

David J Attard address delivered at IMO Headquarters on 2nd November 2022.

IMO Awards Ceremony 2022

Speech by International Maritime Prize 2021 recipient, Professor David Attard

My IMO Voyage

Secretary General,
Distinguished guests
IMLI Alumni

I am truly humbled by the decision of the IMO Council to award me the prestigious IMO Maritime Prize.

My IMO voyage started on the 11th September 1987. On this date I had my first encounter with Secretary-General C.P. Srivastava, who whilst attending a conference in Rabat, Malta, shared with me his concerns about the failure of States to incorporate IMO treaty rules into their national law. This was rendering unenforceable well-drafted and vital rules designed to ensure safer shipping and cleaner oceans. This failure, he explained, was due mainly to the lack of national expertise in many States. At the time, IMO had a number of consultants who toured the world and advised governments on the incorporation and implementation of IMO rules. However, given the magnitude of the problem and limited resources, the Secretary-General was concerned this was not producing an effective solution. My response was to propose the creation of a programme of studies designed to train lawyers in international maritime law and legislation drafting. I explained the idea to then Parliamentary Secretary for Maritime Affairs, Dr. Joseph Fenech, who immediately asked to meet the Secretary-General and offered all the necessary facilities to support the initiative. It was at this meeting that the idea of setting up an Institute to train 20 government officials every year in the field of international maritime law and legislation drafting was born.

A bilateral agreement between IMO and the Malta was signed on 13 May 1988, establishing the IMO International Maritime Law Institute with an international legal personality under the authority of a governing board. The Agreement was approved by the IMO Council at its 60th session convened in June 1988. The Council also authorised Dr. Srivastava to proceed further to ensure that the academic and teaching programme would commence in October 1989.

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An implementation plan was adopted which commenced with the Secretary-General asking me to convene in Malta a group of eminent maritime lawyers which included Francesco Berlingeri, Thomas Mensah and Louis Mbanefo to draft a programme of studies, adopting an international and comparative approach to international maritime law, leading to a Masters Degree (LL.M.) in International Maritime Law. One very unique element of this programme was the focus on maritime legislation drafting. Students at IMLI were to be taught drafting skills. This training was designed to enable graduates to advise their governments on the adherence to international maritime treaties and their incorporation into their domestic law to ensure enforcement through the national Courts. Indeed, in order to obtain an IMLI Master's Degree in International Maritime Law, apart from sitting for exams and writing a dissertation, students – the experts recommended – should be required to submit draft legislation which incorporates their countries' IMO international treaty obligations into municipal law.

Perhaps it is little known that the first Chairman of the IMLI Governing Board, Sir Sonny Ranphal (then Secretary-General of the Commonwealth) who appointed as the first Director, Professor Patricia Birnie of the London School of Economics. I was appointed IMLI Director by Secretary-General William O'Neil in 1992 upon the retirement of Professor Birnie. Accepting this appointment was not an easy decision, for it meant giving up a successful international practice in intellectual property law. After consulting my wife, I agreed and commenced my long IMO-IMLI voyage, which was not without turbulence, but always a privilege as it enabled me to serve generations of lawyers.

There have been many IMLI achievements over the last 3 decades which I do not have the time to enlist. I wish however to highlight some successes.

There are great centres of learning that teach maritime law. None however offer a programme which covers the whole spectrum of maritime law, public and private, on an international comparative basis combined with instilling legislation drafting skills.

The first academic course commenced in 1989 and since then some 1069 professionals from 151 States have graduated. Today, it is probably no exaggeration to say that the international maritime community can rely on the availability of IMLI expertise in major ports, especially in developing States.

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Indeed, IMLI's success can be gauged by the accomplishments of its alumni. By graduating at IMLI, alumni become part of a unique global network which is represented in every region of the world. Many have an important role in their countries' maritime affairs, and beyond by participating in international maritime fora, in particular the IMO deliberations. Indeed, IMLI graduates have been elected to some of the highest offices in the Organization and its committees.

A unique feature of the IMLI Statute is a provision which guarantees 50% of the available places to deserving female applicants. In 1988, this was a great innovation and probably the first time that such a provision was formally inserted in a UN Statute. It has led to many formidable female graduates who are able to contribute to international maritime law on a national and international level. I have the great pleasure of seeing some of them present here today – Dorota and Azara.

Despite the small permanent academic staff, IMLI has been extremely active and successful in promoting international maritime law research. This is reflected by its monumental three volume IMLI Manual on International Maritime Law and another three-volume set on Ocean Governance with a whole volume focusing exclusively on the remarkable work of IMO. Both sets have been published by Oxford University Press. IMLI is also responsible successful series entitled IMLI Studies on International Maritime Law, which includes some of the PhD theses undertaken at IMLI. The success of this series has attracted a number of other excellent works.

One outstanding feature of teaching at IMLI has been the practice to supplement the permanent teaching staff with the lecturing of eminent practitioners and academics. Over the years, 100s of guest lecturers have shared their knowledge and expertise with IMLI students. Furthermore, this practice enables students to develop professional contacts which can serve them well in their future work. It is noteworthy that no external lecturer has ever charged IMLI for this service and I take the opportunity to thank them for their honorable and valuable support.

COVID affected teaching at IMLI. It brought dramatic challenges when for some two years lecturing had to move online. This situation was also turned into a success for not only did the master's programmes continue to be taught successfully, but IMLI took the opportunity to develop online courses which allowed 100s of government officials throughout the world to attend specialised courses ranging from the law of the treaties to the law of ports.

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The technological assets and expertise developed by IMLI, also allowed its students to get first-hand knowledge of the valuable work of IMO undertaken by its officials. It has always been my conviction that students would benefit greatly by learning from the unique expertise found at IMO. Over the last years, IMLI developed a programme wherein IMO officers kindly agreed to lecture on their work and discuss the latest developments in international maritime affairs.

Distinguished guests,

Throughout my directorship at IMLI, I had the privilege of working with 5 Secretary-Generals, C.P. Srivastava, William O'Neil, Efthimios Mitropoulos, Koji Sekimizu, and Kitack Lim.

Throughout their terms of office, I had the honour of cooperating closely with them to secure IMLI's success as a centre of global repute for developing expertise in international maritime law. I have learned much from their impressive knowledge and experience. Although they came from different national and cultural backgrounds, I have noted that they all had one common and commendable goal that of serving in the first place the interest of IMO's Member States. Their work has led to the establishment of IMO as the world's leading foremost institutional source of international maritime law. In fact, over the years, the Organization has consolidated a universal reputation of commitment to contemporary ocean needs, by extending its work to cover important areas such as the fields of environmental protection and climate change. The Organization has also been in the forefront of ensuring effective maritime safety and security regimes in the face of the contemporary threats brought about by the resurrection of piracy, maritime terrorism and the human problem of mass migration of persons by sea.

The Organization with its formidable expertise is leading the way to deal with the challenges of the new technologies, such as autonomous shipping, which affects the very foundations of international maritime law. In this process, IMO is in the forefront of the codification and progressive development of international maritime law. Indeed, I was honoured that on a number of occasions, IMLI was invited to contribute to this process such as in the case of the law of ports or the examination of the development of Article 91 of the UN Convention on the Law of the Sea.

In conclusion, I would like to record my appreciation to all those who supported me in my capacity as the IMLI Director. I am grateful to the continuous generous funding which IMLI has

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received from governments, NGOs, and industry. I particularly wish to recognise the support of Secretary-General Kitack Lim, who from his first day as Secretary-General, has offered IMLI guidance and support. Indeed, he holds the record of the Secretary-General who has most visited IMLI throughout his years of office. Significantly, he has been responsible for IMLI's greater involvement in IMO's work.

I also wish to express my appreciation to the members of the IMLI Governing Board who on a regular basis, support the Institute through their constant advice. I am grateful for the tremendous assistance IMLI receives from IMO officers and particularly Directors Kenney and Zhang.

I wish to thank my wife, Charmaine and my children Christopher, Adrian and Felicity (all maritime lawyers!) for their constant support for my work at IMLI. I wish to express my appreciation to the IMLI academic and administrative staff who gave of years of service to support the good functioning of the Institute. I wish to take this opportunity to urge all Member States to support the Institute and its new Director, Professor Norman Martinez, who already has years of experience in the IMLI way of life.

Before concluding, I salute the 100s of graduates and wish them continued success. When I reflect on my meeting with Secretary-General Srivastava in Malta in 1988, I remain amazed how our ideas were translated into the creation of a programme of studies which brought about a dramatic change to my life and the lives of 100s of government officials worldwide. Indeed, I wish to record that one of the greatest satisfactions I got in my years of Director was to see the dramatic change in students from the day they arrived to their graduation when they are fully empowered to serve their countries' interests and rule of international maritime law.

May IMLI continue with its work in the interests of IMO and its Member States. Long Live IMLI!
Thank you.