



BRIEF ON THE UMT- AALCO LEGAL EXPERT MEETING ON THE LAW OF THE SEA' HELD ON 24th AND 25TH AUGUST 2015

The Asian-African Legal Consultative Organization (AALCO) in association with the Universiti Malaysia Terengganu (UMT), had organized a Two-Day Legal Expert Meeting on the Law of the Sea on the theme “*Marine Biodiversity within and Beyond National Jurisdiction: Legal Issues and Challenges*” at the Strategic Communication Centre, Universiti Malaysia Terengganu, Putrajaya, Malaysia. The meeting which had been organized by AALCO in accordance with the mandate that it received at the Fifty-Fourth Annual Session of AALCO held at Beijing, China in April 2015, was attended by delegates from 7 Member States of AALCO and many students and scholars from UMT. The Secretariat of AALCO was represented by the Secretary-General Prof. Dr. Rahmat Mohamad, the Deputy Secretaries-General, Mr. Feng Qinghu and Mr. Mohsen Baharvand and S. Pandiaraj, the Senior Legal Officer.

The two-day meeting had been divided into five sessions. The Inaugural Session began with the Welcome Address delivered by *Prof. Dr. Wan Izatul Asma Wan Talaat, Deputy Director/Head of Law Research Programme, Institute of Oceanography and Environment (INOS) UMT* who had outlined the importance of this meeting. This was followed by the Opening Address delivered by *Dato' Prof. Dr. Nor Aieni, Mokhtar, the Vice chancellor of UMT* who formally inaugurated the meeting.

This was followed by the Key Note Address that was delivered by *Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO*. The Key Note address, which was comprehensive and enlightening, focused on a variety of aspects including the work of AALCO on the issue of Law of the Sea in general, importance of and the mandate for this particular meeting, provisions of UNCLOS on marine biodiversity, the work of the Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity, etc.

The *first Working Session* on the theme 'Current Developments on the Law of the Sea' was Chaired by *Mr. Feng Qinghu, the Deputy Secretary-General of AALCO* who briefly mentioned the salience of this topic for the developing countries in general. The main presentation was made by *Mr. H.P. Rajan, Former Deputy Director, Division for Ocean Affairs and the Law of Sea, United Nations and the Special Legal Advisor to AALCO on Law of the Sea issues*. In his presentation, Mr. Rajan touched on the issue of development of a new legally binding instrument under the UNCLOS 1982 as approved by the General Assembly of UN. While underscoring the fact that the new instrument would be under the UNCLOS, he went on to highlight the issues involved, the practical aspects the preparatory committee will have to deal with when it begins working in 2016 as well as the gaps in the existing legal framework. The presentation also touched upon some of the upcoming issues and the prospects of the 'Blue Economy' in the "future we want". He also explained the work and role of International Sea Bed Authority and the possible way forward. This was followed by an interesting Q/A Session.

The *second Working Session*, which was on the theme “Issues and Challenges on the Law of the Sea in South East Asia” was Chaired by *Mr. Mohsen Baharvand the Deputy Secretary-General of AALCO* who made brief remarks about the importance of this topic. The main presentation was made by *Mr. Fahad Ahmed, Legal Advisor, ICRC, New Delhi* on the subject: “Current Challenges to the Law of the Sea and IHL”. In his presentation, Mr. Ahmed dealt with the mandate of ICRC in relation to IHL, its role and functions as the Custodian of the Geneva Conventions of 1949. While stating that there are areas of convergence and divergence between IHL and the Law of the Sea, he pointed out that the former included the issues of piracy and the impact of armed conflict on environment. He also underlined that the Geneva Convention No. 2 for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea is relevant to tackling piracy issues.

The next presentation of this Session was made by *Dr. Mohd Hazmi Mohd Rusli, AALCO Fellow on Law of the Sea, and INOS Associate Fellow* who spoke at length on the theme “Issues and Challenges on the Law of the Sea in South East Asia” with a special focus on the straits of Malacca and Singapore. While stating that the straits of Malacca and Singapore is important for trading, shipping and maritime navigation, he underlined the navigational regime applicable to it. He gave many examples as regards the maritime accidents as well as the navigational hazards in the straits of Malacca and Singapore. While talking about the efforts to enhance the safety of navigation in the straits of Malacca and Singapore, he drew attention to the concept of Particularly Sensitive Sea Area (PSSA) and expressed his hope that the straits of Malacca and Singapore deserved to be considered as a PSSA.

The presentations came to an end with an interesting Q/A session.

The Second Day of the meeting started with the *Third Working Session* on the theme “Marine Biodiversity and the Law of the Sea”. This Session was Chaired by *Prof. Dato’ Dr. Saharuddin Abdul Hamid from the Faculty of Maritime Business and Management, UMT*. In this session two presentations were made. The first was by *Prof. Mariko Kawano from Waseda University, Japan* who made a presentation on “Towards a Comprehensive Convention on “Marine Biological Diversity in Areas Beyond National Jurisdiction.” After underlining the provisions of UNCLOS on marine biodiversity and its relationship with other existing legal instruments, she highlighted the basic purposes and the scope of the new legally binding instrument including its salient features. She also gave an overview of the specific issues of the new legally binding instrument focusing on issues such as activities relating to marine genetic resources for commercial purposes, capacity building, transfer of technologies, protection of intellectual property and the environmental impact assessment.

The next presentation was made by *Dr. Luther Rangreji, from the South Asian University, India* who spoke on the theme “The Future Legal Regime on Marine Biological Diversity in Areas Beyond National Jurisdiction.” After giving an overview of the provisions of UNCLOS and the need to have a new legally binding international instrument under it regarding the issue at hand, he went on to highlight the work of the Ad-Hoc Working Group in all its dimensions. This included: the fundamental principles informing its work, the implications of exploitation of marine genetic resources by few developed countries, the capacity of States to undertake obligations in this specifically. He highlighted the capacity building and the transfer of technology requirements of developing countries and the role that AALCO could play in this endeavor.

The presentations were followed by an interesting Q/A session.

The next presentation was made by *Prof. Dr. Othman Ross from the Institute of Oceanography and Environment, UMT*, who spoke on the “Significance on Marine Biodiversity to the Global Population”. In his presentation, Prof. Ross spoke about the definition of biodiversity, and its specific components including ecosystems, micro-organisms and plants and animals. While noting that scientists have identified more than 1.4 million species, he pointed out that within an ecosystem there could be many habitats. He went on to highlight in great detail the benefits that we get from marine bio diversity and in this connection he brought attention to the rich resources of biodiversity that Malaysia is blessed with.

The next presentation was made by *Prof. Wan Izatul Asma Wan Talatt* who spoke on the topic, “The Need for Ocean Governance: Bridging the Science and Governance”. Her presentation focused on the modest efforts that her institution, namely the Institute of Oceanography and Environment, UMT had taken to bridge the gap between science and governance. While underlining the salient features of the marine biodiversity and the its legal regime under UNCLOS, the rest of her presentation focused on the domestic initiatives of Malaysia as a maritime country to protect and promote marine biodiversity. In this regard, she made reference to a number of initiatives including the most famous one known as the Coral Triangle Initiative that involved the participation of 6 countries.

In the end, The Secretary-General of AALCO Prof. Dr. Rahmat Mohamad gave the concluding remarks. In it, he emphasized the importance of involving all

relevant stakeholders in the biodiversity process, and the special benefits offered by experts from natural sciences. He also called on AALCO Member States to actively participate in the preparation and negotiation of the new legally instrument on bio-diversity.