



## **DIRECTOR OF THE IMO LEGAL AFFAIRS AND EXTERNAL RELATIONS DIVISION DELIVERS THE INAUGURAL LECTURE AT IMLI**

Mr. Frederick J. Kenney Jr. (Director of the IMO Legal Affairs and External Relations Division) visited the IMO International Maritime Law Institute (IMLI) on 17 October 2016 and delivered the inaugural lecture for the academic year 2016-2017. His lecture entitled *“The Development, entry into force and amendment of IMO Conventions”* was very well received by the students who expressed their appreciation for the enlightening presentation on a topic not always correctly understood by Governments and their officials.



Mr. Frederick J. Kenney Jr. with the IMLI Class of 2016-2017

Mr. Kenney started his lecture by recognising the unique contribution of IMLI graduates to the work of the IMO. He cited Dr. Emmanuel Kofi Mbiah, a distinguished IMLI alumni and Chairman of the IMO Legal Committee, as an example of such contribution. He reminded the students that they are at IMLI to acquire the necessary skills and knowledge to be applied in the service of their respective countries at home or as delegates to the IMO. The students were further reminded that the duty to ratify and implement relevant IMO Conventions is the responsibility of States and that they are expected to play a pivotal role in guiding their respective States to comply with their respective obligations. He encouraged them to act as advocates for the IMO, especially in the area of shipping which is a critical component of the United Nations Sustainable Development Agenda.

Mr. Kenney's lecture introduced students to the general overview of the work of IMO; the relationship between the IMO and United Nations, and how law is made at the IMO from development to implementation. He drew the attention of the students to the fact that though the IMO is a specialised Agency not specifically attached to the United Nations Charter, the United Nations can ask the IMO to undertake a specified assignment relevant to the work of the Organisation. He stated that the IMO acts principally through the member States, with the instrumentality of the five committees and seven sub-committees, including the Legal Committee and the Marine Environmental Protection Committee.

In analysing how law is developed at the IMO, Mr. Kenney explained that the Organisation's legal instruments are adopted as a treaty or convention; an amendment to an existing treaty or convention; the formulation of a code, or the drafting of guidelines. The factors that influence the decision to adopt a particular instrument include speed (how fast the legal regime is needed to address a particular concern); how many States are willing to support a particular legal regime, and whether rules exist with regard to the subject matter. He explained that proposals for a new IMO instrument must emanate from the member States or the Secretary General, and be tabled before the relevant Committee and approved either as a planned output by the Council and Assembly or as an unplanned output by the relevant Committee. He said that entities other than member States can do the same only if such a proposal is sponsored by a member State.

The students also learnt that amendments to IMO Conventions and other instruments, particularly those of a technical nature, are achieved through the tacit acceptance procedure. The amendments to the 1995 Convention on Standards of Training, Certification and Watchkeeping (STCW), the International Ship and Port Facility Security Code (ISPS) and the adoption of the Polar Code, which amends the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL), were cited as examples of how the tacit acceptance procedure has been utilised at the Organisation.

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