

IMO CELEBRATES IMLI'S 25 YEARS IN THE SERVICE OF THE RULE OF INTERNATIONAL MARITIME LAW



Mr. Koji Sekimizu (Secretary-General, IMO) delivering the keynote address at the Commemorative Seminar

IMLI), the Honorable Joe Mizzi, M.P. (Minister for Transport and Infrastructure, Malta), Mr. Mitsuyuki Unno (Executive Director, The Nippon Foundation, Japan), Mr. Jim Harrison (Group Legal Director, Lloyd's Register Group), Dr. Kofi Mbiah (Chairman, IMO Legal Committee), Professor Frank L. Wiswall, Jr. (Vice President *Honoris Causa*, CMI) and Mrs. Gabriele Götsche-Wanli (Director, Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations).

In his opening remarks, Mr. Sekimizu stated that an array of legal measures, in particular the 1982 United Nations Convention on the Law of the Sea and the comprehensive portfolio of IMO treaty instruments, does an excellent job in defining the rights and privileges and, at the same time, the duties, obligations and responsibilities of nations in their use of the world's seas and oceans. He added that for these international legal measures to be effective, States, in their turn, need to enact appropriate domestic legislation to reflect their provisions and provide a mechanism for implementation and enforcement. Mr. Sekimizu went on to commend IMLI for being instrumental in enabling this to happen by providing a steady influx of highly trained legal professionals.

In his address, Professor Attard thanked Mr. Sekimizu for convening the Seminar. He went on to speak on the genesis of the Institute, stating that it was established in 1988 under the auspices of the IMO as an international centre of excellence for training specialists in maritime law and the development and dissemination of knowledge and expertise in international maritime law and the general law of the sea. He noted that IMLI is the first of its kind offering a unique programme designed to cover the whole spectrum of international maritime law. For this success, Professor Attard recognized the support of the IMO Secretaries-General, past and present, who, despite their many commitments have successively and generously supported the work of the Institute.

Minister Mizzi, in his address entitled "IMLI – the host country perspective", emphasized that the real strength of the success of IMLI lies in the increased participation and leadership its graduates provide at IMO and other fora and that through IMLI, IMO



Mr. Koji Sekimizu (Secretary-General, IMO) with IMLI graduates representing their countries and distinguished personalities attending IMLI's 25th Anniversary Commemorative Seminar

This year marks the 25th Anniversary of the establishment of the IMO International Maritime Law Institute. To celebrate this momentous occasion, Mr. Koji Sekimizu, Secretary-General of the IMO, held a Commemorative Seminar at the IMO Headquarters in London on 28 April 2014.

The Seminar was attended by Ministers, IMLI Governing Board Members, Diplomatic Representatives, IMLI graduates and several distinguished personalities from all over the world.

The speakers at the Seminar were Professor David Attard (Director,

can ensure universal interpretation and application that 'go well beyond the confines of the narrow approach of unilateralism and regionalism.' He recalled further that it is essential that 'what is by its own nature an international industry is not shackled by a unilateral and regional approach.' Mr. Mizzi stated that the role of IMLI in the service of the rule of international maritime law is now well defined and concluded his address by confirming Malta's support for IMLI.

The speech delivered by Mr. Unno was on "IMLI - The Perspective of The Nippon Foundation". Mr. Unno commenced his address by recalling his first visit to the Institute, in May 2003, and his doubts whether such a prestigious training body would agree to partner with The Nippon Foundation to train maritime law

professionals. He now notes with pride the 10 year collaboration between IMLI and The Foundation. He continued his address by stating that based on the results of an assessment which was done earlier this year, his Organisation is more than pleased, and that IMLI's sound achievements to date have given them the assurance that both bodies can continue in their goal to create a stronger international maritime community. He concluded by congratulating the Secretary-General and the IMLI Director, as well as everyone involved in running IMLI, the Government of Malta, IMO and other external organizations that have supported the Institute in different capacities.

Mr. Harrison spoke on "IMLI – a shipping industry perspective". In his address, Mr. Harrison stated that during the 15 years he has been privileged to be associated with IMLI, he has obtained enormous professional and personal satisfaction to see IMLI thrive and grow, both 'physically' and in reputation, into the renowned international legal institution it is today. He noted with pride the impact IMLI graduates are making in the correct and consistent implementation of maritime legislation devised and promulgated by IMO.

Mr. Harrison congratulated IMLI and concluded by saying that he is very pleased that the Lloyd's Register Foundation and other members of the Group have, for many years, seen fit to fund IMLI.

In his address on "IMLI – its role in supporting developing countries" Dr. Mbiah stated with pride that developing economies owe a debt of gratitude to IMLI. He, on behalf of all IMLI graduates, especially those from developing economies, paid his respect to the Founding Fathers of IMLI and to all those who have contributed to the success story of IMLI. Dr. Mbiah stated that he has no doubts that "the monument they have erected would continue to be a beacon beyond the darkness of the deep and illuminate the paths of our voyage for years to come." He stated further that as IMLI celebrates its 25th Anniversary, he hopes that "their names and deeds already etched in history, continue to bring glory, honour and fame to IMLI and to the IMO."

Professor Wiswall, addressed the Seminar on the topic "Intersecting Lanes of International Maritime Law: Challenges for IMLI and IMO". In his address, Professor Wiswall noted that the experience he has gained over the years at IMLI has been a great personal reward, as not only has he imparted knowledge, but he himself has gained tremendous knowledge from the students. Professor Wiswall paid tribute and recognition to the work of former Secretary-General C.P. Srivastava, the Government of Malta, and Professor David Attard and he expressed his appreciation to nearly a generation of visiting fellows who have continuously supported the Institute. In particular, he continued, special recognition goes to the several regularly participating Members of the Governing Board. He also thanked the IMLI staff, who have helped students from all over the globe to benefit from and enjoy their experience at the Institute.



Mr. Koji Sekimizu (Secretary-General, IMO) and Professor David Attard (Director, IMLI) during IMLI's 25th Anniversary Commemorative Seminar at IMO

IMLI COURSE ON CARRIAGE OF GOODS BY SEA

This academic year IMLI held its Annual Course on Carriage of Goods by Sea, from November 2013 to February 2014. 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, including the nature and functions of the bills of lading and other transport documents, electronic bills of lading, the relationship between the charter, the bill of lading and other documents, etc. In addition, the Course 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 relevant legal matters were analyzed through a comparative approach, thus assisting students in better understanding their application in their respective countries.



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

As it is now tradition, the core part of the Course was delivered by Professor Francis M.B. Reynolds Q.C. (Hon.), (Barrister / Professor Emeritus, University of Oxford). By using both practical examples and real life disputed cases, Professor Reynolds made the rather challenging subject matter easy to understand.

Mr. David Martin-Clark (Barrister-at-Law, Arbitrator, Mediator and Consultant) also participated as a visiting lecturer during the IMLI Course on Carriage of Goods by Sea. Mr. Martin-Clark lectured on the Rotterdam Rules and E-Commerce in the Context of Shipping.

Dr. Mahin Faghfour (President of the International Multimodal Transport Association) 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 SAFETY

Dr. Philippe Boisson (Communication Director and Legal Adviser, Marine Division, Bureau Veritas) delivered the Course on the Law of Maritime Safety. The aim of the Course 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 classification societies.



Dr. Philippe Boisson (Communication Director and Legal Adviser, Marine Division, Bureau Veritas) 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. The course on the Law of Maritime Safety came to a close with the very practical lectures of Professor Frank L. Wiswall Jr. (Vice-President (*Honoris Causa*), Comité Maritime International, Proctor and Advocate in Admiralty) on the "Law of Maritime Collisions".

IMLI COURSE ON INTERNATIONAL MARITIME SECURITY LAW

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 SUA Protocols of 2005, their contents and scope of application.

Mr. Masamichi Hasebe (Visiting Professor, University of Kobe, Japan) lectured on the very current topic of "The Use of Private Armed Guards on Board Ships". Mr. Hasebe explained the response of the international community to the use of private armed guards on board ships and the national legislation prepared for a proper use of the same.



Dr. Reto Dürler (Head of Swiss Maritime Navigation Office) lecturing at IMLI



Mr. Masamichi Hasebe (Visiting Professor, University of Kobe, Japan)

IMLI had also the pleasure to welcome Dr. Patricia Mallia (Head, Department of International Law, Faculty of Laws, University of Malta) who lectured on "Migrant Smuggling by Sea" and Mr. Larry Cox (Chief, Legal Section, US Coast Guard) who discussed with students "Ship and Port Security Legislation Development" covering areas such as the United States Coast Guard International Port Security Program, EU Regulation 725/2004, the ISPS Code and Chapter XI-2 of (SOLAS).

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, most commonly used standard marine insurance clauses and functioning of marine insurance markets. The focus is on marine hull and machinery insurance, cargo insurance and Protection and Indemnity Insurance.



Professor Dr. Marko Pavliha (Head of Law Department, Faculty of Maritime Studies and Transportation, University of Ljubljana) meeting IMLI students

Professor Dr. Marko Pavliha (Head of Law Department, Faculty of Maritime Studies and Transportation, University of Ljubljana) delivered a series of lectures on the Law of Marine Insurance. The purpose of the 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 some basic analysis of the broadly used standard clauses of marine hull and machinery insurance and cargo insurance.

Mr. Paul Knight (Head of Compliance and Secretariat for the UK P&I Club) visited the Institute and delivered a comprehensive series of lectures on P&I Clubs.

Dr. Miriam Goldby (Lecturer in Insurance and Commercial Law, Centre for Commercial Law Studies, Queen Mary University of London) also enriched IMLI's course in this area by delivering a set of lectures on the subject.

Dr. Adriana Padovan (Research Fellow at the Adriatic Institute of the Croatian Academy of Sciences and Arts) also lectured at IMLI this academic year, on the topics of "Shipbuilder's Risk's Insurance Contract" and "The Impact of Marine Insurance on Salvage and Wreck Removal".

IMLI COURSE ON MARINE ENVIRONMENTAL LAW

The IMLI Marine Environmental Law Course offered the participants an overview of the rules dealing with the prevention of marine incidental or operational pollution, the applicable regimes for compensation and liability in case 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. Experts of international repute drew on legislative, administrative and judicial experience from different parts of the world.



Dr. Patrick Griggs, CBE (Former President, Comité Maritime International) lecturing at IMLI

Dr. Patrick Griggs, CBE (Former President, Comité Maritime International) delivered a lecture on the Nairobi International Convention on the Removal of Wrecks, 2007. The presentation was enriched with practical aspects based on Dr. Griggs's significant involvement in the drafting of a number of international maritime conventions, including the Wreck Removal Convention. His lecture was therefore very well received as he could bring closer to the class the background and history of its particular provisions.

Dr. Mitja Grbec (President of the Slovenian Maritime Law Association) delivered a series of lectures on the compensation and liability regimes for oil pollution damage whereas Mr. José Maura (Director, International Oil Pollution Compensation Funds) lectured on the role that the International Oil Pollution Compensation Funds play in compensating victims of oil pollution damage. Mr. Mans Jacobsson (Former Director, International Oil Pollution Compensation Funds) lectured on "Bunkers and HNS Conventions."



Mr. José Maura (Director, International Oil Pollution Compensation Funds) lecturing at IMLI

IMLI also welcomed Professor Peter Ehlers (Former President, German Federal Maritime and Hydrographic Agency) and Professor Maria Helena Rolim (Legal Adviser on the Law of the Sea and Space Law) who conducted dynamic and encouraging discussions with the students of the IMLI Class of 2013-2014 on Marine Environmental Law making and Ballast Water Management issues, respectively.

Lastly, Dr. Stefano Filletti (Senior Partner, Filletti & Filletti Advocates) lectured on "Marine Pollution Prevention under UNCLOS".

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IMLI COURSE ON THE LAW OF THE SEA

The IMLI Course on the Law of the Sea provided a comprehensive study of the 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 Course followed a detailed analysis of each area of the international law of the sea, including all the major maritime zone regimes, delimitation of maritime boundaries, marine scientific research, fisheries, landlocked and geographically disadvantaged States and settlement of disputes. The rules of contemporary international law, including their historical background and development, were also dealt with.

Professor David Attard (Director, 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 historic development and the way customary international law has been codified in the international instruments. Professor Attard offered a detailed analysis of the different maritime zones, as established under the provisions of UNCLOS, and the rights enjoyed by the States and obligations imposed upon them under the said provisions.

Mr. David Bishopp (Head of Strategic Business Development, Galp Energia, Lisbon) and Mr. Robert van de Poll (International Law of the Sea Manager, Fugro N.V.) conducted a two-day comprehensive seminar on "The Law of the Sea and Hydrocarbon Resources".



Mr. David Bishopp (Head of Strategic Business Development, Galp Energia, Lisbon) and Mr. Robert van de Poll (International Law of the Sea Manager, Fugro N.V.) with the IMLI Class of 2013-2014

This was an in depth study covering areas such as the development of gas exploration, offshore tectonics and geology, management of offshore rights, mapping (surveys), management of maritime limits, and extended continental shelf claims.

IMLI also had the honour of hosting Mr. Derek Smith (Partner, Foley Hoag, LLP, US) who lectured on the topic "Delimitation of Maritime Boundaries" to the Class of 2013-2014 and Professor Philippe Gautier (Registrar, ITLOS) who 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 as codified in Part XV of UNCLOS.

Dr. Simone Borg (Deputy Dean, 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".



Professor Philippe Gautier (Registrar, ITLOS) meeting IMLI students

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

UNITED NATIONS GENERAL ASSEMBLY RECOGNIZES THE WORK OF IMLI

On 9 December 2013, during its sixty-eight session, the United Nations General Assembly adopted by 115 votes in favour Resolution A/Res/68/70 entitled "Oceans and the law of the sea". The Resolution, which tackles the main aspects of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) emphasizes, *inter alia*, the universal and unified character of the Convention, and reaffirms that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out.... [T]he Resolution recognizes the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration and therefore calls upon States and international organizations to cooperate towards the effective implementation of the provisions of UNCLOS.

Under the heading 'Capacity Building', the Resolution emphasizes that capacity-building is essential to ensure that States, especially developing countries, in particular

the least developed countries and small island developing States, as well as coastal African States, are able to fully implement the Convention, benefit from the sustainable development of the oceans and seas and participate fully in global and regional forums on ocean affairs and the law of the sea.

In paragraph 19, the UN's highest representative body confirms for the sixth consecutive year IMLI's effective capacity-building role in the field of international law as follows:

"19. 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 STUDENTS' VIEWS



First and foremost, I would like to recognize Malta as a fabulous host country during my academic year at IMLI, where it is possible to live and study with absolute confidence and enjoy its multiple cultural benefits and the kindness of its people.

The LL.M. programme at IMLI was developed throughout the year in a comprehensive manner with a variety of the most important subjects of public and private international maritime law currently in force, which certainly will allow us in the near

future and in our home countries to achieve a better understanding in the interpretation and application of this important branch of law.

I take this opportunity to express my deepest appreciation to all the lecturers who taught during the programme, both resident and visiting Professors, and who, with patience and dedication made this possible.

It was also a pleasure to share this experience with classmates from many different countries and cultures, and by that way, deepening our knowledge and experiences.

Cristián Pfeifer (Chile)



I had the honor, thanks to the generous support of the Lloyd's Register Foundation, to be the first candidate representing Israel at IMLI's LL.M. programme.

Not knowing exactly what was waiting for me, yet with major expectations, I began a journey, with colleagues from some 30 States around the globe.

IMLI has exceeded my expectations: the unique exposure to the international aspects of maritime law and to world leading experts in the field, as well as the professional management of this programme and the 'colleagues' who soon became 'friends'.

Professor Attard, a fountain of knowledge and experience, and the devoted staff have broadened my horizon and stimulated my curiosity.

I am now leaving with the best possibly professional tools I could have acquired, with a priceless social and professional network of people that I intend to keep in touch with.

It was a once in a life-time experience.

Tali Thau Sade (Israel)



IMLI has indeed been a wonderful, although a challenging experience. Wonderful because of being in the presence of such eminent international maritime law experts and challenging due to the diverse curriculum to which I have been exposed to. It was exciting, however, because I was part of a unique opportunity and at a special moment. Incidentally, IMLI was, in this academic year, celebrating its 25th anniversary and I was one of the many applicants to have been given the opportunity to be part of the Institute's "silver" year.

As the months progressed IMLI became more like family. Professor Attard reminded us daily of how significant our roles were in the international maritime law and law of the sea. If we ever doubted our value in the field before arriving at IMLI we were assured that we would be movers and shakers of international maritime law. The resident faculty became more than lecturers, they were personal tutors, counsellors, specialists in psychology and conflict mitigation and resolution...the overall support was tremendous.

In my year at IMLI I have had one of the most enlightening cultural experiences. At IMLI, I have been exposed to individuals from over 20 countries with varying ideals, passions and such national and international drive. Networking, sharing ideas and learning from each other has been an achievement in itself and now as we all look towards our graduation and returning to our various countries we cannot say we are returning the way we came. IMLI has indeed made an indelible mark on our lives and career goals. Thank you. **Vannessia Stewart (Jamaica)**



The coming weeks will be my last here at the Institute that has been my home for the past months. The Academic Year 2013-2014 is now coming to an end! Before that, my colleagues and I have to hurdle the final exams in Shipping Law and Law of the Sea. The thought of coming home and being with my family, colleagues and dear friends fills me with anticipation and excitement but mixed with happy and treasured memories here at the Institute that I will soon be leaving behind me.

My educational achievements at IMLI are second to none. I have been privileged to meet and interact with experts in all spheres of maritime law. My world has been opened to International Maritime Law. This is an Institute that cares not only about the educational aspects of its students, but is also very much concerned about their emotional wellbeing.

On its 25th Anniversary, I am grateful to IMO-IMLI for shaping me into a better individual for I am now equipped to face the insurmountable task of helping my nation face the crossroads of its history. **Jasmine Madarang (the Philippines)**

IMLI GRADUATE APPOINTED DEPUTY MINISTER FOR TRANSPORT OF GHANA

IMLI notes with pride the appointment of the Honourable Joyce Adishetu Bawah-Mogtari as Deputy Minister for Transport of Ghana. Mrs. Mogtari is an IMLI graduate of the class of 2009-2010 who at the time she joined the Institute held the position of Head of the Legal Unit, Ghana Shippers' Council.

Upon her appointment as Deputy Minister, the IMLI media office had the pleasure of interviewing Mrs. Mogtari. In the interview, Mrs. Mogtari lends credit to the IMLI training for preparing her for her job as the Head of Legal Department of the Ghana Shippers' Authority. She recognizes that the training received propelled her to the forefront of maritime transport affairs in Ghana, and ultimately culminated in her subsequent appointment as Deputy Minister for Transportation of Ghana.

Mrs. Mogtari further recalls that many Ghanaian maritime lawyers have immensely benefited from IMLI's LL.M. programme, especially due to the academic, practical, and worldly exposure IMLI provides. She also comments on IMLI's graduates immense contribution to the positive development of international maritime law over the past 25 years, and the fact that a good number of the IMLI graduates are managing the majority of the Maritime and Shipping Administrations in Africa and beyond. She mentions in particular the current Chairman of the IMO Legal Committee who is from Ghana, and the first African to Chair the Legal Committee.



The Honourable Joyce Adishetu Bawah-Mogtari with Professor David Attard during the Graduation Ceremony held on 1 May 2010