



IMO

# IMLI NEWS

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IMLI

THE MAGAZINE OF THE IMO INTERNATIONAL MARITIME LAW INSTITUTE - MALTA. No. 21/2008

## ADDRESS OF THE IMO SECRETARY-GENERAL AND CHAIRMAN OF THE IMLI GOVERNING BOARD AT THE 18<sup>TH</sup> ANNUAL GRADUATION CEREMONY ON 5 MAY 2007

Honourable Minister and Under-Secretary for Maritime Affairs, Excellencies, Honourable Justices, Head of the Malta Armed Forces, Professors, Parents, Graduands, Distinguished guests, Media representatives, Ladies and Gentlemen,

I should like to begin by expressing my delight for, once again, being with you today. To be able to participate in the celebrations of this very special day for all of you and, in particular for the body of students that is graduating today from this highly specialized centre of excellence, is both a pleasure and a privilege.

For me, every IMLI graduating class represents a renewal and a re-ignoration of IMO's potential to achieve its objectives. For you, the graduands, will now be joining a growing band of alumni equipped with the skills and qualifications required to ensure that IMO measures can and will be translated into effective legislation at the national level. As such, you now have the ability to form an integral part of the chain of implementation of global maritime standards, the development of which is at the very heart of the Organization's objectives.

As you know, since its establishment, nearly 60 years ago, IMO has, as its main objective, the adoption of a comprehensive framework of international legislation relating to all technical aspects of commercial shipping. During that time, the Organization's mandate has grown from its early focus, purely on maritime safety, to embrace the efficiency and security of shipping as well as the prevention of marine pollution. All of that is still, and always will be, an important part of our work. But the adoption of regulations is only the start of the process. Today, more attention than ever is being paid to the crucial issue of implementation – and that means making sure that IMO legislation is put into proper effect, uniformly throughout the world.

The primary responsibility for doing so rests with individual Governments. By accepting an IMO Convention, a Government thereby agrees to enforce it just like any other international instrument it decides to become party to. And to do this, it will generally need to incorporate the instrument into its own national legal system. For this, Governments require trained, expert staff.

IMLI was created to assist in providing a ready source of just such experts, and its success in achieving this objective is now internationally recognized. The Institute has, in fact, more than fulfilled its early promise. It is now an indispensable part of IMO's strategy and the 35 young men and women graduating today, with Master of Law degrees in International Maritime Law, bring the total trained by the Institute to 396 from some 110 different States and territories from around the globe. This represents a major contribution to the goals of IMO: IMLI has helped to create a team of experts who are capable of ensuring that IMO standards are properly enforced and, for this, the Institute deserves not just my thanks but those of the entire shipping community and, indeed, the wider global community that, in order to survive and the world economy not to collapse, it depends, day in-day out, on a safe, secure, efficient and clean shipping industry – even if they are not always aware of it.

A very special tribute is, of course, due to the Government of Malta, without whose generous hostship facilities none of this would be possible. As one of the world's major shipping registers and an IMO Council Member, Malta's contribution to the overall work of IMO is recognized worldwide. And, of course, when considering Malta's contribution to the development of international maritime law, nobody can deny that few countries can compete with her – which makes Malta a most fitting place to host this highly valued institution.

Also richly deserving of all our thanks are the many donors without whose enduring support IMLI's success over the years would simply not have been possible. In this context, I should like to make particular mention of the Nippon Foundation for its ongoing assistance to, and interest in the Institute. 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.

My sincere appreciation goes, equally, to IMLI's many visiting lecturers, all of whom give their time and services voluntarily and generously. The Institute could not function without them and I know that their contribution, in imparting invaluable knowledge and expertise to present and future generations, is greatly appreciated by both students and within the shipping industry as a whole. And, while on the subject of vital contributions to IMLI, let me reserve a special mention for the Institute's dedicated teaching and administrative staff, ably led by its Director, Professor David Attard, who remain the driving force behind so much of IMLI's success. Professor Attard's and his associates' motivation and enthusiasm for the Institute are an example to us all. Their commitment and dedication, together with that of all the members of the Institute's Governing Board, deserve our highest appreciation.

And, of course, last but not least, I congratulate and thank you, the graduands, warmly and



**Mr. Efthimios Mitropoulos (Secretary-General, IMO and Chairman, IMLI Governing Board)**

wholeheartedly, on this prestigious occasion when you are, rightly, feeling a sense of pride and satisfaction at having successfully achieved, after considerable effort and dedication, the high standards required for graduation. Well done, indeed!

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Ladies and gentlemen, before I conclude, I should like to say just a few words about the theme for this year's World Maritime Day, which, as unanimously approved by the Council last November, is "IMO's response to current environmental challenges". This will give us the opportunity – at a time when society considers it imperative to find sustainable and lasting solutions to redress the negative impact of human activity on the environment – to increase awareness about the threat to it stemming from shipping operations and, by taking appropriate preventive and, where necessary, remedial action, to show that the maritime sector does care about the environment and is, indeed, already at the forefront of that challenge.

Again here, I am full of praise for Malta's offer to house and generously support REMPEC, the IMO Regional Centre for Combating Marine Pollution in the Mediterranean, which I am going to visit in a short while at its new Headquarters provided by the host country at premises which, until very recently, were occupied by the Malta Maritime Authority.

There may not be too many topics today that truly bridge the generations but the protection of the environment is certainly one of them. The issues that confront us concern the very future of our planet and the decisions mankind makes over the coming years will certainly shape the inheritance that my generation will leave to yours – and, without a doubt, the legacy you, the graduands, may leave to your grandchildren.

My generation, as a whole, has only very recently come to understand that the planet that sustains us and gives us life is a fragile entity and that our actions can, and do have massive repercussions. It is not proving an easy lesson for us to learn, but we are gradually succeeding. Your generation, on the other hand, is growing up with this knowledge. A caring and responsible attitude towards the environment in which you were born, nurtured and are growing will be as natural and as innate to you as your ability to communicate in your native language.

The protection of the environment is something that can be, and must be, addressed at every level. It is, however, imperative for all of us to understand that the work of Organizations such as IMO, at the global regulatory level, is only really effective if the measures we adopt are properly implemented, on a daily basis, by ordinary people in the industries that we serve. Everybody, no matter who they are, can, and must, do their bit to make a difference. As graduates of IMLI, you, more than most of your contemporaries, have the tools to make a positive contribution in this respect. I wish you the motivation and the strength to do so, confident in the knowledge that your time here in Malta will have helped prepare you to play your part.

IMLI graduates now have a proven track record, over many years, of directly or indirectly helping IMO to achieve its aims of improving shipping safety and preventing marine pollution by ships; and it is my fervent hope that those who graduate today add their valuable contribution to the relentless efforts of all those who care about shipping and the oceans.

I would like to close my address by wishing this year's graduands all the very best as they embark on their challenging careers and I look forward to working with them in the future. And to their parents, I extend my warm congratulations on their sons' and daughters' achievements.

I hope you will all enjoy what is a very special day for the students, their parents and teachers, the Institute, Malta, the maritime community and IMO.



**Mr. Efthimios Mitropoulos (Secretary-General, IMO and Chairman, IMLI Governing Board), Prof. David Attard (Director, IMLI) and Prof. Francis Reynolds (Q.C. (Hon.), F.B.A., Professor Emeritus, University of Oxford) and the IMLI Class of 2006 – 2007 during the Graduation Ceremony**

## WORLD MARITIME DAY CELEBRATED AT IMLI

The IMO International Maritime Law Institute celebrated World Maritime Day on the 27 September 2007. The ceremony which was presided over by the Hon. Censu Galea (Minister for Competitiveness and Communications, Malta), was also attended by H.E. Mr. Jean-Marc Rives (French Ambassador to Malta), Mr. Frédéric Hébert (Director, REMPEC) and a delegation of REMPEC's officers.

The Institute's Director opened the ceremony by delivering the Welcoming Address where he highlighted the importance of World Maritime Day. Minister Galea then delivered the Keynote Address as follows:



The Hon. Censu Galea (Minister for Competitiveness and Communications, Malta) addressing the forum at IMLI on the occasion of World Maritime Day 2007

“Director,  
Ambassador Rives,  
Director Hebert,  
Ladies and Gentlemen,

It is a great pleasure to be invited by IMLI to address its 19<sup>th</sup> academic year on occasion of World Maritime Day. This annual event is used to rekindle the world's awareness on the work of IMO in promoting safety and security in shipping and to help protect the marine environment. This year's World Maritime Day is dedicated to IMO's response to current environmental challenges.

The theme was chosen to provide IMO with an opportunity to promote its work in the environmental field and to instil in Governments the interest in pursuing measures to increment acceptance of internationally agreed measures for the protection of the marine environment.

In his message commemorating World Maritime Day 2007, Mr. Efthimios Mitropoulos, IMO Secretary-General recognized that:

*There is today, quite rightly, a growing concern for our environment and a genuine fear that, if we do not change our ways right now, the damage we will inflict on our planet will render it incapable of sustaining for future generations the economy we have grown accustomed to, over the better part of the past two centuries.*

There is no doubt that environmental issues have now obtained a much higher focus than ever before. Global concerns like climate change now share the limelight with the growing condemnation of marine environmental disasters. Although statistics demonstrate that, of all modes of transport, shipping is the least environmentally damaging, maritime



Mr. Frédéric Hébert (Director, REMPEC), Mrs. Anne-Louise Debeusscher (Counsellor in Cultural Affairs, French Embassy), H.E. Mr. Jean-Marc Rives (French Ambassador to Malta), The Hon. Censu Galea (Minister for Competitiveness and Communications, Malta) and Prof. David Attard (Director, IMLI) at the IMLI library during the celebrations



Mr. Albert Bergonzo, Capt. Joseph Zerafa and Mr. Jonathan Pace of REMPEC's Prevention Unit during IMLI's ceremony commemorating World Maritime Day

carriers are constantly seen as potential polluters, and as such face strong pressure to put into practice the highest standards to prevent damage to the environment.

It may be recalled that IMO's original mandate was mainly concerned with maritime safety. However, the work of the organization soon extended to the protection of the marine environment. Soon after its inception the IMO adopted the 1954 OILPOL Convention. The Convention was a huge step forward in the protection of the environment against pollution from oil. Nonetheless the international community soon realized that, not only did the regulation for the prevention of pollution from oil needed to be revised, but there were other potential pollution areas which needed regulation. This led to the adoption in 1973 of the MARPOL Convention, which now covers prevention of pollution from ships by oil; by noxious liquid substances carried in bulk; harmful substances carried by sea in packaged form; sewage, garbage; and the prevention of air pollution from ships.

More than 30 years after its adoption, MARPOL albeit amended on several occasions remains the most significant international instrument regulating the prevention of pollution by ships. The success of the MARPOL Convention can be assessed on the basis of official statistics, which show that the average number of oil spills over 700 tonnes has decreased from over 25 in the 1970s to just around 4 in the current decade, and that 99 per cent of all oil transported by sea is delivered safely and without impact on the marine environment.

Notwithstanding MARPOL's success, the IMO has extended its environmental work to tackle many other areas of environmental concern. In this respect, the organization has adopted conventions to regulate the Ballast Water Management, to regulate the use of harmful anti-fouling paint on ships hulls; to provide a framework for the preparedness, response and co-operation in tackling pollution from oil and from hazardous and noxious substances; as well as for the regulation of the right of States to intervene on the high seas to prevent, mitigate or eliminate danger to their coastlines or related interests from pollution following a maritime casualty.

More recently in May of this year, IMO adopted in Nairobi a new Convention on the removal of wrecks that may present either a hazard to navigation or a threat to the marine and coastal environments, or both. IMO's latest Convention is the result of many years of hard work. I expect it to attract interest from member States.

In the light of these comments therefore, it may be reasonable to say that IMO has, over the years, adopted numerous measures to prevent and control pollution caused by ships and to diminish the effects of any damage that may occur. Moreover it must be recalled that IMO (with the exception of the limited powers granted by the STCW Convention) unfortunately does not have any enforcement powers. Thus the implementation of these internationally agreed standards rests with each and every Government.

It is here that – in my view – IMLI plays a fundamental role. Through the training of lawyers from all over the world, IMLI contributes to the progressive implementation of international maritime law. We trust that each of you, upon the return to your countries, will dedicate your professional life to contribute to your country's implementation of internationally agreed standards. Many of your predecessors are now leading delegations to IMO or hold positions of great responsibility in their respective countries. Many legal drafts prepared at IMLI have either been adopted as law, or have formed the basis for discussion for a country's ratification of an IMO Convention. The Government of Malta recognizes IMLI's contribution to the international maritime community and continues to maintain its constant support to the Institute's activities.

I wish to conclude by wishing the course participants – who are lawyers hailing from 24 States – success in your studies and I look forward to meeting you again, particularly at your Graduation Ceremony next May. Thank you.”



The Hon. Censu Galea (Minister for Competitiveness and Communications, Malta), Prof. David Attard (Director, IMLI), H.E. Mr. Jean-Marc Rives (French Ambassador to Malta), Mr. Frédéric Hébert (Director, REMPEC) and the REMPEC delegation with the IMLI class of 2007 – 2008



## DONORS 2007 - 2008



Mr. Efthimios Mitropoulos, IMO Secretary-General, presents the IMO Secretary-General's Prize for Best Dissertation to Lt. Cmdr. Guillemo Alfredo Bouroncle Calixto (Peru) during the 2007 Graduation Ceremony

Dounia Mokdad (Algeria), Ms. Wang Wei (People's Republic of China), Mr. Lesther Ortega Lemus (Guatemala), Mr. Jeffrey George (Liberia) and Mr. Christopher Sammut (Malta).

At the end of the academic year, the IMO Secretary-General's Prize will be awarded to the student who writes the best dissertation. The 2007 Secretary-General's Prize for Best Dissertation was awarded to Lt. Cmdr. Guillemo Alfredo Bouroncle Calixto (Peru).

### NIPPON FOUNDATION



Mr. Masazumi Nagamitsu, Executive Director of the Nippon Foundation, presents the Sasakawa Prize for Best Performing Nippon Foundation Scholar to Capt. Zulkifili Bin Abu Bakar (Malaysia) during the 2007 Graduation Ceremony.

Rossina Luz Pietro Llanos (Peru), Mr. Ronald Siphon Mbatha (South Africa), Ms. Anella Marella James (St. Vincent & the Grenadines), Mr. Denys Rabomizo (Ukraine) and Mr. Tareq Matai (Yemen).

At the end of the academic year, the Sasakawa Prize for the Best Performing Nippon Foundation Scholar will be awarded to the Nippon Scholar who has the best overall performance in the LL.M. Programme. The 2007 Sasakawa Prize was awarded to Capt. Zulkifili Bin Abu Bakar (Malaysia).

### NEW MEMBERS IN IMLI FACULTY

IMLI has recently appointed two new Assistant Lecturers, Ms Adriana Vincenca Padovan (IMLI graduate) from Croatia and Mr Ruben Y. Maceda (IMLI graduate) from the Philippines.

Ms Adriana Vincenca Padovan is a Croatian maritime lawyer who, prior to the appointment at IMLI, held a post at the Marine Department Headquarters of a leading insurance company in Croatia.

Mr Ruben Y. Maceda is a member of Integrated Bar of the Philippines. He has held a position of the Head of the Maritime Training Division of the Faculty of National Maritime Polytechnic in the Philippines.

### IMLI ALUMNI

**Atty. Lissa Belle Villanueva** (the Philippines, class 2006-2007) has been appointed to the Marine Environmental Command, the Philippine Coast Guard.

**Atty. Gilberto Asuque** (the Philippines, class 2003-2004) has been appointed Charge d'Affaires and Consul General of the Philippine Embassy in Israel.

**Atty. Josephine Uranza** (the Philippines, class 2004-2005) has been appointed Assistant Vice-President, the Office of the President, Magsaysay Maritime Corporation, the Philippines.

**Mrs. Mayen Bassey Obi** (Nigeria, class 1996-1997) has been appointed Head of the Legal Services Unit of the Nigerian Maritime Administration and Safety Agency.

**Mr. Sagidzhan Kubashev** (Kazakhstan, class of 2006-2007) has been appointed Deputy Director of the Department of International Contracts, KazMunaiGas Exploration Production Company, Kazakhstan.

**Mr. Pemamiththa A. Ratnayake** (Sri Lanka, class 1990-1991) has been appointed President's Counsel and Additional Solicitor General.

### IMO

The International Maritime Organization continues to support IMLI's funding requirements. It annually provides four full scholarships and one partial scholarship which are intended for deserving government-nominated candidates who wish to pursue post-graduate studies in international maritime law at IMLI. This academic year, the following students have been awarded a scholarship by IMO: Ms.



Mr. Frédéric Hébert, Director of REMPEC presents the Marine Environment Law Prize to Atty. Lissa Belle Villanueva (the Philippines) during the 2007 Graduation Ceremony.

qualified, government-nominated candidates coming from the Mediterranean partners of Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey. This year's SAFEMED scholars are: Mr. Sharif Majali (Jordan), Ms. Lamia Alayet (Tunisia) and Mr. Murat Sinan Basaran (Turkey). The last four SAFEMED scholarships that remain to be awarded will enable the chosen candidates to pursue LL.M. studies at IMLI during the academic year 2008-2009.

### SAFEMED

The "Euro-med Cooperation on Maritime Safety and Prevention of Pollution from Ships - SAFEMED" (SAFEMED) is an EU-funded project which is being implemented by REMPEC. The SAFEMED project seeks to mitigate the imbalance in the application of maritime legislation in the region among Mediterranean partners who are not members of the European Union (EU) and those who are. The SAFEMED project provides 10 scholarships to

### ITF SEAFARERS' TRUST



Mr. Tony Zarb, General Workers' Union Secretary-General, and Mr. Michael Parnis, Deputy Secretary-General International with Prof. David Attard and the IMLI Class of 2006-2007 at the occasion of establishment of the joint project of IMLI and the ITF Seafarers' Trust - "The Human Dimension in International Maritime Law: Seafarers' Rights".

IMLI and the International Transport Workers' Federation's Trust established in 2006 the joint project relating to "the Human Dimension in International Maritime Law: Seafarers' Rights". The first phase of the project focuses on the consolidation of the Institute's ongoing programmes on international maritime labour law and will involve the setting up of dedicated, specialised research facilities on seafarers' rights. The second phase covers the provision of two scholarships to deserving senior government lawyers to pursue post-graduate studies in international maritime law under IMLI's LL.M. Programme in the academic year 2007-2008. The students who were awarded the respective scholarships in are Capt. Arvind Kumar (India) and Mr. Dele Lu (People's Republic of China).

### IMLI ACADEMIC PROGRAMMES

Applications to the following academic programmes are now being invited:

**DOCTOR OF PHILOSOPHY PROGRAMME** - The Programme is solely research-based and involves a high degree of independence from candidates. It requires the submission and successful defence of a thesis of not more than 100,000 words. Studies for the degree should be completed within three to five years from first enrolment. To qualify for the Programme, candidates must hold a Master's Degree from a recognised university or academic institution, or hold qualifications of comparable standard.

**MASTER OF LAWS IN INTERNATIONAL MARITIME LAW** - The one-year study Programme consists of education in international law, law of the sea, shipping law, marine environmental law and drafting of maritime legislation. Admission to the Programme is open to a limited number of students in any academic year. A university degree in law and proficiency in the English language are prerequisites to admission. Financial assistance may be available.

**ADVANCED DIPLOMA IN INTERNATIONAL MARITIME LAW** - The Programme requires the candidate to earn a total of 25 credits by successfully following and completing credits on distinct subject areas either within the Public International Maritime Law strand, the Private International Maritime Law strand or the General International Maritime Law strand. Credits must be undertaken between one to five academic years from first enrolment.

#### FOR INFORMATION ON ADMISSIONS, PLEASE CONTACT

Mr. Ruben Maceda, Assistant Lecturer, Admissions Officer  
IMLI, P.O. Box 31, Msida MSD 01, Malta  
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#### IMLI NEWS

Published by the IMO International Maritime Law Institute  
Editor: Ms. Adriana Padovan

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IMLI, P.O. Box 31, Msida MSD 01, Malta  
Tel: (+356) 21 310 816 or (+356) 21 319 343; Fax: (+356) 21 343 092; E-mail: [publications@imli.org](mailto:publications@imli.org)  
The IMO International Law Institute was established under the auspices of the International Maritime Organization, a specialised agency of the United Nations



IMO

# IMLI STUDENTS ACADEMIC YEAR 2007-2008



IMLI

## LL.M. PROGRAMME



Elda Belja  
(ALBANIA)



Sofiane Boudarene  
(ALGERIA)



Dounia Mokdad  
(ALGERIA)



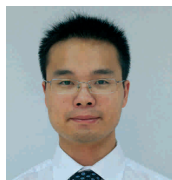
Fatma Zohra Sadoun  
(ALGERIA)



Mhamed Sebentoute  
(ALGERIA)



Djidi Ana Diarra  
(ANGOLA)



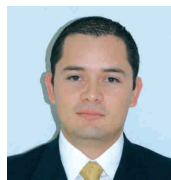
Dele Lu  
(PEOPLE'S REPUBLIC  
OF CHINA)



Wei Wang  
(PEOPLE'S REPUBLIC  
OF CHINA)



François Laurent  
(FRANCE)



Lester Antonio Ortega Lemus  
(GUATEMALA)



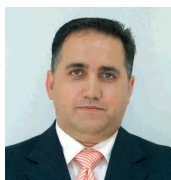
Arvind Kumar  
(INDIA)



Ananda Chandra Ojha  
(INDIA)



Kazuhiro Ichimaru  
(JAPAN)



Sharif Majali  
(JORDAN)



Karlygash Dauletaliyeva  
(KAZAKHSTAN)



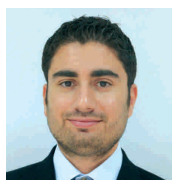
Jeffrey George  
(LIBERIA)



Roselaili Bte Abdul Rahman  
(MALAYSIA)



Christopher Attard  
(MALTA)



Matthew Attard  
(MALTA)



Christopher Sammut  
(MALTA)



May Thazinn  
(MYANMAR)



Peter Akinolu Agbamioja  
(NIGERIA)



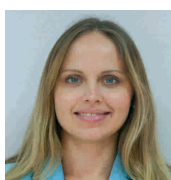
Rita Uzoamaka Egbuche  
(NIGERIA)



Tahir Hadejia Idris  
(NIGERIA)



Rossina Luz Prieto Llanos  
(PERU)



Karina Sergeevna Hansford  
(THE RUSSIAN FEDERATION)



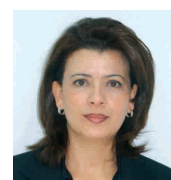
Alexey N. Savransky  
(THE RUSSIAN FEDERATION)



Ronald Sipho Jama Mbatha  
(SOUTH AFRICA)



Annella Marella James  
(ST. VINCENT & THE GRENADINES)



Lamia Alayet  
(TUNISIA)



Murat Sinan Basaran  
(TURKEY)



Denys Vyacheslavovich Rabomizo  
(UKRAINE)

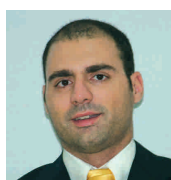


Tareq Matai  
(YEMEN)

## ADVANCED DIPLOMA PROGRAMME



Emanuel Mallia  
(MALTA)



Adriano Cefai  
(MALTA)



Noah Hardie  
(THE UNITED STATES OF AMERICA)

*"Serving the Rule of International Maritime Law"*