



IMLI NEWS



Circulated in more than 100 States to personalities in the legal and maritime professions

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IMLI GRADUATE ELECTED CHAIRMAN OF IMO LEGAL COMMITTEE

Mr. Kofi Mbiah (Chairman, IMO Legal Committee) visited IMLI on 26 January 2011 and delivered a lecture on "The work of the IMO Legal Committee and its challenges". This was his first visit to the Institute after his election, by acclamation, as the new Chairman of the Committee on 18 November 2010. He was nominated by the members of the Italian delegation, who made particular reference to his training at IMLI in 1991 from where he obtained the Degree of Master of Laws in International Maritime Law *with distinction*.

During his visit to IMLI, Mr. Mbiah was interviewed by IMLI's e-news editor, Ms. Elda Belja. In the interview he expressed his views on IMLI and its work as follows:

Mr. Mbiah welcome to IMLI! How does it feel to be back after so many years?

I have only one word: Nostalgia! It feels really good to be back after so many years. I have always expected to be back to Malta and IMLI. However, coming back I can say without a shadow of doubt that IMLI has indeed come a very long way. There is change and tremendous improvement in every front. It is remarkable and commendable!

The Italian delegation which nominated you for the position of the Chairman of the IMO Legal Committee made specific reference to the fact that you have undertaken postgraduate studies at IMLI. To what extent, in your opinion, has your training at IMLI helped in achieving your career goals and in particular in your prestigious appointment?

Training at IMLI was practical and it covered all the major branches of maritime law, including maritime legislation drafting. The latter has helped my work tremendously, not only as an advisor to my Government in maritime issues but also served me well in my work at the IMO Legal Committee, especially when called to chair the Drafting Committees in two Diplomatic Conferences.

Further, the lessons in shipping law and the law of the sea have served a very useful purpose in preparing me for the practical application of my knowledge in maritime law and indeed made me a total maritime law person. Without doubt there are other fine training institutions but they teach only shipping law or only public international law and law of the sea. The beauty of IMLI is that we are coached in both aspects of maritime law, public and private international maritime law, and that, has been most beneficial to me.

My work as a member of the Government of Ghana Delegation to the IMO has been largely influenced by my studies at IMLI. My studies at IMLI also influenced greatly my contributions during debates in the Legal Committee as well as in other Committees of IMO.

You have acted as Vice-Chairman of the IMO Legal Committee for a number of years. What, in your opinion, is the contribution of IMLI graduates to the development of international maritime law?

I was privileged to read the Valedictory Address on behalf of my class way back in 1991. On that occasion I do recall saying that the graduates produced by IMLI would become a force to reckon within international maritime affairs. Looking back and comparing the situation as it was then and as it is now there is no shadow of doubt that in all spheres of maritime endeavours IMLI graduates have demonstrated their capacity and capability. Therefore, it is no wonder that at the ninety-seventh session of the IMO Legal Committee there were as many as 23 graduates representing their countries. It must also be borne in mind that this number reflects only representations within the Legal Committee and I am aware of the many others who serve consistently in other UN bodies dealing with public and private international law.

On the domestic front as well I have had the opportunity to interact with a good number of IMLI graduates who are at the helm of maritime affairs in their countries. There is no doubt at all that they are making their contribution to the rule of international maritime law.

You started your lecture by stating how impressed you are at the changes of the Institute. What do you think has contributed to IMLI's growth throughout the years?

First and foremost the change I see in IMLI is dramatic, it is phenomenal! It is visible not only in the infrastructure and logistics, but also in the underlying spirit of IMLI. This is certainly attributable to the dynamic leadership of Professor Attard and his team. As my tutor, Professor Attard instilled in me, but not only, a desire to work hard and to reach the very top. He represents an inspiration to all of his students and I can say on behalf of the students how privileged we are to have been associated with him.

Concluding I would like to say few words of encouragement to the graduating class of 2011. You are presently in an Institution of high learning and recognition and I would like to invite you to acknowledge and cherish this fact. IMLI provides all the tools you would require for your work in the field and it beholds on you when you leave its walls to demonstrate that you are worthy ambassadors of the course you have undertaken. You should always carry along with you the "IMLI Spirit".

Thank you!



Mr. Kofi Mbiah (Chairman, IMO Legal Committee), Professor David Attard (Director, IMLI) and the Class of 2010/2011

INTERNATIONAL RELATIONS

IMLI maintains strong institutional links with national and international organizations, institutions and corporations pre-eminent in the field of shipping. IMLI's donors and supporters are *inter alia* IMO, The Nippon Foundation, the Lloyd's Register Educational Trust, CMI, the European Union through its SAFEMED Project administered by REMPEC, the Indian Ocean Commission, and the Swiss Government. Such organizations are not only a source of necessary fellowships for IMLI students but also provide the Institute with eminent visiting fellows in the field of international maritime law.

IMLI has also established a strong cooperation with leading educational institutions

IMO



Dr. Rosalie Balkin (Director, IMO Legal Affairs and External Relations Division) delivered the inaugural lecture of IMLI's 22nd annual LL.M. programme on 29 September 2010. The lecture focused on the legal framework of the IMO, its role as a specialized agency of the United Nations. After the inaugural lecture, Dr. Balkin delivered another lecture focusing on the work of the IMO Legal Committee.

Mr. Kofi Mbiah (Chairman, IMO Legal Committee) visited IMLI on 26 January 2011 and delivered a lecture on "The work of the IMO Legal Committee and its challenges". In his lecture, Mr. Mbiah provided a brief overview of the IMO objectives, functions, mission and the manner it is structured. He explained to the students the reasons for the establishment of the IMO Legal Committee, especially in the light of the disaster of the *Torrey Canyon*, and what has been, since its set up, the contribution of the Committee to the work of the Organization.



Mr. Charles Abela (Chairman, IMO Facilitation Committee) delivered a set of lectures on International Maritime Trade and the Facilitation Convention. During his lectures he gave the students the opportunity to understand the environment in which international maritime law has to function and addressed the importance of facilitation measures that each country should consider in order to facilitate maritime trade which is an integral part of the economic development of any country.

THE NIPPON FOUNDATION



Professor Atsuko Kanehara (Professor of Public International Law, Sophia University) visited IMLI in March 2011 and delivered a lecture on "Legal Governance in the Arctic Ocean". Professor Kanehara's lecture addressed the increased attention the Arctic Sea is drawing as a route of navigation and the necessary measures to be taken in order to ensure the safety of navigation and protect the fragile marine environment.

Professor Kanehara is a member of the Nippon Foundation's Selection Body of scholarship candidates studying at IMLI. Her visit to IMLI was thus an opportunity for the ten Nippon scholars to meet her in person.

SWISS GOVERNMENT



Dr. Reto Dürler (Head, Swiss Maritime Navigation Office and Member, IMLI Governing Board) delivered a lecture on "The 2005 Protocols to the International Convention on the Suppression of Unlawful Acts against Safety of Maritime Navigation (SUA Protocols)". Dr. Dürler conducted a very interesting lecture during which he discussed the developments leading to the adoption of the new Protocols, their contents and scope of application.

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including the University of Yale, University of Oxford, Queen Mary – University of London, the University of Rome "Tor Vergata" and the Italian Naval Academy.

Further, the Institute maintains extensive links with national maritime law associations such as the French Maritime Law Association, the Slovenian Maritime Law Association, the Spanish Maritime Law Association, the Canadian Maritime Law Association and the American Law Association.

It is the links with these institutions, which are the cornerstone of IMLI's position as the foremost educational institute in international maritime law.

CMI



Mr. Patrick Griggs CBE (Former President, CMI and Member, IMLI Governing Board) delivered a set of lectures at IMLI on various topics related to international maritime law. Mr. Griggs offered an extremely interesting review of the Nairobi International Convention on Removal of Wrecks, 2007. Mr. Griggs personally contributed and participated throughout the drafting of the Wreck Removal Convention and could therefore bring closer to the IMLI students the background and history of its provisions. Mr. Griggs delivered also a very interesting lecture on piracy and the outcome of the international community's efforts for its suppression. On 7 May 2011, the Degree

of Doctor of International Maritime Law *Honoris Causa* will be awarded to Mr. Patrick Griggs CBE.

Professor Frank L. Wiswall, Jr. (Vice-President (*Honoris Causa*), CMI and Member, IMLI Governing Board) delivered the unique course on "Maritime Legislation Drafting" which is designed to train government officials on techniques of drafting of maritime legislation. Professor Wiswall lectured on the drafting and adoption of national and international maritime legislation and emphasized the process by which international maritime legislation is developed at IMO.



NATIONAL MARITIME LAW ASSOCIATIONS

Dr. Philippe Boisson (Vice-President, French Maritime Law Association and Member, IMLI Governing Board) delivered the course on the "Law of Maritime Safety", one of the key subjects within the Shipping Law curriculum of IMLI's LL.M. programme. During his lectures Dr. Boisson presented a holistic approach of the maritime safety laws, including safety of the ship, cargoes and navigation. New topics have been added to his courses, in particular, the new Casualty Investigation Code and the International Maritime Solid Bulk Cargoes Code.



Professor Ignacio Arroyo (President, Spanish Maritime Law Association) delivered two lectures on the "Unification of Maritime Law through International Conventions". In his lectures Professor Arroyo explained that international conventions are an important instrument for the unification of maritime law and maritime law has to be unified to help the development of international trade. Professor Arroyo also reviewed from a critical point of view the Hague-Visby Rules, the Hamburg Rules, the Rotterdam Rules, and the Arrest of Ships Conventions 1952 and 1999.

Mr. Mitja Grbec (President, Slovenian Maritime Law Association) lectured on the Liability and Compensation Regime for Oil Pollution as regulated by the various international instruments adopted by IMO.

INTERNATIONAL RELATIONS

OXFORD UNIVERSITY



Professor Francis M. B. Reynolds, Q.C. (Barrister/Professor Emeritus, University of Oxford) delivered from October to November 2010 his course of lectures on the “Carriage of Goods by Sea”. Professor Reynolds’ comprehensive lectures give the students the opportunity to gain a detailed understanding of the obligations and rights arising from bills of lading and charterparty contracts.

The course examines an extensive list of topics including the nature and functions of the bills of lading and other transport documents, rights and liabilities pertaining to different types of charterparties, as well as the relationship between the charter, the bill of lading and other transport documents.

Professor Timothy Endicott (Dean of Faculty of Law, University of Oxford) lectured on the “Protection of Human Rights Overseas: The Common Law and the European Convention”. In his lecture Professor Endicott explained the origin of the principle of *habeas corpus* in common law, and the American Courts’ application of this principle in Guantanamo Bay and Afghanistan. He also discussed the British litigation over the alleged abuse of human rights in Iraq and the extent of British Courts’ jurisdiction for the protection of human rights in accordance with the European Convention on Human Rights. Professor Endicott argued that in the application of both American law and European Convention, the courts should extend protection beyond the State’s territory and its citizens insofar as in doing so the courts do not interfere with the military efforts of the State.



Professor Stefan Talmon (Professor of Public International Law, University of Oxford, St. Anne’s College) delivered a lecture on “International Organizations as Law-makers (Especially the Security Council)”. Professor Talmon’s lecture gave the students an overview of the developments that have taken place since the starting of the Security Council’s legislative phase immediately

after the 9/11 terrorist attacks. He explained the different resolutions adopted since then and the law-making role of the Security Council which has become a reality in present day international law.

SLOVENIAN ACADEMICS

Professor Dr. Elen Tvrđy (Dean, Slovenian Faculty of Maritime Studies and Transportation) visited the Institute in September 2010. The purpose of the visit was to explore ways for a closer cooperation between the Institute and the Faculty. Professor Dr. Tvrđy was accompanied by Professor Dr. Marko Pavliha, a longstanding friend of the Institute and a Member of IMLI Governing Board.



Professor Dr. Marko Pavliha (Head of Law Department, Faculty of Maritime Studies and Transportation, and Member, IMLI Governing Board) delivered the core part of the course on the “Law of Marine Insurance”. The purpose of his lectures was to give the students an overview of marine insurance, its history, functioning of insurance markets and basic understanding of the main principles and concepts of marine insurance law, including also some basic analysis of the broadly used standard clauses of marine hull and machinery insurance and cargo insurance. At the end of his lectures Professor Pavliha organized a “case study” exercise which gave the students the possibility to understand the practical aspects of a marine insurance dispute.

ITLOS



Professor Philippe Gautier (Registrar, ITLOS), visited the Institute on 9 February 2011 to deliver a lecture to the 22nd generation of IMLI lawyers on “Settlement of Disputes under the UNCLOS”. During the course of his very enlightening lecture Professor Gautier dealt comprehensively with all the relevant provisions on Settlement of Disputes codified in Part XV of UNCLOS.

Dr. Ximena Hinrichs (Legal Officer, ITLOS) visited the Institute and discussed with the students of the Class of 2010/2011 “The Adequacy of Hot Pursuit and Prompt Release of Vessels and Crew”. During her lecture Dr. Hinrichs referred to several important judgments of the Tribunal and focused particularly on the *M/V “SAIGA” (No. 2)* Case.

In May 2008, the Institute conferred upon ITLOS the “Award for Meritorious Contribution towards the Development, Interpretation and Implementation of International Maritime Law”. H.E. Judge Rüdiger Wolfrum (President of ITLOS) received the Award on behalf of the Tribunal during the Graduation Ceremony held on 3 May 2008.

ITALIAN ACADEMICS

Rear Admiral Fabio Caffio (Expert of Maritime Law, Italian Navy) lectured on “The Principle of Proportionality under the law of the sea and the law of armed conflicts”. During his very interesting lecture Rear Admiral Caffio discussed the concept of proportionality as a general principle of international law and its relevance under the law of the sea especially with regard to the use of force during peace time and in the course of maritime delimitation.



Professor Natalino Ronzitti (Chair of International Law, “LUISS” University of Rome), delivered a set of lectures on “The Use of Private Contractors in the Fight against Piracy: Legal and Policy Perspectives” and “Neutrality: The Malta-Italy Agreement”. During his first lecture Professor Ronzitti discussed the measures to combat modern piracy, including the use of armed guards on board vessels and

the legal implications involved therein. In his second lecture Professor Ronzitti dealt extensively with the notion of permanent neutrality in international law and discussed the neutrality agreement between Malta and Italy that was entered into in 1980.

Dr. Federica Mucci (Researcher in International Law, Faculty of Law, University of Rome “Tor Vergata”) lectured on “Characteristics and Types of International Organizations: Cooperation and Integration International Organizations”. During her lecture Dr. Mucci discussed firstly the international organizations as “functional” subjects of the international legal order, and then focused on the “law making” powers of such organizations.



Dr. Fiammetta Borgia (Lecturer in International Law, Faculty of Law, University of Rome “Tor Vergata”) lectured on “The Role of Non-Governmental Organizations and Multinational Corporations in International Law”. In her lecture, Dr. Borgia explained that new actors, such as public international organizations established by States, non-governmental organizations created by individuals, multinational corporations and even individuals, have emerged at the international level which are currently playing a key role in the development of international law.

UNITED NATIONS GENERAL ASSEMBLY RECOGNIZES THE WORK OF IMLI

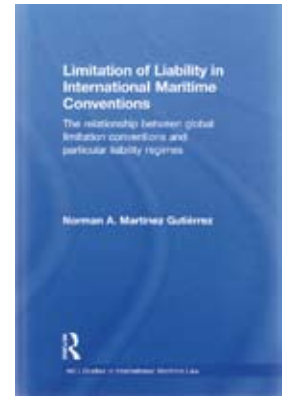
On 7 December 2010, during its sixty-fifth session, the United Nations General Assembly adopted Resolution A/Res/65/37 entitled "Oceans and the Law of the Sea". The Resolution, which was adopted by 123 votes in favour, tackles the main aspects of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and calls upon States and International Organizations to cooperate towards the effective implementation of the provisions of UNCLOS.

The General Assembly, through Resolution A/Res/65/37, acknowledged for the third consecutive year IMLI's the contribution to the international community. In paragraph 17 of this Resolution the UN's highest representative body:

"17. Recognizes the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute".

IMLI STUDIES IN INTERNATIONAL MARITIME LAW

In 2010 the Institute launched its book series "IMLI Studies in International Maritime Law" published by Routledge simultaneously in London and New York. The series is dedicated to publishing original, scholarly contributions which analyze key issues in international maritime law. The works published in the series will be of interest to an audience of students and scholars in maritime law, maritime lawyers and barristers, and professionals in the shipping industry. Professor David Attard is the general editor of the series. The first volume of the series entitled "Limitation of Liability in International Maritime Conventions: The Relationship between Global Limitation Conventions and Particular Liability Regimes" by Dr. Norman Martinez was published on 16 December 2010.



IMLI STUDENTS VIEWS



Maritime law cannot be understood if one does not apprehend its real and unique international character. In this sense, IMLI has the right balance in its curricula to really add to the knowledge of any lawyer who wants to jump into the deep seas of international maritime law. Furthermore, the fact that the Institute has as 'students' lawyers coming from many different countries and backgrounds enriches, to a great extent, the learning process as the interaction with people from different cultures gives the whole experience a very valuable human element. All this makes the IMLI courses a very distinctive and an important step in the professional development of any future maritime lawyer.

Dr. Gabriel Abad (Ecuador)

My IMLI experience has been one that I will never forget; I have received a first class education, opening my world up to International Maritime Law. As an IMLI student I have been blessed with a staff and Faculty that genuinely cares about the success of its students. As well as providing a comprehensive library, available to students is a wealth of knowledge and experience offered by visiting lecturers, international experts from around the world.

IMLI has given me an opportunity to develop an extensive professional network and make lifelong friends. Most of all IMLI has allowed me to grow and develop personally in ways I could not have imagined; it has undoubtedly enriched my career and my life.



I am proud and extremely grateful to have completed the journey of an IMLI student and to begin the new journey as an IMLI graduate.

Ms. Paula Manarangi (Cook Islands)



The height of an institution is not measured by the number of staff it has or by the land territory it occupies, but by its content and the ingenuity of its staff even if two.

What makes IMLI admirably distinct from other similar institutions is that its course content has been made achievable, enhanced and enriched by a library, well stocked with every reference material a maritime lawyer needs. Secondly and probably the most interesting facet of all, is that in addition to its most effective and well experience teaching staff, IMLI draws its resource persons from 'la crème de la crème' of every sphere of maritime law one can imagine. These distinguished personalities not only generously share their knowledge with us but will continue to be accessible even after graduation as part of our global network. The diversity in the student body offers each of us the opportunity to learn from one another and to know about one another's country, culture and food through the country profile presentation and cooking competition among others. And of course, the friendly weather and the receptive and accommodating people of Malta also contributed to the uniqueness of the IMLI experience.

Mr. Buba Bojang (the Gambia)

IMLI ACADEMIC PROGRAMMES

Applications to the following academic programmes are now being invited:

RESEARCH DEGREE PROGRAMME IN INTERNATIONAL MARITIME LAW – IMLI offers a Research Degree Programme leading to the award of the Degree of **Magister Juris (M.Jur.) in International Maritime Law** and the Degree of **Doctor of Philosophy (Ph.D.) in International Maritime Law**.

Studies for the M.Jur. Degree are to extend over a period of one (1) academic year after enrolment in the programme. The M.Jur. Degree is awarded upon the successful examination of a dissertation of between thirty (30) and fifty (50) thousand words. Prospective candidates for the M.Jur. programme must hold a first degree in law or a Master's degree from a recognized university. Studies for the Ph.D. Degree shall extend over a period of not less than two (2) nor more than four (4) academic years after enrolment as a candidate for that Degree. The Ph.D. Degree shall be awarded upon the successful examination of a thesis of between eighty (80) and one hundred (100) thousand words. To be eligible for enrolment in the Institute's Ph.D. programme, an applicant must have been awarded or listed for the award of the M.Jur. Degree with a recommendation from the M.Jur. Examiners that the candidate be enrolled in the Ph.D. Programme.

MASTER OF LAWS (LL.M.) IN INTERNATIONAL MARITIME LAW – The one-academic year study programme consists of education in international law, law of the sea, shipping law, international maritime security 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.

IMLI ALUMNI

Ms. Rusudan Tushuri (Georgia, class 2004-2005) has been appointed Deputy Chairman of the United Transport Administration of Georgia.

Mr. Tahir Hadejia Idris (Nigeria, class 2007-2008) has been appointed Assistant Director (Legal Services), Nigerian Shippers' Council.

Ms. Dorota Lost-Siemńska (Poland, class 2005-2006) has been appointed Director, Department of Maritime Transport and Inland Navigation, Ministry of Infrastructure.

Mr. Ibrahima Sy (Senegal, class 2004-2005) has been appointed General Secretary, Delegation for the Reform of the State and Technical Assistance, Office of the President of the Republic.

Mr. Julius Benedicto Mallaba (the United Republic of Tanzania, class 2003-2004) has been appointed Acting Director, Civil and International Law Division, Attorney General's Chambers.

FOR INFORMATION ON ADMISSIONS, PLEASE CONTACT

Mr. Ruben Maceda, Lecturer, Admissions Officer
IMLI, P.O. Box 31, Msida MSD 1000, Malta
Tel: (+356) 21 310 816 or (+356) 21 319 343; Fax: (+356) 21 343 092
E-mail: admissions@imli.org

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All correspondence should be addressed to:
IMLI, P.O. Box 31, Msida MSD 1000, Malta
Tel: (+356) 21 310 816 or (+356) 21 319 343; Fax: (+356) 21 343 092
E-mail: publications@imli.org

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