

IMLI^e-News

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VICE PRESIDENT (HONORIS CAUSA), COMITÉ MARITIME INTERNATIONAL PARTICIPATES IN IMLI'S 25TH ANNIVERSARY CELEBRATIONS

Professor Frank L. Wiswall Jr. (Vice President (Honoris Causa), Comité Maritime International and a Member of the Institute's Governing Board delivered a speech titled "Intersecting Lanes of International Maritime Law Challenges for IMLI and IMO" at IMLI's 25th Anniversary celebrations held by the IMO Secretary-General, H.E. Mr. Koji Sekimizu, in London, on 28 April 2014.



Professor Frank L. Wiswall Jr. (Vice President (Honoris Causa), Comité Maritime International) delivering his speech at the Commemorative Seminar held at the IMO Headquarters in London

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, for foresight and perseverance is the most vital attribution. He expressed his appreciation to nearly a generation of visiting faculty who have given and continue to give amounts of personal time and fortune without which IMLI simply could not function. In particular, he continued, special recognition goes to the several regularly participating Members of the Governing Board as their determination has guided the Institute through occasionally serious difficulties. Lastly, he thanked the staff at IMLI, who has helped students from all over the globe to benefit from and enjoy their experience at the Institute.

Professor Frank L. Wiswall Jr.'s speech on "Intersecting Lanes of International Maritime Law Challenges for IMLI and IMO" is recaptured below:

Mr. Secretary-General, Professor Attard and Honoured Speakers and Guests. The Intersecting Lanes of International Maritime Law that I refer to are those of the academic endeavour of IMLI on one hand and the responsibilities of IMO on the other.

To begin with IMLI, as former Secretary-General Sir Colin Goad was fond of saying, "if this didn't exist, someone would have invented it." IMLI not only exists, but undeniably it has succeeded in its mission to a degree unimaginable at its inception. What all of us owe to Secretary-General C.P. Srivastava, the Government of Malta, and Professor David Attard for foresight and perseverance is of course the most vital attribution. We need also to remember nearly a generation of visiting faculty who have given and continue to give amounts of personal time and fortune without which IMLI simply could not function. In particular I must from experience pay tribute to the several regularly participating Members of the Board of Governors – their determination has guided the Institute through occasionally serious difficulties. And without doubt we must thank the wonderful staff at IMLI, who has helped students from all over the globe to profit from and enjoy their experience at the Institute.

For myself, the experience over the years has been a great personal reward.

From the students who have managed to stay awake during my classes I have also learned a great deal – one cannot teach without deriving some benefit from the victims. Out of the classroom, if there is one thing to be happiest about it is my contribution in developing the Research Degree Programme. The LL.M. focus will continue to be the *raison d'être* of the Institute and its greatest triumph; at the same time, the crown jewel of any truly eminent academic institution is the product of its research graduates, and the revised Ph.D. and new Magister Juris degree programmes increase that opportunity and have already begun to make that contribution. I will continue to help with this as long as I may do so usefully.

Turning to IMO, I feel it has not yet begun to make a full direct use of IMLI. The world economy and the costs of travel have both within IMO and in burdens upon governments and NGO delegates cut the frequency of meetings in London, and yet there is increasing work upon problems that have a degree of involvement of international maritime law. For a number of these significant useful input could be made by research studies and theses at the M.Jur. or Ph.D. level. If real problems involving considerations of international law were put to IMLI by IMO, they

would be natural choices for topics in the Research Programme, to the ultimate benefit of both IMLI and the IMO.

Another facet of what I see as a problem – and I speak from a long period of experience with the Organization – is the degree to which isolation of divisions remains within IMO. Let me illustrate this by reference to the 2003 amendments to Rule 8 of the COLREGS – the reading of these appears to exclude Rule 2. To my comments at the time, the response was that any graduate of a maritime academy would know that Rule 2 must be paramount. This does not however acknowledge the position of the greatest number of mariners affected – the fishermen, recreational boaters and others who are held legally bound by the COLREGS but who have no nautical school education and in most cases no license. Here there are two factors – One is the difficulty that untrained mariners who are affected by IMO regulations are not sufficiently (if at all) directly represented at meetings, and second is my submission that if at the time the proposed 2003 COLREGS 8 text had been reviewed by the Legal Committee what I still view as a dangerous mistake would likely not have occurred. IMO must increase its recognition that not only the COLREGS but many other regulations established at 4 Albert Embankment affect not only seagoing ships, but by adoption into national law have their affect on vessels operating within internal and inland waters and in some cases even upon landlocked waters. It is in these latter waters that relatively untrained and unlicensed mariners are subject to disciplines created here, and regulations should be drawn in terms that can be understood by these ordinary mariners. This is the sort of task routinely undertaken by lawyers, and IMLI-educated lawyers could be of immense value to IMO in that endeavour.

I believe there is an immediate possibility to help with the problem. IMLI has been part of one-third of my life and IMO for more than 40 years, so I dare to make the suggestion that once each year a meeting of the Secretary-General, the chairmen of the IMO committees, the directors of the relevant IMO divisions and the Director of IMLI and the President of WMU be held face-to-face – or at least by electronic means – to look at planned activities and to discuss how the various units or some of them could co-operate in assistance with help from both academic institutions. This “open-table” approach might produce useful results.

I hope my frankness – no pun intended – may be forgiven. It is my honest affection for the institutions of IMLI and IMO that has prompted these remarks. In any case, more direct interaction between IMO and its academic institutions could not be a bad thing.

My thanks, Mr. Secretary-General for the opportunity to speak; and to my former students and others here who have managed to stay awake, my gratitude.

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