



IMO DIRECTOR OF LEGAL AFFAIRS AND EXTERNAL RELATIONS DIVISION: VIEWS ON THE WORK OF THE IMO LEGAL COMMITTEE AND IMLI



Dr. Rosalie Balkin lecturing at IMLI

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Dr. Rosalie Balkin

IMO Director of Legal Affairs and External Relations Division

IMLI had the honour to host last week two classes from Dr Rosalie Balkin, IMO Director of Legal Affairs and External Relations Division.

In a short interview (reproduced below) she expressed her views with regard to the work of the IMO Legal Committee, the work of IMLI and her experience as a Visiting Lecturer.

Dr. Balkin, what is in the current focus of the IMO Legal Committee?

The Legal Committee will meet from the 5th October to the 9th October 2009 to discuss several important issues. The first concerns the application of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention) which entered into force in November 2008. Since that time, the Legal Committee has been keeping a watchful eye on the problems confronting States in the implementation of the Convention and during the forthcoming

meeting it will discuss some controversial issues which have been already identified. Australia, for example, has raised concerns about the limits of compensation available in case of bunker incidents in light of the fact that the Convention does not itself provide for limits of liability but refers instead to national laws or applicable international instruments, such as the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976 and its 1996 Protocol. To ensure the viability of the Bunkers Convention, we have to make sure that the limits remain relevant at all times.

Further, the Legal Committee is looking into the possibility of providing a single model insurance certificate to be used for all Liability Conventions with the aim of simplifying the issuance of such certificates on the part of State administrations. The idea is an attractive one. However, there are legal issues, in particular, the fact that each convention includes, as an integral part of it, its own model certificate.

Another issue to be discussed is the 'Report of 9th session of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers', particularly its recommendation that the guidelines be made mandatory through amendment of the ILO Maritime Labour Convention, once that instrument enters into force.

Dr. Balkin, you have now witnessed the work of IMLI for a number of years and as a visiting lecturer you have had the opportunity to meet a number of IMLI lawyers. In your view, what is the role of IMLI today within the IMO family and what are your experiences as a visiting lecturer here at IMLI?

IMLI has a very important relationship with IMO. The Legal Committee and other IMO Committees have the responsibility of drafting international instruments. However, the drafting and the adoption of such instruments is only the first part of the regulatory process.

All the work of IMO would be wasted if such instruments are not fully implemented and such implementation is the responsibility of States. However, not all States have the necessary expertise to implement IMO conventions. To this end, IMLI has an important role to play through the training of lawyers mainly, but not only, from developing countries, who very often occupy senior positions in their administrations. When these lawyers return to their countries, upon completion of their studies, they have the potential to play a dual role: to apply the expertise acquired and to train others as well, thereby doubling the benefit of their own training.

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IMLI students never fail to impress me. They are enthusiastic about what they are doing here, their spirit is so eager and positive and this surely lays a very good basis not only for their immediate study programme, but also for the future. I come usually at the beginning of the academic year and I am fortunate enough to again meet the students at the end of the year, during

their fieldtrip in London. Impressively enough, that spirit is still there; the enthusiasm for IMO and IMO's work is still there. And I have no doubts that that spirit is imparted wherever they go.

As long as I continue to receive invitations, I will always gladly accept them.

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