



Thomas Aboagye Mensah, 1932–2020

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It is with deep sadness and regret that I am taking this opportunity to express my grief over the untimely demise of H.E. Judge Thomas Aboagye Mensah and reflect on my association with him.

I first met Dr. Mensah in the early 1980s when I was appointed a member of the Canadian Delegation to the Marine Environmental Protection Committee of the International Maritime Organization (IMO). At that time, Dr. C.P. Srivastava was the Secretary General of IMO and Dr. Mensah was the Assistant Secretary General and Director of the Legal Affairs and External Relations Division. Subsequently, I was appointed Maritime Legislation Consultant to IMO by Dr. Srivastava, and in that capacity, I had the opportunity to interact with Dr. Mensah on several occasions in connection with IMO consultancy assignments to several Caribbean, East European, and South-East Asian countries as well as Ghana and Mozambique. I recall one of those involved the *Katina P* incident off the coast of Mozambique in 1992 regarding which I received valuable first-hand instructions and guidance from Dr. Mensah.

As Director of the Legal Affairs and External Relations Division of IMO, Dr. Mensah drafted the Charter of the World Maritime University when that institution was founded by IMO in May 1983 and was a member of its Board of Governors. He also drafted the Statute of the IMO International Maritime Law Institute (IMLI) which was established by IMO in 1989 and served on its Governing Board. In that year, I was appointed the first Senior Deputy Director of IMLI by Dr. Srivastava and a member of the Governing Board. After I joined, I was briefed in detail by Dr. Mensah regarding the administration and running of IMLI. I was privileged to serve under Professor Patricia W. Birnie, the founding Director of that newly established Institution who was also a close associate of Dr. Mensah.

In 1991, I was invited to participate in a high-level Group of Experts hosted by the Economic and Social Council for Asia and the Pacific (ESCAP) of the United Nations

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based in Bangkok. The Group which met in Pattaya was co-chaired by Dr. Mensah. The deliberations of the Group led to the publication of the Third Edition of *Guidelines for Maritime Legislation*, the only authoritative text on the subject at the time. During the development of this publication, I recall I had occasion to interact closely with Dr. Mensah on several matters relating to international maritime law in its public and private law aspects and the lack of adequate maritime legislation in developing countries. We rode the bus together from Pattaya to Bangkok and chatted informally.

On his retirement from IMO, Dr. Mensah was appointed the first President of the newly established International Tribunal for the Law of the Sea (ITLOS) pursuant to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS). He later stepped down from the Presidency but remained on the bench as a judge. I met him at ITLOS on a number of occasions. I visited ITLOS at least a couple of times when I took students from the World Maritime University (WMU) and Lund University on study trips. On one such trip, we attended the proceedings of the *Bangladesh v. Myanmar* Maritime Boundary Delimitation case. Another memorable visit to ITLOS was on the occasion of the ceremonial felicitation of Judge Mensah in 2006 at which he was presented with the *Liber Amicorum* edited by two ITLOS judges. It was authored by several notable and distinguished maritime law personalities who had been associated with him during his professional career. I was honoured to be one of them and, as a contributing author, was the proud recipient of a copy of the book from his hands at the ceremony. I wrote the chapter entitled “The Penal Law of Ship-Source Pollution: Selected Issues in Perspective”. I attended the ceremony together with then WMU President Dr. Karl Laubstein. There we met with Mrs. Akosua Mensah, and among others, the Assistant Editor of the *Liber Amicorum*, Dr. Chie Kojima who at the time was a staff member of ITLOS and subsequently became an Assistant Professor at WMU.

Over the period 2004 to 2015, every year I was invited to be a speaker at the annual Seminar on Maritime Law for Judges of the Superior Courts of Ghana held in Accra. At those seminars, Judge Mensah was a frequent distinguished speaker. The seminars were mostly hosted by the Ghana Shippers’ Authority (previously Ghana Shippers’ Council) of which Dr. Kofi Mbiah was the Secretary General. He was an LLM graduate of IMLI and a PhD from WMU who also served as Chairman of the IMO Legal Committee for several years. He was my former student and a close associate of Judge Mensah. The meetings in Accra were memorable for all three of us. At one seminar hosted by the Ghana Ports and Harbours Authority in 2006, a team of WMU faculty members participated as presenters. The ten years of seminars were commemorated by the publication of an impressive Compendium of Maritime Law consisting of all the papers delivered over that period.

Judge Mensah was associated with WMU on several fronts and with me personally in my capacity as a member of the WMU staff. In 2007, at the instigation of the Government of Sweden, a joint LLM programme in Maritime Law was established between WMU and Lund University of which I was appointed the first Co-Director along with Professor Lars-Göran Malmberg. Professor Maximo Q. Mejia Jr. of WMU was the Programme Coordinator. Judge Mensah was a distinguished Visiting Professor at Lund University in 2007 in the early part of that programme apart from visits he made to WMU in other capacities. In 2008, in conjunction with the Silver Jubilee celebrations of WMU, Judge Mensah was conferred with the degree of Doctor of

Science (DSc) *honoris causa*. On a personal note, I must mention that the same year when I was a candidate for President of WMU, Judge Mensah kindly acted as a referee. Dr. C.P. Srivastava and former Judge Mr. Måns Jacobsson, then Director of the International Oil Pollution Compensation Funds, were other referees in respect of my candidacy. In 2012, on the occasion of the publication of the Fourth Edition of *Farthing on International Shipping* of which I was the lead author, Judge Mensah was kind enough to write the Foreword for which I will remain most grateful. In 2013, a book entitled *Selected Issues in Maritime Law and Policy: Liber Amicorum Proshanto K. Mukherjee* was produced under the editorship of Professor Mejia of WMU. Chapter 2 of the book bearing the title “Flags of Convenience: Promises and Problems” was authored by none other than Judge Mensah.

I will always remember H.E. Judge Thomas A. Mensah as being at once a brilliant maritime lawyer, international civil servant, distinguished maritime law academic, a formidable judge, and above all, a close friend and colleague. May his soul rest in peace.



Prof. Proshanto K. Mukherjee, Mrs. Akosua Mensah, Judge Thomas Mensah, Dr. Karl Laubstein (from left to right)

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