



IMLI NEWS



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KEYNOTE ADDRESS DELIVERED BY THE IMO SECRETARY – GENERAL AND CHAIRMAN OF THE IMLI GOVERNING BOARD AT THE 16TH ANNUAL GRADUATION CEREMONY, 14TH MAY 2005

Honourable Minister, Presidents Emeriti, Excellencies, Permanent Representatives of France and Malta to IMO, Governing Board Members, IMLI Faculty & Staff, Parents, Graduands, Distinguished Guests, Ladies and Gentlemen, It is with great pleasure that I address you today at this year's graduation ceremony at IMO's International Maritime Law Institute.

I will start my speech by quoting from an address by United Nations Secretary-General Kofi Annan at the UN General Assembly last September when, emphasizing the importance of the rule of law, he spoke of the need for common solutions to the common problems that we all face today. I believe that his words are very relevant to all of us, in particular for the graduands work in the future. He stated that, at the international level, all States strong and weak, big and small need a framework of fair rules which each can be confident that others will obey. Fortunately, such a framework exists. From trade to terrorism, from the law of the sea to weapons of mass destruction, States have created an impressive body of norms and laws. This is one of the United Nations proudest achievements. Reminding his audience of our responsibility to protect innocent civilians by rigorously upholding international law, he even went on to suggest that History will judge us very harshly if we let ourselves be deflected from this task, or think we are excused from it, by invocations of various kinds.

As you know, at IMO, our efforts are concentrated on developing international standards aiming to enhance safety, security and protection of the marine environment, including compensation regimes for those who suffer loss when things go wrong. IMO instruments, in the form of conventions, protocols, codes, guidelines and recommended practices cover matters ranging from the design, construction and equipment of ships; the competence of the seafarers who man them; through safety management, the protection of the marine environment and the compensation of victims of pollution incidents to security-related issues like the prevention of piracy and armed robbery against ships and, most recently, our work to develop a comprehensive maritime security regime for ships, companies and port facilities.

But the development of such a regulatory framework is only one side of the equation. The other is the highly specialized task of drafting the necessary practicable and enforceable national laws without which the internationally agreed standards simply could not be implemented and put into effect. Each piece of this comprehensive regulatory structure involving Governments and all other stakeholders both at the international and national levels, contributes towards the overall sustainability of shipping, as an international industry which provides the facilitation mechanism for more than 90 percent of world trade. The effective global implementation of IMO's instruments is a task for Governments, maritime administrations and the shipping industry itself and it is a testimony to the highly responsible stance adopted by them



Mr. Efthimios Mitropoulos (Secretary-General, IMO and Chairman, IMLI Governing Board), Prof. David Attard (Director, IMLI), Dr. Jean Hulliger, (IMLI Governor, Past Director - Swiss Maritime Navigation Office), Mr. Jim Harrison (IMLI Governor, Group Legal Director - Lloyd's Register), Rear- Admiral Gerard Gasc (IMLI Governor, Permanent Representative of France to IMO), Mr. Masamichi Hasebe (Legal Counsel to the IOPC Funds), Members of IMLI's Academic Staff and the Class of 2005 during the Graduation Ceremony

all that statistics demonstrate that safety at sea is improving and marine pollution reducing. But we cannot rest on our laurels as there is always more to be done.

In 1989, IMO established IMLI to provide the international maritime community, and particularly maritime administrations, with the support considered necessary to ensure that sufficient maritime law experts with the requisite knowledge and skills were available to develop national legislation to give effect to international instruments to which Governments had become Parties. The role of IMLI's graduates as maritime law specialists in taking on this task, and probably many others in the future, cannot be over-emphasized. The responsibility for managing the legal framework and to ensure that quality shipping prospers, depends in large measure on the knowledge and professional skills of lawyers such as those graduating today.

One of IMO's most significant tasks is to help develop the necessary human and organizational capacity needed to create effective maritime administrations capable of implementing the various IMO treaties and other instruments and thus enhance the ability of IMO Member Governments to realize their maritime aspirations. To date, IMLI's impact on this aim can be measured by the undeniable success of its graduates around the world, as they have consistently secured senior positions in government administrations worldwide and within the global maritime industry positions ranging from ministers of justice, attorneys general, chief justices, ambassadors, chief executives and senior corporate managers. I am confident that those graduating today, too, will, in due course, join their compatriots in these decisive career paths, even higher than those, and play their part in contributing to a safer, more secure and environment-friendly world of shipping.

IMLI's success over the years would not have been achieved without the enduring support received from donors who have contributed either to the Institute's general fund or through the provision of fellowships, and I would like to take this opportunity to express my thanks to them, in particular to the European Union, the Government of Switzerland, the Nippon Foundation and the Lloyd's Register of Shipping, for their most valuable assistance. I look forward to a continuation of this vital source of aid and am confident that the consistently high quality of IMLI graduates will encourage more development partners and recipient countries to contribute to the excellent training that is being offered here in Malta.

None of this would be possible without the generous hostship facilities provided by the Government of Malta and the continued support of the Malta Maritime Authority – I offer them both my sincere thanks for all these and, also, for the contribution of Malta, as one of the world's major registers and an IMO Council Member, to the overall work of the Organization. Malta's contribution to



Mr. Efthimios Mitropoulos (Secretary – General, IMO) unveiling the plaque commemorating the role of IMLI in "Serving the Rule of International Maritime Law" (13th May 2005)

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EU COMMISSIONER FOR FISHERIES AND MARITIME AFFAIRS INAUGURATES IMLI'S 10TH ANNUAL EC MARITIME LAW COURSE

Dr. Joe Borg, EU Commissioner for Fisheries and Maritime Affairs, delivered (on the 4th of April 2005) the inaugural lecture of the 10th IMLI's Annual EC Maritime Law Course, entitled "A Future EU Maritime Policy: Designing a European Vision for the Oceans and Seas". During the inaugural lecture Dr. Borg discussed two basic questions: "What exactly do we mean by a European policy for the oceans and seas" and "What is the case for acting at a European Level".

The highlights of his lecture centred on the possibility of developing a future maritime policy for the European Union. In this respect Dr. Borg explained to IMLI students and other guests that in March 2005 the European Commission published a Communication setting up a Task Force on Maritime Affairs made up of commissioners responsible for sea-related policies. He later also gave the first in-depth view of the work that lies ahead of the newly established body.

According to Dr. Borg a maritime policy for the European Union will upgrade the strategic importance of the oceans and seas for the Union and it will also serve to develop new thinking for the management of the maritime areas under the jurisdiction of Member States. The Green Paper, which is going to be prepared by the Task Force, should be the result of a wide, stimulating and innovative consultation process. Dr. Borg expressed his expectation that maritime institutes such as IMLI will contribute towards the elaboration of such initiative.

In concluding Dr. Borg emphasized the important role of IMLI for Malta and the international (maritime) community. He stated that it is useless to enact maritime laws and regulations unless you have in every country a cadre of professional law enforcers interpreting correctly, and advising meticulously on maritime issues. Dr. Borg concluded by stating that: "Since its establishment in 1988, IMLI has, with great success been living up to the expectations laid down by the motto of the institute, "Serving the Rule of International Maritime Law". IMLI is precisely at the service of the international community where maritime issues are concerned."



Dr. Joe Borg (EU Commissioner for Fisheries and Maritime Affairs), in the presence of Prof. David Attard (Director, IMLI) being greeted by the IMLI Class 2004/2005 on the occasion of the inaugural lecture of the IMLI's 10th Annual EC Maritime Law Course

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the development of the Law of the Sea in its present form is recognized worldwide making the country a most fitting place to host the Institute.

At this juncture, I would also like to take the opportunity to pay a very special tribute to Dr. Joseph Fenech, who sadly passed away recently. Advocating the training of human resources as a fundamental pillar for a better global legal order, it was Dr. Fenech who spear-headed the drive for Malta to host the Institute; and unwaveringly pursued his noble aims. As an IMLI Governor and a Visiting Lecturer, he worked selflessly for IMLI's improvement as a catalyst for change. He is already missed.

I cannot close my remarks without offering my sincere appreciation and gratitude to IMLI's many visiting lecturers, all of whom give their time and services voluntarily and generously. Their contribution in imparting invaluable knowledge and expertise to present and future generations is greatly appreciated by both students and the shipping industry. My thanks also go to the dedicated teaching and administrative staff of the Institute so ably led by the Institute's Director, Professor David Attard; and, of course, my associates in the IMO Secretariat who assist the Institute in many ways. The Governing Board does an excellent job in dealing with the financial and academic affairs of the Institute and deserves every recognition and appreciation; as does my predecessor, Mr. O'Neil, from whom I inherited a well-set Institute and a heavy legacy to preserve. The contribution of the Academic Committee and the Comité Maritime International also merit a special mention.

The increasing number of IMLI graduates confirms the Institute's effective capacity-building role within the maritime community and the shipping industry at large.

NIPPON FOUNDATION CONTINUES TO SUPPORT IMLI FOR THE THIRD CONSECUTIVE YEAR



Mr. Eftimios Mitropoulos (Secretary – General, IMO) with Mr. Masazumi Nagamitsu (Executive Director, Nippon Foundation) and Mr. Mitsuyuki Unno (Manager of the Overseas Programme Sector within the Department of Maritime Affairs) at the 2005 Graduation Ceremony.

The Nippon Foundation (one of the largest philanthropic organizations in the world) based in Tokyo (Japan) and the IMO International Maritime Law Institute (IMLI) launched in 2003 their joint "Human Resources Development Project for the Advancement of a More Effective Legal Order for the Oceans" which is to continue also in the current academic year.

The major aim of the project is to contribute to the promotion, adoption, effective implementation and enforcement of international maritime conventions adopted under the aegis of the United Nations (UN) and of the International Maritime Organization (IMO) and to encourage a greater participation by developing States, particularly Asian, in the major international maritime law conventions and legal instruments.

An important feature and integral part of this project is to provide scholarships for deserving lawyers from developing countries, especially from the Asia region, to study at IMLI.

In previous academic years 17 lawyers from all over the globe were awarded Nippon Foundation Scholarships to pursue a postgraduate training in International Maritime Law at the IMO International Maritime Law Institute in Malta. This year another 8 lawyers from 7 different countries are benefiting from the Nippon Foundation scholarship at IMLI.

Another important part of the project is the "Sasakawa Prize for the Best Performing Nippon Foundation Scholar" which is awarded every year to the Nippon Scholar, who has the best overall performance in the LL.M. Programme. The 2005 Sasakawa Prize was presented at the 2005 Graduation Ceremony to Ms. Rusudan Tushuri (Georgia).

The realization of this project, administrated by IMLI, would not have been possible without the generous contributions of funds by the Nippon Foundation.

Each graduating class adds its knowledge and expertise to an already impressive network of alumni and provides significant benefits to the global maritime community.

In closing, I would like to address you, the class of 2005. I offer you firstly my congratulations for successfully reaching the end of your studies. And secondly, I welcome the addition of 29 students from 21 countries to the list of those who have graduated from IMLI. You join a formidable international network of 332 IMLI graduates from 103 states and territories, an impressive record indeed. You have a great role to play and a heavy duty to bear as you leave these shores. IMLI, whose flag you should always fly with pride, distinction and dignity, has equipped you with what you will need for a distinguished career in a most noble community – the international maritime community. The degree you are receiving today represents the fruit of your labour over the past year but it also marks the beginning of a new stage in the challenging career you have chosen. A career which will benefit yourselves, your families, your countries and the international maritime community as a whole. The future is yours and I envy you.

All that is left for me to do now, on this prestigious occasion, is to wish you all good luck and every success and I look forward to meeting you again in your future roles as you apply the specialized knowledge you have acquired in this Institute in pursuit of IMO's desired goals of safe, secure, environmentally-friendly and efficient shipping on clean seas. Your countries need you and IMO will welcome you.

Ladies and Gentlemen, thank you.

IMLI LAUNCHES ITS ADVANCED DIPLOMA IN INTERNATIONAL MARITIME LAW



Prof. Vaughan Lowe (UK, Chichele Professor of Public International Law and Fellow of All Souls College, Oxford University) lecturing at IMLI.

In September 2005 IMLI launched its Advanced Diploma in International Maritime Law. This new Programme is designed to benefit professionals involved in maritime practice both in the private and in the public sector (including at the most senior levels) who, because of their careers, are unable to be away from their jobs for any length of time in excess of a few weeks per year.

Bearing in mind the differences between the public and private dimensions of international maritime law the Advanced Diploma may be undertaken as Public, Private, or General strand.

Applications for the Advanced Diploma Programme must be submitted by candidates who possess a degree from a recognized University or other academic institution, or qualifications of comparable standard including relevant professional and/or practical experience recognized for this purpose by the Institute.

Advanced Diploma studies may be undertaken within a minimum period of 1 and a maximum period of 5 academic years. The Advanced Diploma is a taught Programme. Candidates are expected to attend lectures/tutorials set in respect of the credit subjects elected. This is a *sine qua non* condition for further assessment. The methods of assessment may include, *inter alia*, short written paper or essay, oral examination, or written examination. The Advanced Diploma will be awarded to candidates who, within their study period, successfully earn the number of credits required.

The Advanced Diploma shall be awarded during the first Graduation Ceremony held by the Institute immediately after the successful completion of the Programme's requirements. The applicable fees for participation in the Programme are established at 2,250 *per annum*.

IMLI GRADUATES ESTABLISH THE PACIFIC INTERNATIONAL MARITIME LAW ASSOCIATION



IMLI graduates from the Pacific area and other guests at the IMLI Alumni/Maritime Legal Seminar held in Suva, Fiji between the 12th and 15th July 2005.

IMLI Graduates from the Pacific Region have recently established the Pacific International Maritime Law Association (PIMLA). The new association was officially formed at the IMLI Alumni/Maritime Legal Seminar held in Suva – Fiji (under the auspices of the Secretariat of the Pacific Community) and is the product of intensive discussions and initiatives by IMLI graduates from the Pacific area.

Some of the objectives of the Association are to provide legal and maritime assistance to member States of the Pacific Community and to the Regional Maritime Programme (RPM), as well as to bring together under one umbrella all maritime professionals from the region in order to foster and share their maritime expertise and experience. The establishment of PIMLA is also keeping with the objectives of the Pacific Plan for strengthening regional cooperation and integration.

Since the establishment of the Institute in 1988, 18 lawyers from the Pacific area have graduated in international maritime law at IMLI. Graduates come from Fiji (4), Papua – New Guinea (4), Samoa (3), Vanuatu (2) and one each from Tonga, Tuvalu, Salomon Islands, Marshal Island and New Zealand. Most of them are currently holding high positions within their respective governments or with regional or international organizations.

There has been great interest from the maritime sector in the Pacific to join the new Association which is expected to play an instrumental role in assisting Pacific governments reviewing their maritime legislation.

IMLI ALUMNI

Mr. George Dulu (Kenya, Class of 1991) had been appointed Judge of the High Court of Kenya.

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Ms. Rubina Khuram (Pakistan, Class of 1991) has been recently awarded the Ph.D. Degree from the University of Swansea, Wales.

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Ms. Nabila Sboui (Tunisia, Class of 1997) has been appointed Legal Advisor, Ministry of Transport, Tunisia.

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Dr. Gordon Cutajar (Malta, Class of 2004) has been appointed Assistant Registrar of Ships, Malta.

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Lt. Cmdr. Gianmatteo Breda (Italy, Class of 2005) has been appointed Lecturer of International Law and Military Disciplinary Regulations, Naval Academy, Livorno – Italy.

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Dr. Stefan Sant (Malta, Class of 2005) has been appointed First Secretary, Ministry of Foreign Affairs, Malta.

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Ms. Rusudan Tushuri (Georgia, Class of 2005) has been appointed Head of the International Legal Relations Department, Ministry of Justice, Georgia.

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Ms. Iris Wigger (Switzerland, Class of 2005) has been appointed as a Scientific Officer, Swiss Maritime Navigation Office.

DOCTOR OF PHILOSOPHY

The IMLI Doctor of Philosophy (Ph.D.) Programme is seeing a steady flow of candidatures from around the globe. The degree may be awarded following successful defense of a thesis of not more than 100 000 words on a subject within the syllabus of the Institute.

The Ph.D. course is solely research-based and involves a high degree of independence from candidates. Thus, the course can be largely undertaken from abroad. The Institute will appoint a supervisor from a list of internationally-recognized experts.

Studies for the degree are to extend over a period of *not less* than three and not more than five years.

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.

SHORT COURSES 2005/2006 CALENDAR

The following short courses will be held during the second semester of the academic year 2005/2006:

Law of the Sea Subjects

International Law of the Sea
consisting of the following sub-modules:
 Introduction to the International Law of the Sea
 Internal Waters and Territorial Sea
 International Straits
 Archipelagoes
 Contiguous Zone
 Continental Shelf
 Exclusive Economic Zone
 Fisheries
 Land-Locked/Geographically Disadvantaged States
 The High Seas Legal Status and Freedoms
 Deep Seabed (Common Heritage of Mankind)

Marine Scientific Research
 International Dispute Settlement

International Marine Environmental Law Subjects

International Marine Environmental Law

International Maritime Security Law

Shipping Law Subjects
 Proprietary Interests in Ships
 Enforcement of Maritime Claims
 Carriage of Passengers and Their Luggage
 Law of Maritime Safety
 Law of Marine Collisions
 Law of Salvage and Wreck
 Law of General Average
 Law of Towage
 Law of Marine Pilotage
 Global Limitation of Liability
 Law of Marine Insurance
 Miscellaneous
 EC Shipping Law

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

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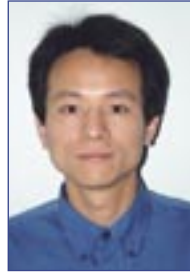
IMLI LL.M. STUDENTS' ACADEMIC YEAR 2005-2006



Paula Beatriz Grillo
(ARGENTINA)



Carla Andrade de Melo
(BRAZIL)



Yongsheng Cai
(CHINA)



Xuefei Zheng
(CHINA)



Valerian Bodaveli
(GEORGIA)



Wolfgang Dietz
(GERMANY)



Simone Vitzthum
(GERMANY)



Ali Abbas Khayoon
(IRAQ)



Mohamed Alawi Hussun
(KENYA)



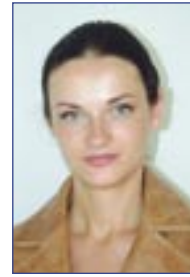
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Larry John Gauci
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Simon Lungaro
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Adrian Muscat Azzopardi
(MALTA)



Khin Thandar Oo
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Victor Egejuru
(NIGERIA)



Eric Oji
(NIGERIA)



Muhammad Ajmal
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Marisol Agüero Colunga
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Geraldine V. Ruiz de Castilla
(PERU)



Leo Tito L. Ausan Jr.
(PHILIPPINES)



Ramon Reblora
(PHILIPPINES)



Dorota Lost-Sieminska
(POLAND)



Kerryn Kwan
(SAMOA)



Riyaz Hamza
(SRI LANKA)



IMO



Edme Lygia Pocorni
(SURINAME)



Arzu Tuncer
(TURKEY)



Tamara Gaydabrus
(UKRAINE)



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"Serving the Rule of International Maritime Law"