency of the United Nations.

NEW PH.D. PROGRAMME AT IMLI

Since September 2000, IMLI offers a Ph.D. programme involving the submission and defence of a doctoral thesis. Candidates are expected to undergo their studies with a high degree of independence; thus, the research-based course can be largely undertaken from abroad. A short period of compulsory residence is required from candidates who are not graduates of the Institute. Candidates are assigned individual academic supervisors drawn from a list of internationally recognized experts.

Prospective candidates must hold a Master's degree from a recognized University or other academic institution, or qualifications of comparable standard including relevant professional legal experience recognized for this purpose by the Institute. The language of the course is English; proficiency is a pre-requisite for admission.

Award of the degree is conditional upon the successful defence of a thesis of not more than one hundred thousand words (100,000) containing original and significant contributions to knowledge in an area falling within the Institute's syllabus. Defence is to be undergone before a board of examiners, appointed for the purpose by the Director on the recommendation of the Academic Committee. The board is to comprise at least one external examiner.

Candidates *who are not graduates of the Institute* are expected to undergo a probationary period of one (1) year during which they shall be present at the Institute for not less than eight (8) weeks between June and mid-September. Within such probationary period candidates shall submit a written paper of not more than ten thousand (10,000) words on a subject of their choice within the syllabus of the Institute.

Studies for the degree are to extend over a period of *not less* than three and not more than five years. Students are required to register at the Institute at the beginning of each academic year throughout the course.

The course fee stands at UK£3,500 (three thousand five hundred Sterling pounds) per annum. The fee accounts for the costs of academic supervision, administration by the Institute, examiners and the conduct of examinations. The Institute may, in certain cases and for deserving students, waive part of the course fee.

Prospective candidates are asked to fill out the Ph.D. application form and return it to the Institute with the requisite supporting documents. For further details, please contact: **Mr. Aref Fakhry, Lecturer/Admissions Officer, IMO International Maritime Law Institute, P.O. Box 31, Msida, MSD 01, Malta, Tel.: +356 319343, 310816, ext., Fax: +356 343092, E-mail: imli@maltanet.net**

IMLI AND THE COMITE MARITIME INTERNATIONAL

IMLI maintains strong institutional links with national and international organizations pre-eminent in the field of shipping. One of these organizations is the Comité Maritime International (CMI), which is a non-governmental international organization, formally established in 1897, dedicated to the unification of maritime law in all aspects. Its work covers private law aspects and in recent years it has also begun to tackle public law issues. Its wide interests are reflected in the numerous draft conventions produced by the CMI in pursuance of its main objective. Furthermore, its current docket includes *inter alia* issues of transport law, general average, marine insurance, piracy and maritime violence, the implementation of the 1976 LLMC Convention, carriage of passengers by sea, and a UNESCO draft convention on underwater cultural heritage.

The CMI is established in Belgium and its worldwide membership is reflected in its fifty-three national associations composed of persons who are either involved in maritime activities or are specialists in maritime law.

The CMI has since IMLI's inception been closely related to the Institute. In 1988 the then Secretary-General of the International Maritime Organization, Dr. C.P. Srivastava, appointed Prof. Francesco Berlingieri, then President of CMI, to sit on the first IMLI Academic Committee. This committee was responsible for drafting IMLI's first comprehensive syllabus which covered the whole spectrum of international maritime law.

The CMI has provided the Institute with eminent visiting lecturers and fellows in the field of Shipping Law who have donated their valuable time to share their knowledge at the Institute in their fields of expertise and has covered the cost of their travel and per diem expenses. The charitable fund of the CMI has also provided IMLI with financial assistance.

Since the launching of its Master's Degree, IMLI has been privileged by the contribution of eminent members of the CMI such as Mr. L.N. Mbanefo, Mr. A. Philip, Prof. J. Ramberg, Mr. M.J. Warot, as well as titular members like Prof. F. Berlingieri, Mr. C. Goldie, Mr. N. McGovern, Hon. Prof. W. Mueller, Mr. C. Palme, Prof. Dr. M. Pavliha, Hon. Dr. W. B. Reynardson, Prof. F. M.B. Reynolds, Mr. R. Shaw, and Prof. F.L. Wiswall Jr.

The present President of CMI, Mr. Patrick Griggs, has consistently supported the Institute by lecturing and participating in the Institute's most important events. He was a member of the Panel in IMLI's Tenth Anniversary Seminar at IMO.

H.E. Mr. William O'Neil has bestowed, in his capacity of Chairman of the



H.E. Mr. William O'Neil (Secretary-General, IMO), H.E. Dr. C.P. Srivastava (Secretary-General Emeritus, IMO), the Hon. Censu Galea (Minister for Transport and Communications, Malta), Prof. David Attard (Director, IMLI) and Mr. Patrick Griggs (President, CMI) during the Seminar commemorating IMLI's Tenth Anniversary

Governing Board of IMLI, Honorary Titles on members of the CMI like Prof. Frank Wiswall Jr., Prof. Walter Mueller, Prof. Francis M.B. Reynolds, Prof. Francesco Berlingieri, and Dr. William Birch Reynardson.

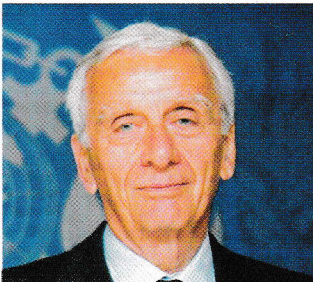
Further, in its report of its eighty-second session, the Legal Committee of the IMO noted and endorsed a statement by the representative of the observer delegation of the CMI commending the extremely valuable work of IMLI. The Committee also endorsed a statement by one delegation expressing its appreciation for the ongoing support of CMI for the work of IMLI.

The Committee noted and endorsed the expressions of appreciation by several delegations for the work of IMLI in preparing legal drafters, and training personnel necessary to implement IMO conventions in developing countries. In fact, several representatives participating in the IMO Legal Committee were IMLI Graduates.

Recently, the CMI appointed Prof. David Attard as a Titular Member. His nomination was the first nomination by the Executive Council under a 1999 amendment to Article 3 of the Constitution and was unanimously approved.

Norman Martinez
Editor

SOME CMI MEMBERS WHO HAVE LECTURED AT IMLI



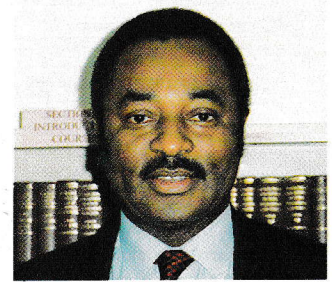
Prof. F. Berlingieri
(Italy)



Mr. C. Goldie
(U.K.)



Mr. P.J.S. Griggs
(U.K.)



Mr. L.N. Mbanefo
(Nigeria)



Prof. W. Mueller
(Switzerland)



Mr. C. Palme
(Sweden)



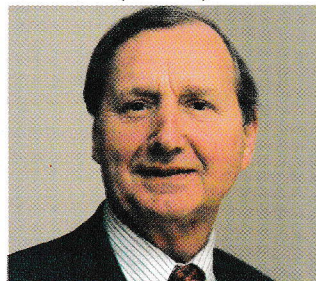
Prof. M. Pavliha
(Slovenia)



Mr. A. Philip
(Denmark)



Dr. W.B. Reynardson
(U.K.)



Prof. F. Reynolds
(U.K.)



Mr. R. Shaw
(U.K.)



Prof. F.L. Wiswall
(U.S.A.)