

The Editor would like to apologise to our esteemed readers and Mr. Derrick Okadia for the editorial mistake in yesterday's e-news. Please find below the amended version of the e-news.

Circulated in more than 130 States to personalities in the legal and maritime professions



The IMO International Maritime Law Institute Official Electronic Newsletter (Vol. 13, Issue No.49) 1 June, 2016

THE VALEDICTORY ADDRESS DELIVERED AT THE INSTITUTES 27TH ANNUAL GRADUATION CEREMONY

During the Institute's 27th annual Graduation Ceremony held on 28 May 2016, the Valedictory Address on behalf of the IMLI Class of 2016 was delivered by Mr. Derrick Okadia, a graduate from Kenya. The ceremony which was presided over by Mr. Kitack Lim (IMO Secretary-General and Chairman, IMLI Governing Board) was graced by several distinguished personalities.



Mr. Derrick Okadia delivering the Valedictory Address on behalf of the IMLI Class of 2016 at the Institute's 27th Graduation Ceremony

In his Valedictory Address, Mr. Okadia stated that the Institute has indeed fulfilled the mission and purpose for which it was created and that is becoming an international centre for the training of specialists in maritime law and the development and dissemination of knowledge and expertise in the international maritime legal regime with emphasis on international regulations and procedures to further the purpose of IMO.

When addressing his fellow graduands, he stated that they have been baptized into the family of IMLI's alma mater and they should adopt the befitting demeanor of this characterization. Mr. Okadia also urged his fellow graduands not to depart from their student loyalty oath that they are to constantly act in a manner consistent and respectful of the international standing and repute of the Institute.

His Valedictory Address is recaptured below:

Your Excellency, The Secretary General of IMO,
Honorable Ministers,
Excellencies,
Judges,
IMO Directors,
IMLI Governors,
Visiting Professors
The Director, IMLI,
Fellow Graduands
Distinguished Guests, Good morning,

For purposes of assuming responsibility, my name is Derrick Okadia, a recent graduate from the Kenya School of Law. I stand before you as the duly elected Class Representative of today's graduating class.

If your countenance is anything to go by, one cannot miss the elation that has made us captive this morning. It has been a journey which is now crowned by Your Excellency, the Secretary General of International Maritime Organization, being in attendance today. This honor is two-fold as we not only have you here with us, but also that we are the first class to be under your able authority as the Chairperson of the IMO International Maritime Law Institute Governing Board. We know

not of many such double honors. Moreover, it is notable that you elected to edify the same by the company of the Director of Legal Affairs and External Relations Division and the Director of the Technical Cooperation Division within the International Maritime Organization.

We also wish to acknowledge the representation of the Maltese Government by the Honorable Ministers, Dr. George Vella, for Foreign Affairs, and, Mr. Joe Mizzi, for Transport and Infrastructure. It is indeed a delight to have the Government share in our joys after its hospitality for the period that we have been here. Furthermore, we appreciate the efforts made by IMO International Maritime Law Institute Fellows, guests, family and friends to be here with us on this day.

Earlier this week, I contemplated sailing at the beginning of time with the possibility of taking a kind of general and panoramic view of the entire developments of international maritime law up to now. In it, *Poseidon* or *Neptune* offered to be captains by seeking to know which developments I would like to examine. So I took my mental voyage to 1609 where I saw a young Dutch lawyer, Hugo Grotius, vehemently argue out on the right of his State to make use of the Seas. His arguments later formed the treatise *Mare Liberum* which every nation is a beneficiary. Despite his eloquence and conviction, I would not call port there. I would deviate to 1945 where I would see President Harry S. Truman make the famous proclamation influencing the minds of States to embrace a new jurisdictional frontier. But due to its overwhelming ramifications, I would take to sea and seek refuge in 1967 where a diplomat from a Small Island State sought to bring some sense of amicable understanding of the use of the seas by States. He has since been referred to as the Father of the New Law of the Sea. However, due to buoyancy demands, I sailed further to 1982 and I observed the numerous delegations engage each other on the regulation of our seas culminating into the United Nations Law of the Seas Convention.

As I came to dock in my destination, my mind was called to 1988 where a young Maltese diplomat, David Joseph Attard, engages the then Secretary General of International Maritime Organization, H.E. Dr. C.P. Srivastava, together with the then Parliamentary Secretary for Maritime Affairs, Dr. Joe Fenech. If you analyze their deliberations, the crux of it is exploration of modes of effective implementation of the 1982 Convention. Resultantly, the IMO International Maritime Law Institute came into existence. But I didn't stop there. I went on and my mind settled on the United Nations Assembly resolution A/Res/69/245 titled '*Oceans and the Law of the Sea*' in which the United Nations recognized the contribution by the IMO International Maritime Law Institute. So here we are today.

Your Excellencies, if you may permit me a little latitude, I would reasonably state that the IMO International Maritime Law Institute is indeed the International Maritime Lawyer's pilgrimage destination. It is the place upon which many have come to seek the anointing from the altar. If it was not Ms. Fatou Bensouda, the Chief Prosecutor at the International Criminal Court, it was Ms.

Dorota Lost-Sieminska, who is currently the Head of Legal Affairs at the International Maritime Organization and so did Dr. Kofi Mbiah, the first of IMO International Maritime Law Institute graduates to be elevated to the IMO International Maritime Law Institute Governing Board and formerly the Chairman of the Legal Committee of International Maritime Organization. Not to forget Ms. Joyce Mogtari, the Deputy Minister of Transport in Ghana who has been gracious to join us today. These are a few of the many who are not unknown to us but whom time permits me not to enlist.

But if your scales so find those wanting then be certain that it was us in 2015/2016. Others have made the journey by dint of their Faculty Membership. And if you would allow me more room in exploration, on the backdrop of the historical account of the country we are in, this culmination of our academic journey has been sanctified by the 'High Priests' of International Maritime Law. This is not only with their gracious presence, but also with their charity in time and knowledge throughout the year. If our mental repository could attest, their testimonies would have sufficed for the best evidence rule.

To love maritime law for maritime law's sake is the principal part of a maritime lawyer's perfection in this world, and the seed-plot of all other international maritime law developments. All things maritime derive from law. This notion has a distinguished and venerable history that stretches back from the present century to the great thinkers of classical antiquity. Indeed, The Emperor Antonius (Roman Emperor, 138 -161 A.D.) was clear in his mind when he said, *'I indeed am Lord of the world, but the law is Lord of the Sea.'* The Speakers before me have indeed given a vivid account of the place of the law in our seas. Hence, one can only dignify such account by adhering to it. This brings into mind the play *Julius Caesar* in which the English Playwright, William Shakespeare brings us closer to our position today. In Act- IV, Scene-III, Brutus speaks to Cassius saying;

*'There is a tide in the affairs of men.
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures.'*

It is on such a tide that we are today. So it behooves upon us to have an accord, here and now that indeed we shall serve the *Rule of International Maritime Law*. This well-grounded rule needs fortification of its place in the 21st Century. It is well appreciated that there has been no shortage of people who have spoken about international maritime law, but the issue of its place and relevance in contemporary times, is always a green issue.

On occasions such as these, there is a need to remind ourselves of the necessity of congruence and universality of issues. Indeed, the fluidity of international maritime law permeates through a plethora of world issues.

The English Lawyer and Biographer, Roger North, KC (1651-1734) was quick to bring the question of contextualization to our attention. He said, *‘To say truth, although it is not necessary for counsel to know what the history of a point is, but to know how it now stands resolved, yet it is a wonderful accomplishment, and, without it, a lawyer cannot be accounted learned in the law.’* The history we are taken to know. How it stands resolved is what we seek to answer. Consequently, as maritime lawyers in our time, we must as well lend ourselves to the sustainable development goals. Given our appreciation of such concepts as customary international law, 2030 may reasonably be taken not to be far from now. This occasion comes at a time when there is a call for states to understand and comprehend the goals. The rule of international maritime law should as such contribute to that end.

Those that we find in need of particular mention to the international maritime community are goals number 5, 14, and 17. The IMO International Maritime Law Institute has indeed made great steps in the path towards the realization of these goals. Concerning goal number 5, it is imperative to note that a considerable number of the graduands, at least 50%, were beneficiaries of such efforts. Thus, there should be a rippling effect in all players in maritime law. With the gracious presence of His Excellency, the Secretary General of International Maritime Organization, we take this opportunity to implore on International Maritime Organization to consider engaging this class on the furtherance of gender equality in international maritime law. Goal number 14 embodies targets that may reasonably be taken to form part of the crux of current focus in international maritime law. It seeks, inter alia, the reduction of marine pollution and the development and encouragement of sustainable use of the Seas.

Indeed such underlying concepts as intergenerational justice can be appreciated through this goal. That the seas are not only ours as beneficiaries but that we hold as custodians for the future generation. Further, it is noted that the world’s oceans – their temperature, chemistry, currents and life – drive global systems that make the Earth habitable for humankind. Therefore, we cannot begin to imagine the use of our knowledge and application of our skills devoid of such concern as to the wellbeing of the Seas. As Adam Voiland in his Article, *‘Earth’s Disappearing Groundwater’* states, this is a ‘water planet’.

When we shift our attention to the genesis of the IMO International Maritime Law Institute, Goal number 17 seems to find a resting place in the mind of IMO International Maritime Law Institute fraternity. The aim is to revitalize the global partnership for sustainable development. I submit to you that the 21st century is not accommodative of the idea that one country has everything to teach other countries and nothing to learn from the others. It is satisfying to note that the IMO

International Maritime Law Institute as informed by the actions of International Maritime Organization has stressed on global and regional cooperation. Indeed, UNCLOS makes several references to the tenets of this goal. Thus, it is upon us here and now to recommit ourselves to such partnerships not only from UNCLOS perspective but as well through the blinkers of the Sustainable Development Goals 2030.

Anchoring these goals, one comes to appreciate the World Maritime Day theme for 2016 being "Shipping: indispensable to the world". Among other prospects, the theme focuses on the critical link between shipping and global society. A face value on reading the theme indicates that there is an appreciation of considering international maritime law without isolating it. With the activities in Shipping, and the emergence of the concept of *Blue Economy*, there are several ramifications which we must bear in mind. Some of these are positive as they provide opportunities for us to explore our capacities. On the other hand, some are bent on having a counter effect on the things thus far achieved.

Hence, we must be cautious for the relationship between history and the future should not be in oblivion. History has proved times without number that we risk a chance of having a recurrence of the incidents that we long recorded in maritime law books. We must at all times be closer to history just as with the present for in the final analysis, we realize that the fact history is in the past does not deny the future from reading historical accounts. Thus it is upon us to ensure that the lessons gained from the past by the present as well as the future don't have any deleterious ramifications on the efforts made this far even as we seek to fortify the idea that shipping is indeed indispensable to the world.

Bearing these in mind, it is important that we maximize on the resources that we have, economic or otherwise. Moreover, technical know-how and expertise is as much welcomed today as it was yesterday. Resultantly, it will be great injustice if there is absence of dedicated words to the graduands as it is on their account that I stand before you this morning. One of the key philosophies that we lived by was that of Tolerance. It is by this that we were able to boast of relative peace and harmony. In the *Treatise upon Toleration, 1764* Francois- Marie Arouet, famously referred to as Voltaire (1694-1778), examines this question of tolerance. He asks, 'What is tolerance? It is the consequence of humanity. We are all formed of frailty and error; let us pardon reciprocally each other's folly - that is the first law of nature.' Hence, it is by no surprise that the student life at the IMO International Maritime Law Institute is premised on the spirit of tolerance.

But here we are, on the cross-road and despite the difference in directions, it is comforting to know that the journey is similar. We are set on improving the capacities of our States and that of the globe at large, and when the journey is similar, it may not be fatal to take different paths at times for the furtherance of shared goals. What would be fatal is leaving one along the way or somewhere

in the journey. Nothing has changed in the bonds and professional web that we have created amongst us.

Whatever path each one takes, we have to give ourselves to the service of the Rule of International Maritime Law to the end so that its principles are commonplace in the tables of international fora. Nothing would be more tragic than to stop at this point for we are at the mountaintop of the international maritime law. The ‘promised land’ is well within the reach of our expertise and qualifications.



The IMLI Class of 2016 taking the oath of allegiance at the Institute’s 27th Graduation Ceremony

It is said, it is in the nature of things that when you acquire a new character, you change your name so that the old can be set along with the spinning wheel. This morning we have adopted a new character. We have been baptized into the family of International Maritime Law Institute’s alma mater and we should adopt the befitting demeanor of this characterization. I invite you to recall the student loyalty oath that we took on the 12th of October 2015. Therein, it is highlighted that we are to constantly act in a manner consistent and respectful of the international standing and repute of the IMO International Maritime Law Institute. We should strive not to depart from this.

There is an African proverb that states, ‘it takes a village to raise a child’. Informed by this, we wish to note that the achievement of our academic goals was made possible by the contribution of several players. We note the practice of the International Maritime Organization in offering scholarships to students at the IMO International Maritime Law Institute. This initiative has gone a long way not only in the individual lives of the beneficiaries but to various governments thus improving the capacity of those governments. Further, we are indebted to The Nippon Foundation

and its unwavering support to the IMO International Maritime Law Institute which saw us benefit from the partnership. It is on this account that we are indebted to the foundation in our various career paths moving forward. Finally, we express our gratitude to the Lloyd's Register Foundation which also left its heartfelt mark on our class. Lastly, and by no means the least, we are grateful to our family members and employers for allowing us the liberty of time to undertake the course. Without such understanding, the emotional and psychological turmoil would have denied us this day.

In the same spirit, acknowledgment is due to our lecturers. Without them, we would have found ourselves overwhelmed by the demands that came our way. Despite the global limitations that we face as students, we found 'compensation' in the metaphors by Prof. Norman Martinez Gutiérrez which offered insight into the maneuvers of academia and the decisions involved thereof. Certainly, the 'bird' will always be at hand waiting for us to pass judgment on its fate. To Ms. Elda Belja, we are indebted on account of your zeal and zest which many are yet to encounter a match to. It is now understood that repetition is the mother of mastery and the commencement point of asserting our passion.

We are grateful for the immeasurable patience and guidance by Ms. Ramat Jalloh. Indeed the genesis and exodus through maritime law was a memorable journey for these have made us have an appreciation of what history influences current developments in international maritime law. Finally, we are grateful to Ms. Tetty Lubis, for her guidance on the complexities of the various aspects of security in international maritime law. The lectures delivered denied our minds rest as they greatly triggered thoughts after thoughts complete with mental images. We also extend our gratitude to the auxiliary staff at the IMO International Maritime Law Institute. Their various offices allowed us to have an easy time during the academic year.

Capping all these, we are grateful to Prof. David Joseph Attard, for graciously addressing the myriads of academic and related matters raised to his office. Despite the fact that some of these were akin to the *mare liberum*, *mare clausum* debate, his kind office was quick to come to an equitable resolution in good faith. We are particularly indebted on the provision of the complete set of the IMLI Manual.

Just as highlighted above, we all have a role to play in the maintenance of proper use of the seas. Let us each embrace our roles moving forward. There is no record of any clause on Adam's will excluding anyone as a beneficiary of this mandate to take care of our oceans. As the mother of the New Law of the Sea, Elizabeth Mann Borgese, reminds us, 'We need to save the oceans if we want to save ourselves'

May the Heavens be with you.

** If you do not want to receive IMLI e-News in future, please return this message to the above address with request to DELETE in the subject field.*

*** For further information please contact Ms. Tetty Lubis (Editor, IMLI e-News) at publications@imli.org*