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To: All IMO Member States
United Nations and specialized agencies
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO
Recognized liberation movements
International Maritime Law Institute
World Maritime University

Subject: **Revised text of the Statute of the International Maritime Law Institute (IMLI)**

1 As agreed by the Council at its 106th session (27 June to 1 July 2011), a review and update of the Statute of the International Maritime Law Institute (IMLI) was undertaken, in the first place by the IMO Legal Affairs and External Relations Division (LED) in consultation with the Director of the Institute and, subsequently, by the Council itself in accordance with article 33 of the IMLI Statute.

2 The changes aim to reflect developments that have occurred over the last 24 years since the inception of the Institute in 1988; many are based on the recently revised World Maritime University Charter.

3 The revised text of the IMLI Statute, as approved by the Council at its 109th session (5 to 9 November 2012), is attached in the annex.

ANNEX

STATUTE OF THE IMO INTERNATIONAL MARITIME LAW INSTITUTE

With a view to providing suitably educated personnel in maritime law for the effective implementation of the maritime programmes of all Governments, particularly Governments of developing countries, in accordance with international regulations and standards for maritime safety and pollution prevention,

THE IMO INTERNATIONAL MARITIME LAW INSTITUTE

is hereby established to operate in accordance with the present STATUTE.

I DEFINITIONS

Article 1

In this Statute

"Institute" means the IMO International Maritime Law Institute.

"Organization" or "IMO" means the International Maritime Organization.

"Convention" means the Convention on the International Maritime Organization.

"Secretary-General" means the Secretary-General of the Organization.

"Council" means the Council of the Organization.

"Governing Board" means the Governing Board of the Institute.

"Director" means the Director of the Institute.

"Academic Committee" means the Academic Committee of the Institute.

"Financial and Human Resources Committee" means the Financial and Human Resources Committee of the Institute.

"Regulations" mean the regulations of the Institute.

II OBJECTIVES AND FUNCTIONS

Article 2

- (a) The International Maritime Law Institute shall be an international postgraduate education and research Centre of Excellence for specialists in maritime law and the development and dissemination of knowledge and expertise in international maritime law and the general law of the sea, with special reference to the international rules, regulations and procedures for the safety, security and efficiency of international shipping, protection of the marine environment and rights of seafarers, in particular those developed under the auspices of IMO.

- (b) The Institute shall encourage research and other appropriate programmes for the development and dissemination of knowledge and skills in international maritime law and maritime legislation for developing countries in particular and the world maritime community in general.

Article 3

The Institute and all who are directly associated with it shall act in accordance with the spirit and provisions of the Convention and the relevant provisions and principles of the Charter of the United Nations.

Article 4

Pursuant to the foregoing, the Institute may:

- (a) provide postgraduate education to persons with the requisite academic or professional qualifications in all aspects of maritime law and legislation, including skills in the preparation, drafting of international instruments and their implementation into national legislation;
- (b) conduct or encourage research and appropriate studies in maritime law and legislation and general law of the sea; and
- (c) contribute to ongoing studies and discussions on techniques and procedures for education and manpower development in maritime law; the formulation of national and international regulations and principles in maritime law, and the planning and development of procedures and arrangements regarding education in maritime law and legal education in general.

Article 5

The Institute shall engage in teaching and student mentoring, research and scholarship, and outreach to build capacity on behalf of the maritime community. In accordance with this Statute, the Institute shall have the power to:

- (a) prescribe the conditions under which persons may be admitted to courses of study therein and certified as having successfully completed such courses;
- (b) determine the fields and subjects in which instruction may be given, and research or studies may be undertaken; and make appropriate provision for the advancement and dissemination of knowledge in such fields and subjects;
- (c) grant and confer degrees, diplomas, certificates and other academic distinctions to and on persons, under conditions laid down for that purpose in the relevant regulations of the Institute;
- (d) revoke any such degrees, diplomas or certificates or other distinctions for what the Institute may deem to be good cause;
- (e) prescribe the disciplinary provisions governing persons receiving instruction or undertaking courses of study or research at the Institute;

- (f) provide lectures and instruction for persons who are not students of the Institute, and grant appropriate diplomas and certificates to such persons, as may be provided for in the regulations;
- (g) cooperate, by means of joint programmes and ventures or in other suitable ways, with universities or other appropriate institutions for the conduct of examinations and for such other purposes as the Institute may from time to time determine;
- (h) confer honorary degrees and other distinctions, subject to such provisions as may be provided for in the regulations;
- (i) institute professorships or any other offices of any kind, whether academic or not, as may be required by the Institute; appoint persons to and remove them from such offices and prescribe their conditions of service;
- (j) recognize the results of examinations and periods of study successfully achieved by students and fellows of the Institute at universities or other institutions of learning as being equivalent to such examinations and periods of study in the Institute as may be determined, and withdraw such recognition at any time;
- (k) publish and circulate the results of research and studies, including the printing and publication of material which may be issued under the imprimatur of the Institute;
- (l) make provision for advisory services and, for this purpose, enter into such relations with other institutions or bodies as may be considered desirable;
- (m) institute and award fellowships, studentships, scholarships, exhibitions, bursaries and prizes;
- (n) contribute appropriately to the efforts to mobilize international cooperation in the further development, unification and codification of international maritime law;
- (o) organize conferences, seminars, workshops, exhibitions and panels;
- (p) maintain, manage, deal with, dispose of and invest the property, money, assets and rights of the Institute and enter into engagements and accept obligations and liabilities;
- (q) act as trustees or managers for any property, legacy, endowment, bequest or gift for purposes in furtherance of the work and welfare of the Institute, and invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required, on such security as the Institute may deem fit; and
- (r) do and perform all other acts that may be considered necessary, suitable and proper for the attainment of any or all of its objectives.

Article 6

The Institute shall enjoy autonomy within the framework of the Organization. It shall also enjoy the academic freedom required for the achievement of its objectives, with particular reference to the choice of subjects and methods of education and training and the freedom of expression. Subject to its primary objective to assist developing countries, the Institute shall enjoy freedom in the selection of the individuals and institutions to share in its tasks and in decisions on the use of the financial resources allocated for the execution of its functions.

Article 7

No religious, racial or political requirement shall be imposed upon any person in order to entitle him or her to be admitted as a professor, teacher, student or fellow of the Institute or to hold office therein or to graduate therefrom or to hold any advantage or privilege thereof.

Article 8

Men and women shall be equally eligible for any office or appointment in the Institute and for membership of any of its constituent bodies. All degrees and courses of study in the Institute shall be open to men and women on an equal footing. To encourage equitable participation by women, 50 per cent of the places in each regular course of the Institute shall be reserved for women candidates, provided that the necessary numbers of women candidates with the required entrance qualifications are available for each particular course.

III ORGANIZATIONAL FRAMEWORK

Article 9

The Institute shall have a Governing Board, an Academic Committee, a Financial and Human Resources Committee, a Director and such other personnel of the Institute as may be appointed in accordance with this Statute.

IV THE GOVERNING BOARD

Article 10

- (a) The Governing Board shall be composed of not more than 20 members, appointed on a broad geographical basis with due regard to major legal systems of the world, with expertise in areas including finance, fund-raising and academic development, as well as with recognized expertise in maritime law and related maritime fields. Governing Board members shall serve in a personal capacity.
- (b) The Secretary-General shall be ex officio Chairman of the Governing Board.
- (c) Members of the Governing Board shall be appointed by the Secretary-General, in accordance with the criteria and guidelines referred to in paragraph (a) above.
- (d) Two representatives of the Government of Malta shall be invited to serve as ex officio members of the Governing Board. With the agreement of the Governing Board, representatives of other agencies, organizations and programmes of the United Nations system may be invited to attend meetings of the Governing Board as observers.
- (e) All Governing Board members, other than the ex officio members, shall be appointed for two-year terms. Governing Board members who demonstrate an active contribution to the work of the Governing Board may be re-appointed.

Article 11

The Governing Board shall:

- (a) adopt the regulations of the Institute;

- (b) approve the principles and policies which govern the activities and operations of the Institute;
- (c) consider and approve the plan of work and the budget of the Institute proposed by the Director in consultation with the Secretary-General;
- (d) decide upon the establishment of training, research and other programmes of the Institute, and adopt standards for the operation and further development of such programmes;
- (e) consider and take appropriate action on the reports of the work of the Institute which may be submitted to it pursuant to the provisions of this Statute or the regulations;
- (f) issue such directives and take or approve such measures, within the framework of this Statute, as may be necessary for the operation of the Institute;
- (g) make such recommendations as it may deem necessary or desirable for the effective functioning of the Institute;
- (h) report annually through the Secretary-General to the Council on the work of the Institute;
- (i) adopt the Rules of Procedure of the Board; and
- (j) establish such subsidiary bodies as it deems necessary.

Article 12

The Governing Board shall meet at least once a year upon the summons of the Chairman.

Article 13

The Governing Board shall consider methods of financing the Institute with a view to ensuring its sustainability, the effectiveness and continuity of its operations and the autonomous character of the Institute within the framework of the Organization. It shall have the power to consider and approve, as necessary, arrangements under which institutions and individuals may be associated with the work of the Institute, and the criteria for such arrangements, having regard to the need to ensure the maintenance of the highest academic and professional standards.

V THE ACADEMIC COMMITTEE

Article 14

The Academic Committee shall be appointed by the Governing Board with such composition as the Governing Board may determine. It shall be presided over by the Director. The Academic Committee shall assist the Governing Board and the Director in the coordination and implementation of the study and research programme of the Institute.

VI THE FINANCIAL AND HUMAN RESOURCES COMMITTEE

Article 15

The Financial and Human Resources Committee shall be appointed by the Governing Board with such composition as the Governing Board may determine. It shall be presided over by a Board Member appointed by the Secretary General. The Financial and Human Resources Committee shall assist the Governing Board and the Director on the funding and finances of the Institute and on administrative matters, including personnel.

VII THE DIRECTOR

Article 16

- (a) The Director of the Institute shall be appointed by the Secretary-General.
- (b) The initial term of the Director shall be four years and he/she shall be eligible for reappointment for similar further terms. The conditions of service of the Director shall be determined by the Governing Board on the proposal of the Secretary-General. The Secretary-General may terminate the Director's appointment before it has expired for failure to properly execute the duties of the office or otherwise in the best interest of the Institute.
- (c) Under the overall supervision of the Secretary-General and the control and direction of the Governing Board, the Director shall direct and administer the Institute, and exercise responsibility for the administration and organization of the programmes of the Institute and the control of its personnel, in accordance with general policies and criteria formulated or approved by the Governing Board. The Director shall, inter alia,
 - (i) prepare, in consultation with the Secretary-General, the plan of work and the budget estimates of the Institute for submission to the Governing Board for consideration and approval;
 - (ii) direct the activities connected with the execution of the teaching and research programmes of the Institute and authorize expenditure of funds provided in the budget approved by the Governing Board;
 - (iii) recommend, in consultation with the Secretary-General, to the Governing Board the establishment of such advisory bodies as may be necessary;
 - (iv) recommend, in consultation with the Secretary-General, to the Governing Board arrangements between the Institute and Governments and international or national organizations under which assistance and services related to the activities of the Institute may be offered or received;
 - (v) coordinate, in consultation with the Secretary-General, the educational and other programmes of the Institute with the activities of the Organization and, as appropriate, the United Nations and its agencies;
 - (vi) report to the Governing Board on the activities of the Institute and the execution of its programmes, in accordance with procedures established or approved by the Governing Board for that purpose; and

- (vii) provide the necessary services to the Governing Board, the Academic Committee, and the Financial and Human Resources Committee.

VIII PERSONNEL

Article 17

The academic and administrative personnel of the Institute shall be selected and appointed with due regard to the objectives of the Institute as enshrined in this Statute. The basic criteria for selection shall be the highest standards of expertise, competence and integrity, with due regard to equitable and appropriate representation in terms of geography, social systems, educational, legal and cultural traditions and gender.

Article 18

- 1 The personnel of the Institute shall consist of:
- (a) academic personnel;
 - (b) senior administrative personnel;
 - (c) other administrative and supporting personnel; and
 - (d) persons undergoing instruction or participating in courses or other activities of the Institute.
- 2 The assignment of personnel to each of the categories mentioned in this article shall be made in accordance with the applicable provisions of the regulations.
- 3 In the performance of their duties, the Director and the personnel of the Institute shall not seek or receive instructions from any Government or from any other authority external to the Organization.

Article 19

- 1 The academic personnel of the Institute shall be composed of:
- (a) the Director;
 - (b) professors and other teachers or instructors appointed in accordance with this Statute or the applicable provisions of the regulations; and
 - (c) visiting professors, visiting lecturers, consultants and experts.
- 2 The senior administrative personnel of the Institute shall be those persons appointed as such in accordance with this Statute or the applicable provisions of the regulations.

Article 20

All members of the academic personnel shall enjoy, in relation to their work in or for the Institute, the academic freedom guaranteed by article 6 of this Statute, and by any other relevant regulations.

Article 21

- (a) Except as otherwise provided in the regulations, the academic and administrative personnel of the Institute shall be governed by Staff Regulations and Rules established by the Secretary-General with the approval of the Governing Board.
- (b) Subject to agreements and arrangements established by the Secretary-General, the Director and the academic and senior administrative personnel shall be accorded the status of officials of the Organization within the meaning of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947; the personnel referred to in paragraph (c) of article 19 shall be accorded the status of experts of the Organization within the meaning of the aforesaid Convention, including its Annex XII, as applicable to the Organization.

Article 22

The personnel of the Institute shall be responsible to the Director in the exercise of their functions.

Article 23

The academic and senior administrative personnel of the Institute referred to in subparagraphs (a) and (b) of paragraph 1 of article 18 of this Statute shall be appointed by the Chairman of the Governing Board on the recommendation of the Director.

Article 24

The personnel of the Institute, other than the personnel referred to in article 23 above, shall be appointed by the Director. Such personnel shall enjoy such status, privileges and immunities as may be provided in the relevant agreements.

IX FINANCE AND BUDGET

Article 25

The Financial Rules of the Institute shall be established by the Secretary-General with the approval of the Governing Board.

Article 26

The Director shall prepare the budget estimates for the Institute in consultation with the Secretary-General and in such a manner as may be prescribed by the Governing Board. The estimates shall be submitted to the Governing Board for consideration. The budget, as approved by the Governing Board, shall be reported to the Council together with the comments of the Governing Board.

Article 27

The Governing Board may establish a Fund or Funds for the Institute for such purposes and under such terms and conditions as may be specified.

Article 28

Funds administered by or for the Institute shall be subject to audit by the External Auditor of the Organization.

Article 29

The administrative, financial and other services of the Organization may be utilized by the Institute, on conditions determined in consultation between the Secretary-General and the Director, provided that no extra cost is incurred to the regular budget of the Organization as a result of the utilization of such services by the Institute.

X LOCATION

Article 30

The Institute shall be located in Malta.

XI STATUS AND AUTHORITY

Article 31

The Institute shall operate within the administrative framework of the Organization. Accordingly the Institute shall, subject to such other arrangements as may be made by the Secretary-General with the approval of the Council, enjoy the status, privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, including Annex XII thereof, and in other relevant international agreements and resolutions relating to the status, privileges and immunities of the Organization. Subject to such procedures as may be established by the Secretary-General in consultation with the Secretary-General of the United Nations, the Director and the academic and senior administrative personnel travelling on the official business of the Institute may be provided with the appropriate United Nations travel documents.

XII DISSOLUTION

Article 32

1 The Institute may be dissolved by decision of the Council if it is determined that the purposes and activities of the Institute have been satisfactorily accomplished or that the Institute will no longer be able to function effectively.

2 In the event of such dissolution, the funds and assets remaining to its accounts shall be used as the Council may direct except as may otherwise be provided in the terms of any contributions accepted in furtherance of the activities of the Institute.

XIII AMENDMENTS

Article 33

(a) Amendments to the present Statute may be made by the Council, on the proposal of the Secretary-General.

- (b) At the request of the Governing Board, or in consultation with it, the Secretary-General may propose amendments to this Statute.

XIV OPERATIVE DATE

Article 34

The Institute was founded in accordance with the Statute as originally adopted and which came into effect on 28 July 1988. This amended Statute takes effect on 1 July 2013.
