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IMLI AWARD TO BE CONFERRED ON THE IMO LEGAL COMMITTEE

The IMO International Maritime Law Institute (IMLI) will confer the IMLI Award for Meritorious Contribution towards the Progressive Development and Codification of International Maritime Law on the IMO Legal Committee during its 100th Session to be held in London between 15 and 19 April 2013.

Through this Award, IMLI recognizes the great contribution of the IMO Legal Committee to the development of international instruments which aim at the



Mr. Koji Sekimizu (IMO Secretary-General and Chairman of the IMLI Governing Board) addressing participants at an IMO meeting

promotion of safety and security in shipping, the prevention of marine pollution by ships, and the fair treatment of seafarers worldwide.

The IMLI Award will be received, on behalf of the IMO Legal Committee, by Mr. Kofi Mbiah (Chairman of the IMO Legal Committee), a distinguished IMLI graduate. The Award will be conferred by the IMO Secretary-General, Mr. Koji Sekimizu, in his capacity as Chairman of the IMLI Governing Board and the Director of the Institute, Professor David Attard.

The Legal Committee is mandated by the IMO Convention to deal with any legal matters within the scope of the Organization. Its membership is open to all members of the IMO. It is also empowered to perform any duties within its scope which may be assigned by or under any other international instrument and accepted by the Organization.

The IMO Legal Committee was established following a proposal that the issues regarding the *Torrey Canyon* incident should be dealt within the framework of the IMO. Such a proposal was accepted by the IMO executive body, the Council,

which then decided to form an *ad hoc* Legal Committee. The Committee held its maiden meeting on 21 and 22 June 1967.

The deliberations of the newly formed Committee, which was later to become one of the instrumental Committees of the IMO, led to the development of the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC) and the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969.

Indeed, it is the area of liability and compensation where the work of the Legal Committee has greatly manifested itself. The efforts of the Legal Committee in this area could only be described as laudable and commendable. The development of the CLC, following the *Torrey Canyon* incident, set the stage for the development of other liability and compensation regimes that will serve the international maritime community for several years to come.

In 1974, the Legal Committee adopted the Athens Convention on the Carriage of Passengers and their Luggage by Sea with the limits of liability being increased in 1990 and in 2002. The Legal Committee is also credited with the comprehensive review of the 1957 International Convention relating to the Limitation of Liability of Owners of Sea-Going Ships, which led to the adoption of the 1976 Convention on Limitation of Liability for Maritime Claims which also saw its limits increased by virtue of the 1996 Protocol and the 2012 amendments thereto.

One subject that continued for several years to engage the minds of the international maritime community was the need for a liability and compensation regime for the carriage of hazardous and noxious substances by sea. After long years of work, the IMO through the Legal Committee adopted in 1996, the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, and a Protocol thereto in 2010.

Feeling a "compelling need" to provide a regime that would deal with pollution from ships bunkers in the event of an accident led to the adoption of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. In 2007, the IMO through the Legal Committee also adopted the Nairobi International Convention on the Removal of Wrecks, regulating another area that had raised serious concerns among States.

The efforts of the Committee have not only been focused on liability and compensation issues. The IMO Legal Committee has also addressed, *inter alia*, issues relating to the suppression of unlawful acts against the safety of maritime navigation as well as fixed platforms on the continental shelf, leading to the adoption of the SUA Treaties.

There is no doubt that since its establishment, the IMO Legal Committee has made a very significant contribution in serving the rule of international maritime law. As it celebrates its 100th session, there is confidence that the groundbreaking work of the Committee will continue in the years to come by addressing new issues challenging the international community.

IMLI SUB-COMMITTEE ON FINANCIAL AND PERSONNEL MATTERS MEETS IN LONDON



Dr. Reto Dürler, Mr. Jim Harrison, Dr. Philippe Boisson and Prof. David Attard (Members of IMLI Sub-Committee on Financial and Personnel Matters)

The IMLI Sub-Committee on Financial and Personnel Matters met on 6 February 2013 at the Headquarters of Lloyd's Register in London. The meeting was attended by the Chairman, Mr. Jim Harrison (Group Legal Director of Lloyd's Register), and its members, Professor David Attard (Director of IMLI), Dr. Philippe Boisson (Communication Director and Legal Advisor of Bureau Veritas) and Dr. Reto Dürler (Head of the Swiss Navigation Office).

During the meeting, the Sub-Committee considered issues relating to personnel, reviewed the financial standing of the Institute for the year 2012 and approved its financial budget for the year 2013. The Sub-Committee also discussed the finance papers to be submitted to the 27th Session of the IMLI Governing Board meeting scheduled to take place on 27 March 2013, at the IMO Headquarters in London.

IMLI COURSE ON CARRIAGE OF GOODS BY SEA

IMLI held its Annual Course on Carriage of Goods by Sea, from October 2012 till March 2013. This intensive Course offered the participants an opportunity to gain a detailed understanding of the obligations and rights arising from bills of lading and charterparty contracts and explored the workings and the present day application of The Hague and Hague-Visby Rules, the Hamburg Rules, the Rotterdam Rules and the Multimodal Transport Convention. The analysis of the relevant legal matters was carried out on a comparative approach. The Course examined a comprehensive list of topics including the nature and functions of the bills of lading and other transport documents, electronic bills of lading, rights and liabilities pertaining to different types of charterparties, the relationship between the charterparty, the bill of lading and other documents, etc.

As it is now tradition, the core part of the Course was delivered by Professor Francis M.B. Reynolds Q.C. (Barrister / Professor Emeritus, University of Oxford). The lectures were enriched by a number of practical examples based on actual disputed law cases and real commercial documents.



Professor Francis M.B. Reynolds Q.C. (Barrister / Professor Emeritus, University of Oxford) meeting IMLI students

Dr. Mahin Faghfour (President of the International Multimodal Transport Association) also visited the Institute and delivered a series of lectures on multimodal transport and the impact of the Rotterdam Rules on multimodal transport.

IMLI COURSE ON THE LAW OF MARITIME SECURITY

This important IMLI Course allows the students to have an in-depth understanding of issues relating to international maritime security law, by providing an analysis of the major maritime security threats and the international response to suppress them.

Dr. Reto Dürler (Head of the Swiss Maritime Navigation Office) delivered a lecture on "The New SUA Protocols: Developments, Contents and Scope". Dr. Dürler conducted a very interesting lecture during which he discussed the developments leading to the adoption of the new Protocols in 2005, their contents and scope of application.



Dr. Reto Dürler (Head of the Swiss Maritime Navigation Office) meeting IMLI students

Judge Markiyani Kulyk (Judge of the International Tribunal for the Law of the Sea) visited the Institute and addressed the Class of 2012/2013 on "Piracy and Unlawful Activities against the Safety of Oceans".

Professor Ademun Odeke (Adjunct Professor at the Law School, University of Surrey) delivered a lecture entitled "Somali Piracy – The Prerequisite for State Criminal Jurisdiction over Pirates under UNCLOS 1982".

Mr. Masamishi Hasebe (Chief Researcher of the National Policy Proposal & Planning Office, Daiwa Institute of Research) visited IMLI and delivered a lecture on "Anti-piracy measures, focusing especially on the use of private armed guards on board ships".

Major (Retd) Anthony Hall conducted a two-day seminar on international maritime security, which aimed to explain to its participants the legal implications and practical aspects of maritime security, which together form a coherent whole for the protection of life and property at sea.

The IMLI Courses on Maritime Safety and Security were coordinated by Mr. Riyaz Hamza (The Nippon Foundation Lecturer on International Maritime Security Law).

IMLI COURSE ON MARITIME LEGISLATION DRAFTING



Mr. Louis Mbanefo and Professor David Attard with the Class of 2012/2013

IMLI COURSE ON THE LAW OF MARITIME SAFETY

Dr. Philippe Boisson (Communication Director and Legal Advisor of Bureau Veritas, Marine Division) delivered the Course on the Law of Maritime Safety. The Course was an intensive one and its aim was to give a comprehensive overview of the international instruments providing for safety of shipping in all respects. It consisted of units dealing with the regulatory process related to maritime safety, ship safety construction and equipment, cargo safety, the human element and operational safety, the control of ship safety and finally with the classification societies.



Dr. Philippe Boisson (Communication Director and Legal Advisor of the Bureau Veritas, Marine Division) meeting IMLI students

Dr. Kevin Ghirxi (Head of Marine Safety Investigation Unit, Transport Malta) visited the Institute and lectured on "Maritime Safety Investigations and Accident (Social) Modelling". His very practical lecture provided the students with an understanding of how maritime casualty investigations are conducted and the nature of difficulties that need to be overcome in case of a casualty.

IMLI COURSE ON INTERNATIONAL ORGANIZATIONS

This IMLI Course provided a detailed overview of the law of the international organizations, covering the major global, regional and judicial organizations. The Course analyzed the historical development of international organizations and modern institutional aspects including membership, role, responsibility, powers as well as issues relating to the immunities of international organizations and their dissolution. Focus was also placed on the role of non-governmental organizations, especially the CMI.



Ambassador Lino Vassallo (Permanent Representative of Malta to IMO) and the IMLI Class of 2012/2013

Ambassador Lino Vassallo (Permanent Representative of Malta to IMO) delivered a set of lectures on international organizations providing the students with an overview of the IMO and other international organizations that operate at an international level and fall under the UN umbrella.

Ambassador Saviour F. Borg (Past Permanent Representative of Malta to the United Nations), delivered a set of lectures on the UN which provided the students with a detailed overview of the UN and its principal organs, the multi-faceted role of the Permanent Representative of a country to the UN and the UN Security Council's role in the maintenance of international peace and security.

Dr. Federica Mucci (Researcher in International Law at Faculty of Law, University of Rome "Tor Vergata") visited the Institute and lectured on "Characteristics and types of international organizations: co-operation and integration international organizations". Dr. Fiammetta Borgia (Lecturer in International Law at Faculty of Law, University of Rome "Tor Vergata") visited the Institute and lectured on "The Role of Non-State Actors in International Law".

This unique Course is designed to train government officials on techniques of drafting of maritime legislation placing emphasis on the incorporation of international conventions into domestic legislation. The Course addressed drafting requirements peculiar to common law and civil law systems.

The core part of the Course was delivered by Professor David Attard (Director of IMLI) and the resident faculty of IMLI. Mr. Louis Mbanefo (President of the Nigerian Maritime Law Association) delivered a lecture on "The Preparation of a Merchant Shipping Act: The Nigerian Experience". The very interesting lecture provided the students with the necessary background of the processes involved in the preparation of a Merchant Shipping Act, and an analysis of the Act's contents. Mr. Mbanefo drew the students' attention to the problems and pitfalls likely to be encountered, especially by a developing country and gave them practical examples based on the Nigerian experience.

IMLI COURSE ON THE LAW OF THE SEA

The IMLI Course on the Law of the Sea provided a comprehensive study of international law of the sea, encompassing all the important aspects of this major branch of public international law. Attention was also given to the role of customary international law in the development and codification of the law of the sea. The rules of contemporary international law, including their historical background and development, were also dealt with.

Professor David Attard (Director of IMLI) delivered the core part of the Course. During his lectures, Professor Attard gave the students an overview of the genesis of the law of the sea, its historical development and the way customary international law has been codified in international instruments. Professor Attard offered a detailed analysis of the different maritime zones, as established under the provisions of UNCLOS, and of the rights enjoyed by the States and obligations imposed upon them under the said provisions.

IMLI had the honour to host Judge Anthony Lucky (Judge of the International Tribunal for the Law of the Sea) who provided the students with a comprehensive explanation of the development of the law of the sea and Trinidad and Tobago's contribution, beginning with the Gulf of Paria Treaty, to such development.



Judge and Mrs. Anthony Lucky with Professor David Attard and the IMLI Class of 2012/2013

Professor Philippe Gautier (Registrar of the International Tribunal for the Law of the Sea) delivered a lecture on "Settlement of Disputes under the UNCLOS". During his very enlightening lecture, Professor Gautier dealt comprehensively with all the relevant provisions on Settlement of Disputes codified in Part XV of UNCLOS.

Dr. Simon Borg (Deputy Dean of the Faculty of Laws, University of Malta) delivered a set of lectures on the "Conservation of Marine Biodiversity" and "Conservation and Management of Marine Living Resources".

IMLI COURSE ON MARINE ENVIRONMENTAL LAW

This Course offered the participants an overview of the rules dealing with the prevention of incidental or operational marine pollution, the applicable regimes for liability and compensation in cases of pollution, either by oil or other dangerous and noxious substances, and the protection of the environment from hazards posed by wrecks whether located in the exclusive economic zone or territorial sea of the State. Also covered in the Course was the international and regional legal framework for preparedness, response and co-operation in cases of pollution, and the preparation of a contingency plan in compliance with international conventions.

Dr. Patrick Griggs, CBE (Former President, CMI) delivered a lecture on the Nairobi International Convention on the Removal of Wrecks, 2007. The presentation was particularly interesting and useful as it was based on Dr. Griggs's significant involvement with the CMI, IMO and other intergovernmental organisations over the past 30 years and illustrated with many real examples.

Mr. José Maura (Director of the International Oil Pollution Compensation Funds) visited the Institute and gave a presentation on the establishment of the International Oil Pollution Compensation Funds and the role they play in compensating victims in cases of oil pollution damage.

IMLI also had the honour to host Professor Doris König (Professor of Public Law, General Administrative Law, International and European Law, Bucerius Law School), who lectured on Ship Air Emissions – Options and Controversies"; Professor Roberto Virzo (Adjunct Professor of International Law, Sannio University), who delivered a lecture on "Provisional Measures Imposing Obligations to cooperate for the Protection of the Marine Environment"; Dr. Mitja Grbec (President of the Slovenian Maritime Law Association) who lectured on the compensation and liability regimes for pollution damage; and Dr. Stefano Filletti (Senior Partner, Filletti & Filletti Advocates) who lectured on "Marine Pollution Prevention under the UNCLOS".

The IMLI Course on Marine Environmental Law was coordinated by Professor Malgosia Fitzmaurice (The Nippon Foundation Professor on Marine Environmental Law).



Dr. Patrick Griggs, CBE (Former President, CMI) signing IMLI's Guest Book

IMLI COURSE ON THE LAW OF MARINE INSURANCE

The Course on the Law of Marine Insurance offers the participants an opportunity to gain a general understanding of the specific concepts and principles of marine insurance law.

Professor Dr. Marko Pavliha (Head of Law Department, Faculty of Maritime Studies and Transportation, University of Ljubljana) delivered the core part of the Course. Through his lectures Professor Pavliha gave the students an overview of the law of marine insurance, its history, functioning of the insurance markets and the most commonly used standard marine insurance clauses. .

Mr. John McPhail (Compliance Officer, Thomas Miller & Co. Managers of the UK P&I Club) lectured on the topic of Protection and Indemnity (P&I) Insurance. He explained the main functions of the P&I Clubs, with special emphasis on the role played by the International Group of P&I Clubs.

Dr. Adriana Padovan (Research Fellow at the Adriatic Institute of the Croatian Academy of Sciences and Arts) visited the Institute and lectured on "Shipbuilders' Risks Insurance Contract".



Professor Dr. Marko Pavliha (Head of Law Department, Faculty of Maritime Studies and Transportation, University of Ljubljana) lecturing to the IMLI Class of 2012/2013

IMLI COURSE ON THE LAW OF MARINE COLLISIONS

The Course on Marine Collisions presented the general principles of marine collision law, including causation, legal presumptions, the effect of statutory violations, apportionment of fault, damages, and special evidentiary rules. Particular emphasis was placed on the 1972 COLREGS, which entered into force in 1977.

The Course was delivered by Professor Frank L. Wiswall, Jr. (Vice-President *Honoris Causa*, CMI) who enriched the lectures with his vast experience on the field.



Professor Frank L. Wiswall, Jr. (Vice-President Honoris Causa, CMI) lecturing at IMLI

UNITED NATIONS GENERAL ASSEMBLY RECOGNIZES THE WORK OF IMLI

On 11 December 2012, during its sixty-seventh session, the United Nations General Assembly adopted Resolution A/Res/67/78 entitled "Oceans and the law of the sea". The Resolution, which was adopted by 125 votes in favour, tackles the main aspects of the UNCLOS, and calls upon States and international organizations to cooperate towards the effective implementation of the provisions of UNCLOS.

The General Assembly, through this Resolution, acknowledged for the fifth consecutive year the contribution of IMLI to the international community. In paragraph 18 of this Resolution the UN's highest representative body 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; [...]"



H.E. Mr. Ban Ki-moon (UN Secretary-General) signing IMLI's Guest Book during his visit to the Institute

NEW IMLI PH.D. SCHOLARSHIP

IMLI will award a three-year scholarship entitled "The IMLI Postgraduate Award" to an eligible candidate who wishes to conduct research in the field of the Law of the Sea. The Research, Innovation and Development Trust (RIDT) of University of Malta, which will administer the scholarship, invited applications from academic members of University of Malta, law graduates of University of Malta, and graduates from IMLI or the Mediterranean Academy of Diplomatic Studies (MEDAC). The chosen proposal will relate to the law of the sea and preference will be given to those proposals dealing with climate change.

RIDT received applications from candidates hailing from Costa Rica, Egypt, Greece, Malta and Turkey. The Selection Board, appointed on the occasion, will select the eligible candidate in the forthcoming weeks.

The funds have been made available by an anonymous benefactor of RIDT. Ambassador Wilfred Kenely (CEO of RIDT) stated that, "This is indeed a noble gesture by a special individual. The University of Malta, would like to thank the anonymous donor for making this award possible, and invites affluent private individuals to follow this example as the whole Maltese society can benefit from a culture that promotes research and development as an economic tool."

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FIRST IMLI MARITIME LAW ESSAY COMPETITION

The first edition of the IMLI Maritime Law Essay Competition was organised by the Editorial Board of the European Law Students' Association (ELSA) Malta Law Review, under the patronage of Professor David Attard (Director of IMLI) and in collaboration with the Research, Innovation and Development Trust (RIDT) of University of Malta. The competition sought essays featuring topics of International Maritime Law, covered by the IMLI Masters of Laws (LL.M.) syllabus.

Participation in this competition was open to all ELSA members, coming from 300 law faculties in 42 different countries in Europe and its vicinity. Eligible essays were those in the English language, between 5000-6000 words in length, and which adhered to the Editorial Policy of the ELSA Malta Law Review. All essays had to be the original work of the author.

Each essay was judged by a panel of judges composed of lecturers and academics from IMLI, which evaluated each submission on the basis of originality and practical relevance, persuasiveness of arguments, clarity and other relevant criteria which the panel deemed fit.



Professor David Attard (Director of IMLI) presenting the prizes to the winners of the IMLI Maritime Law Essay Competition



After a rigorous examination, the first prize was awarded to Mr. David Testa (ELSA Malta) for his essay entitled 'Liability and Insurance for the Carriage of Passengers by Sea under Regulation 392/2009'. Ms. Kristina Miggiani (ELSA Malta) with her essay entitled 'Towards Universality and Uniformity: Combating Jurisdictional Challenges Facing the Prosecution of Somali Pirates in Light of the Legal Void Left by UNCLOS' was placed second.

The prizes for the first two placed essays were generously offered by Professor Attard. Furthermore, certificates of merit were also awarded to those essays which were deemed to merit such certification by the judging panel. In addition, upon recommendation of the judging panel, the first three essays will be published in the ELSA Malta Law Review after having undergone the editorial review process as set out by the Editorial Board.

IMLI ALUMNI

Mr. Joseph Pyawan (Papua New Guinea, Class of 2004-2005) has been promoted to Maritime Standards and Compliance Manager at the National Maritime Safety Authority.

Mr. Cai Yongsheng (China, Class of 2005-2006) has been appointed Legal Officer of the International Seabed Authority.

Mr. Lesther Antonio Ortega Lemus (Guatemala, Class of 2007-2008) has been appointed Minister Counsellor & Alternate Permanent Representative of Guatemala to IMO.

Mr. Jorge Humberto Jaimes Tellez (Mexico, Class of 2010-2011) has been appointed Technical Secretary of the Ports and Merchant Marine Legislative Commission at the Chamber of Representatives of Mexico.

Mrs. Aisha Idris Yakubu (Nigeria, Class of 2010-2011) has been promoted to Assistant Chief Legal Officer of the Nigerian Maritime Administration and Safety Agency (NIMASA).

Mr. Alberto Jose Martinez Salinas (Mexico, Class of 2011-2012) has been appointed Deputy Director of the Ports and Merchant Marine, at the Legal Office of the Ministry of Communications and Transport.