

# IMLI<sup>e</sup>-News

## EXCLUSIVE INTERVIEW OF IMO DIRECTOR OF LEGAL AFFAIRS AND EXTERNAL RELATIONS DIVISION



*Dr. Rosalie Balkin meeting students of Class 2010/2011*

“IMLI students will continue to contribute to the positive way IMLI is viewed by governments and the international shipping industry”

***Dr. Rosalie Balkin***

IMO Director of Legal Affairs and External Relations Division

In a short interview (reproduced below) Dr. Rosalie Balkin expressed her views regarding 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 15<sup>th</sup> to the 19<sup>th</sup> November 2010 to discuss several important issues. Among these are a report on the Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention), which was adopted on 30 April 2010 by a Diplomatic Conference convened by IMO. The Conference went very well. The Protocol was adopted by consensus and will open for signature from 1 November.

The Conference adopted four resolutions, including one on the Implementation of the 2010 HNS Protocol, in which it requested the Legal Committee to review the overview it had previously developed to assist States with the implementation of the Convention in light of the amendments introduced by the Protocol. This will be a useful undertaking, because, despite the improvements effected by the Protocol, the Convention remains a complex document, and any guidance the Committee can provide will doubtless encourage ratification.

The Committee will also consider a proposal by Indonesia for the inclusion of a new agenda item, following an accident at the Montara wellhead oil platform; namely, the drafting of a new treaty instrument to cover liability and compensation for trans-border damage resulting from offshore oil exploration and exploitation activities. As the subsequent Deepwater Horizon incident shows, such accidents are not unique and this appears to be an opportune moment to discuss the issue.

Consideration will be given to the proposal introduced by Australia at the previous session of the Committee to amend the limits of liability contained in the 1996 Protocol to the 1976 Convention on Limitation of Liability for Maritime Claims, in accordance with article 8 of the Protocol. This proposal had its origins in an incident involving the **Pacific Adventurer** in the waters of southern Queensland in 2009, where the limits of liability for maritime claims for a bunker fuel oil spill fell significantly short of the cost of responding to the incident.

Under the long-standing agenda item on Abandonment of Seafarers, the Committee will be advised of the launch of the “Seafarers’ Rights International”, an independent research Centre dedicated exclusively to the advancement of seafarers’ interests. And, under another long-standing item on the fair treatment of seafarers following a maritime incident, the Committee will consider an updated study by BIMCO on the subject, which indicates that incidents involving unfair treatment continue to occur.

The Committee will also be considering a report of a Correspondence Group established at its 95<sup>th</sup> session, on how to facilitate further ratifications and promote harmonized implementation of the 2001 Bunkers Convention which entered into force on 28 November 2008. The report discusses a number of legal and practical issues and makes a number of recommendations, which it has asked the Legal Committee to approve.

Under the agenda item on Piracy, the Committee will consider a number of issues, including a report on the work of Working Group 2 of the Contact Group on Piracy off the coast of Somalia, which was established pursuant to United Nations Security Council Resolution 1851 (2008). This Working Group deals specifically with legal issues arising out of the arrest and prosecution of alleged pirates, such as the difficulties faced in bringing witnesses to court, human rights issues etc. Any views the Committee may have will be reported back to the Working Group. The

Committee will also be provided with an assessment of national legislation on piracy on the basis of documentation received from Member States in response to a Circular Letter issued by IMO in December 2008. The assessment concentrates on the extent to which the legislation implements the pertinent international law provisions relating to the suppression of acts of piracy, contained in UNCLOS and the 1988 SUA Convention and Protocol. The Committee will also be informed of a petition containing approximately one million signatures from 185 countries presented to the Secretary-General on World Maritime Day. The petition requests Governments to “End Piracy Now”.

***Dr. Balkin, you have now been a visiting lecturer for many year and you have had the opportunity to meet a number of IMLI lawyers. How do you find the experience?***

I always enjoy my visits to IMLI and I am very pleased to play a role, albeit small, in promoting the welfare of this fine Institute. I continue to find IMLI students a most interesting mix of individuals who invariably display enormous enthusiasm about their studies here. They are very focussed not only what they are doing here and now but also on what they might go on to achieve in the future. I am sure that they will make their contribution to the positive way in which IMLI is viewed by Governments and the international shipping industry

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