

KEYNOTE ADDRESS DELIVERED AT THE GRADUATION CEREMONY BY H.E. MR. WILLIAM A. O'NEIL, 18 MAY 2002

It is a privilege for me to have the opportunity to address the graduation ceremony for the class of 2002 of the IMO International Maritime Law Institute. This graduating class marks the thirteenth year of successful operation of the institute.

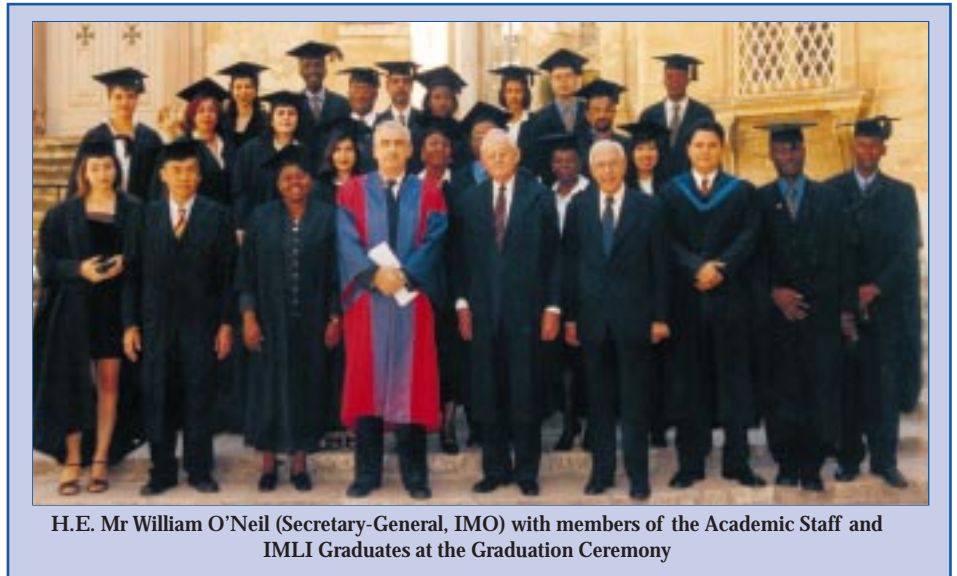
As you have heard, since its inception in 1989, a total of 251 graduates from 91 countries worldwide have benefited from the programme of studies which is unique to this institution. Although you, the graduating class, are in the best position to judge the value of this experience, I hope you will agree that it has been a rare privilege to have had the opportunity to study, with colleagues from around the world, and obtain advanced training in the highly specialized field of international maritime law.

You will now return to your countries and positions in government and the industry to pursue your careers. Based on our previous experience, we expect that many of you will be in positions to directly or indirectly assist IMO in achieving its objectives of safer seas and cleaner oceans.

An international legal framework of IMO rules, codes and standards intended to meet the needs of the global maritime industry and governments as well as the concerns of civil society is now in place. But to be effective the next and essential step is for these rules and standards to be incorporated into national legislation and only qualified lawyers like yourselves who are equipped with the basic knowledge to translate global treaties into practical and enforceable national legislation can do this.

In recognizing that specialist training and experience in maritime law was needed for this process to be effective, this institute was established thirteen years ago specifically for that purpose. This was done under the auspices of the International Maritime Organization with the generous co-operation of the Government of Malta and owes its parentage to Dr. Joe Fenech and Dr. C.P. Srivastava - who negotiated the arrangements for locating IMLI here in Malta.

IMLI is unique in that it fosters excellence in the public sector in the drafting, adoption and review of national law and legislation in accordance with international legal instruments on maritime



safety, marine environment protection and shipping and ports as well as the development of policies on national shipping and training.

The Institute will continue to play an integral and indispensable part in advancing maritime law globally. In fact, its role in the international maritime legislative process will become more significant as the industry becomes increasingly regulation-oriented, especially in view of the events of last September.

The use of passenger aircraft as weapons in the attacks on the united states has also heightened concerns worldwide about the vulnerability of marine traffic to terrorist activities. Priority is now being given to the matter of enhanced maritime security through legislation both nationally and internationally. It is imperative that the industry should reach agreement on how to improve the capability of enforcement agencies at all levels to deal with potential maritime security issues and incidents. In conjunction with this there is a need for the development and adoption of appropriate international agreements and also the expansion of training programmes on maritime security along with the introduction of sophisticated systems to help countries worldwide to combat these potential threats.

To this end, the 22nd session of the IMO Assembly in November 2001 unanimously adopted a resolution calling for a review of measures and

procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships at sea and in ports.

And earlier this year, an IMO working group met in London to follow up on this resolution and to discuss issues such as the definition of ownership and control of ships within the context of maritime security, the installation of automatic identification systems aboard ships, security plans for ships and ports, seafarers' identification certificates, and the creation of secure chains of custody for containers from point of origin to destination.

IMO's legal committee which met last month considered the issue of transparency and exchange of information on ownership and control of ships seeking to enter port areas. Identifying the individual or group ownership of or effective control over a vessel may mean lifting the veil of anonymity on several layers of corporate or non-corporate entities across more than one jurisdiction.

After considerable discussion the legal committee decided that an examination of beneficial ownership and piercing the corporate veil was not necessarily the right way to go, given the legal complexities. It was suggested that a better course of action would be to identify who had operational control, which is now being accepted as the most appropriate approach to take on this issue.

IMO will also be elaborating further on the transparency aspects of operational management of ships in time for the diplomatic conference which will deal with amendments to the SOLAS Conference and is planned for December of this year. The legal committee has provided valuable information and guidance which will assist in developing a suitable and practical solution to this problem.

The legal committee also decided to look at revising the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, to include terrorist acts at sea and expand the types of criminal acts covered by the treaty.

These initiatives will assist in covering the urgent need for enhanced security measures evidenced by the events of September 11, representing part of a framework for the development of an appropriate maritime security regime.

In dealing with matters such as container security worldwide, or the suppression of terrorism in other countries' ports, there must be accepted rules and agreements covering how this will be done. In the whole process, IMLI is already playing an interactive role by focusing, in its course syllabus, on particular aspects of shipping law such as nationality, registration and ship ownership.

I turn now to this Graduating Class, which comprises twelve women and ten men and thereby, for the first time in the institute's history, has the number of women students exceeding that of men. I would note that IMO and IMLI place great emphasis on the promotion of the integration of women in the maritime sector. IMLI is one of the first institutions in the United Nations system to reserve fifty percent of the places on its annual course for qualified women candidates. That policy has been effective with the number of women students rising steadily over the last few years, culminating in a total of 90 women graduates from 49 countries worldwide.

I am sure that all graduates, including those we are honouring today, would join me in recording our appreciation for the ongoing financial support from donors who have contributed to the institute's general fund or donated fellowships and thereby made all of this possible.

In recognizing the importance of IMLI, the last IMO Assembly adopted a resolution, which reaffirmed the Institute's significance and necessity as an instrument of IMO in dispensing advanced education and training in maritime law. The resolution acknowledged the contribution which IMLI graduates make to a safe, efficient and environmentally sound maritime industry and noted the rising demand for the specialized training programme offered by the Institute.

It also accepted that the future development and progress of the Institute would not be possible without continued generous financial support from its current donors and from new donors. It therefore urged all member States and the industry to pledge themselves to a more regular annual contribution in cash or kind for the Institute's core operation and student fellowship funding. It also called upon them to use and support the IMLI programme and to back any initiatives for multi-lateral funding support.

Mr president, I would also like to once again give special recognition and thanks to the government of Malta for the consistent support it has given to IMO and to IMLI over the years.

The institute's success, which is now well recognized and confirmed, is due largely to the dedication and hard work of the students and graduates. It is also directly attributable to the high standard of teaching rendered by the IMLI professional staff and the cadre of visiting lecturers who give their services voluntarily. I would especially note the excellent leadership provided by professor Attard with respect to both academic and administrative matters. To all of them and to the efficient administrative staff we extend our heartfelt thanks.

Finally, to you, the graduates of the thirteenth course, I wish you the very best for your future. I congratulate you on the attainment of the Master's Degree which is a professional distinction in recognition of your qualifications and competence in the field of maritime law.

I also look forward to some of you joining our ranks of junior consultants for technical co-operation assignments, so that the knowledge you have gained can be shared with other needy States and your expertise developed even further.

INAUGURAL LECTURE DELIVERED BY DR. ROSALIE BALKIN



Dr. Rosalie Balkin (Director, Legal Affairs and External Relations Division of IMO) delivered, on the 19th September, the inaugural lecture entitled "The legal Framework of the International Maritime Organization" for IMLI's LL.M. Course, Academic Year 2002-2003.

This lecture gave a thorough insight to the structure, role and function of IMO. Dr. Balkin

discussed amongst other things, issues as membership, an decision making within the Organization, as well as the role IMO plays as a specialized agency of the United Nations.

Dr. Balkin later provided a detailed explanation of the law-creating process of IMO by providing practical examples. She then covered the structure of IMO and the functions of the Legal committee.

The lecture concluded with an ample discussion of the current work of the legal committee, which included issues like the proposal arising after the terrorist attacks of September 11, 2001. An example of these recent issues is the possible amendment of the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Navigation to cover terrorist acts and deal with those supporting such actions.

PROFESSOR A.V. LOWE VISITS IMLI

IMLI was especially fortunate last month to enjoy the visit of Professor Vaughan Lowe at the Institute.



While here, he delivered two interesting and highly stimulating lectures. His lecture on the 24th September focused on the nature of Public International Law – how it works and what it does. This discussion commenced with an analysis of the development of the subject and its ever-expanding area of regulation throughout history. An explanation of the subjects of the regime was given, prior to looking to the sources of international law, its application and the manner of its enforcement. On Wednesday 25th September, an introduction to the Law of the Sea was given. This focused on the developments in this area of law, the major maritime zones and the salient features of the Law of the Sea Convention 1982. An interesting discussion regarding the interplay between customary international law and treaty law emerged as a common thread throughout the lectures.

After the delivery of the second lecture, Professor Lowe, who was accompanied by his wife, was the guest of honour at a reception held at the Institute, where he was only too happy to sign his book on the Law of the Sea (co-written with R.R. Churchill) which has been used by the IMLI students for several years.

IMLI SHORT COURSE ON EC MARITIME LAW



The Eighth Annual Edition of the IMLI Special Course on EC Maritime Law was inaugurated this year by Mr. Fotis Karamitsos, Director of Maritime Transport and Intermodality at the European Commission. Special guests at the inaugural ceremony which took place on the 18th of October 2002 included the Honorable Minister for Transport and Communications, Mr. Censu Galea, and Dr. Marc Bonello, Chairman of the Malta Maritime Authority.

By way of introduction, the Institute's Director, Prof. David Attard, explained why it was important for IMLI students to grasp policies and legislation of the European Union relating to maritime transport. Prolific European Community legislation in the field is one reason. The position of the European Union as the world's largest trading bloc is undoubtedly another. For eight consecutive years now, IMLI has offered this special course as part of its curriculum, which remains dedicated, however, first and foremost to the promotion of the "rule of international maritime law."

Speaking on behalf of the European Commission's Vice-President, Ms. Loyola de Palacio, Mr. Karamitsos stated his appreciation to IMLI for its continued interest in EC maritime law. He then proceeded with a poignantly analytical overview of EU policy and legislation relating to ship safety and environmental standards.

IMLI ALUMNI

Ms. Josephine Nkruma (Ghana, Class of 2001) and Ms. Azara Al-Hassan (Ghana, Class of 2000) are currently lecturing on Maritime Law in a Post Graduate Course in Port and Ship Management at the Regional Maritime Academy of Ghana.

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Mr. Kiniviliame T. Keteka (Fiji, Class of 1994) has been appointed Acting Director of the Fiji Law Reform Commission.

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Ms. Krassimira Danailova (Bulgaria, Class of 2002) and Ms. Kristina Koytcheva (Bulgaria, Class of 2001) have been appointed external advisors to the EU Twinning Project of Maritime Safety and the Protection of the Marine Environment.

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Mrs. Mayen B. Obi (Nigeria, Class of 1997) has been appointed Head of Legal Division in the Office of the Government Inspector of Shipping.

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Mr. Sornchai Siriyakul (Thailand, Class of 2002) was recently appointed Chief Judge of Chamber of the Central Intellectual Property and International Trade Court of Thailand.

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Dr. Stefano Filletti (Malta, Class of 1999) was recently appointed Honorary Consul for Ecuador.

IMLI NEWS

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

IMLI COURSES

IMLI currently organizes four types of courses:

1. The main academic course leads to an LL.M. in International Maritime Law. Its duration lasts one academic year commencing mid-September. Candidates must have obtained a first law degree, the full details for applications may be found in our website: www.imli.org/holderapp.html
2. The Institute also offers a Ph.D. Programme, the full details of which are found on our website: www.imli.org/holderdg.html
3. IMLI has often been required by Governments and international bodies to organize specific short-term courses which focus on subjects covered by the IMLI academic syllabus found under the LL.M. Programme Section of our website www.imli.org/holderdg.html
4. The Institute offers professional short courses throughout the Academic Year. These self-contained courses form part of the LL.M. modular system and are designed for applicants who are not able to attend IMLI for a whole academic year and are particularly interested in a specific area of the law. A professional or academic background is usually required. Applicants are advised that they should be prepared to be flexible with respect to the timing of such courses as this will be determined by the requirements of the LL.M. course. The dates in the list below are for indicative purposes. You are therefore advised to check the precise dates for the course you require. Given the required flexibility, the Institute charges a modest fee for such courses. A certificate of attendance under certain conditions can be issued. Relatively inexpensive lodging at the Institute may be available for foreign participants. The following courses are planned by the Institute during the academic year 2002/2003.

INTRODUCTORY COURSES

	<u>DATES</u>	<u>FEES</u>
• General Introduction to Public International Law	16/09/02-15/11/02	£ 550
• The Law of International Institutions	16/09/02-20/09/02	£ 400
• Introduction to Shipping Law	17/09/02-11/10/02	£2,100

INTERNATIONAL LAW OF THE SEA

	<u>DATES</u>	<u>FEES</u>
• Introduction to the International Law of the Sea	18/11/02-22/11/02	£ 150
• The High Seas Legal Status and Freedoms	25/11/02-29/11/02	£ 150
• Common Heritage of Mankind	07/04/03-11/04/03	£ 150
• Coastal Zone Regimes	To be announced	£ 750
• Law of Fisheries	31/03/03-04/04/03	£ 200
• Land-Locked States and Geographically Disadvantaged States	14/04/03-02/05/03	£ 200
• Marine Scientific Research	31/03/03-04/04/03	£ 150
• International Dispute Settlement	24/03/03-04/04/03	£ 300

INTERNATIONAL MARINE ENV. LAW

	<u>DATES</u>	<u>FEES</u>
• International Marine Environmental Law	To be announced	

SHIPPING LAW

	<u>DATES</u>	<u>FEES</u>
• Nationality, Registration and Ownership of Ships	11/11/02-06/12/02	£ 400
• Proprietary Interests in Ships	14/10/02-14/02/03	£1,500
• Enforcement of Maritime Claims	20/02/03-28/03/03	£1,200
• Carriage of Goods by Sea	18/10/02-05/12/02	£2,100
• Law on Carriage of Passengers and Their Luggage by Sea	17/02/03-21/02/03	£ 100
• Maritime Labour Law	19/02/03-28/02/03	£ 700
• Law of Maritime Safety	06/01/03-17/01/03	£ 550
• Law of Marine Collisions	27/01/03-31/01/03	£ 400
• Law of Salvage and Wreck	03/02/03-21/02/03	£ 550
• Law of General Average	20/01/03-31/01/03	£ 200
• Law of Towage	20/01/03-31/01/03	£ 300
• Law of Marine Pilotage	06/01/03-10/01/03	£ 150
• Global Limitation of Liability	03/02/03-07/02/03	£ 200
• Law of Marine Insurance	13/01/03-24/01/03	£ 500

MARITIME LEGISLATION

	<u>DATES</u>	<u>FEES</u>
• Maritime Legislation Drafting	18/11/02-06/12/02	£ 250

MISCELLANEOUS

	<u>DATES</u>	<u>FEES</u>
• EC Maritime and Shipping Law	18/10/02 -	£ 750

FOR INFORMATION ON ADMISSIONS, PLEASE CONTACT

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IMLI STUDENTS ACADEMIC YEAR 2002-2003



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(BANGLADESH)



A.V. PADOVAN
(CROATIA)



L. TSURTSUMIA
(GEORGIA)



A.M. GILL
(GRENADA)



A. O. A. ALSIED
(LIBYA)



K. BALZAN
(MALTA)



S. P. GAUCI
(MALTA)



J. MANICARO
(MALTA)



V. ROSSIGNAUD
(MALTA)



Q. UCHEGBUE
(NIGERIA)



M. A. JULIO GRANADOS
(PANAMA)



F. A. P. DAVIES
(SIERRA LEONE)



M. A. P. PALMER
(SIERRA LEONE)



M. AMAFO
(SURINAME)



H. M. KOSHUMA
(TANZANIA)



P. DHANPADDAMOANGCOAL
(THAILAND)



R. THOMASI
(THE GAMBIA)



M. M. RODRIGUEZ
SALABERRY (URUGUAY)



J. TARI
(VANUATU)



E. AMAECHI
(NIGERIA)



N. AUDU
(NIGERIA)