

# IMLI e-News

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## **DIRECTOR, LEGAL AFFAIRS AND EXTERNAL RELATIONS DIVISION OF IMO LECTURES AT IMLI**

The Director, staff and students of the IMLI Class of 2014/2015 had the pleasure of welcoming recently Mr. Frederick J. Kenney Jr., Director of the Legal Affairs and External Relations Division of the IMO, who delivered a lecture on the topic: *“Development, entry into force and amendment of IMO Conventions”*



*Professor David Attard (Director, IMLI), Mr. Frederick J. Kenney Jr. (Director, Legal Affairs and External Relations Division, IMO) with the IMLI Class of 2014/2015*

Mr. Kenney commenced his lecture by discussing the structure of the IMO. He then provided an explanation, through the use of practical examples, of how new Conventions, or amendments to existing instruments, are placed on the IMO's programme of work.

In explaining the stages through which an IMO Convention is born, Mr. Kenney described the mechanics by which entities can bring a proposal before one of IMO's five Committees, the process of getting that proposal approved and brought into the work programme, either as a

planned output approved by the IMO's Council and Assembly, or as an unplanned output approved by the Committee itself. He then described the processes involved in conducting a diplomatic conference to adopt a new instrument and other processes for amending existing conventions.

Mr. Kenney also discussed the general legal structure of IMO conventions and addressed the different methods and rules for amending the main body of a convention, an annex to a convention, or a Code developed under the authority of an IMO convention. He explained in detail the tacit acceptance process for amending IMO Codes and the annexes to many IMO instruments and the benefits and legal risks to this amendment process. He gave several examples of when and how the tacit acceptance process has been used at IMO, including amendments to the 1995 Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), the International Ship and Port Facility Security Code (ISPS) and the upcoming Polar Code.

During his visit, the student from Morocco placed the IMLI Badge on the IMLI map, to mark his country's representation for the first time to the Institute's LL.M. programme. Speaking on the occasion, Mr. Kenney noted that Morocco was the host of the World Maritime Day parallel event in 2014, highlighting its theme; "IMO Conventions, Effective Implementation," and addressing IMLI's important role in making this goal a reality. He stated that he learnt that some of the world's greatest maritime explorers have been Moroccans and that the presence of a Moroccan at IMLI is an indication of not only its past interest in this field but the continuation of its maritime future.

Prior to becoming a member of the IMO Secretariat, Mr. Kenney served as the Judge Advocate General and Chief Counsel of the United States Coast Guard, attaining the rank of Rear Admiral. He also served as a Coast Guard judge advocate for 22 years of a 33 year military career, including service as the Coast Guard's Chief of Maritime and International Law and a secondment to the US Department of State in the Office of Oceans Affairs.

He was a member of the U.S. delegation to twelve different IMO Committees and Subcommittees and from 2009-2011, was the Head of the US Delegation to the IMO Legal Committee. He also served on several legal capacity-building missions in developing countries on behalf of the United States. Mr. Kenney has spent nearly 5 years at sea, including service on a polar icebreaker as a deck watch officer and conducting law enforcement and security operations.

Previously, Mr. Kenney served as a judge on the Coast Guard Court of Criminal Appeals, and has extensive experience as prosecutor, defense counsel and appellate counsel in criminal cases. He also served as lead agency counsel in cases before the United States Supreme Court, and in the litigation arising from the Macondo 252/Deepwater Horizon oil spill.

Mr. Kenney holds a juris doctor from the University of San Francisco School of Law, where he was editor-in-chief of the USF Maritime Law Journal. He also holds a B.A. in Economics from Michigan State University. Mr. Kenney has published several law review articles, has lectured widely, and was an adjunct professor of maritime law at Georgetown University Law Centre and the US Defense Institute for International Legal Studies.

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