

**WELCOME ADDRESS BY H.E. PROF. DR. RAHMAT MOHAMAD,
SECRETARY-GENERAL, AALCO AT THE AALCO LEGAL EXPERTS
MEETING ON THE LAW OF THE SEA (24-25 FEBRUARY 2014)**

Her Excellency Madam Dr. Neeru Chadha, President of the Fifty-Second Annual Session of AALCO and Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, Government of India,

His Excellency Amb. Gudmundur EIRIKSSON, Ambassador of Iceland to India and former Judge of the International Tribunal for the Law of the Sea (ITLOS),

Hon'ble H. P. RAJAN, Former Deputy Director, Division for Ocean Affairs and the Law of the Sea, United Nations; and Former Member of the Legal and Technical Commission, International Seabed Authority;

Excellencies, Distinguished delegates from Member States of AALCO, the Expert Panelists, Ladies and Gentlemen,

A Very Good Morning to you all.

It is of great honour and privilege have amongst us **Her Excellency Madam Neeru Chadha, President of Fifty-Second Annual Session of AALCO and Joint Secretary, Legal & Treaties Division, Ministry of External Affairs, Government of India**, who has kindly consented to inaugurate this Legal Experts Meeting. Despite her very busy work schedule and onerous responsibilities, we are privileged to have her valuable time and agreeing to address this august gathering. On behalf of the Member States of AALCO and my own behalf, I thank you Madam and we are confident that your address would set the tone for productive deliberations during the course of the meeting.

I am extremely grateful for the support and guidance extended by Madam Neeru Chadha in her official capacity as the President of Fifty-Second Annual Session of

AALCO towards steering the activities of the Organization. May I recall Madam's contribution in partnering with us as co-organizers during the meeting of Legal Experts to commemorate the 30th Anniversary of the historic 1982 United Nations Convention on the Law of the Sea held last year.

The presence of practitioners in the field of Law of the Sea is very instrumental in understanding the nuances and practical aspects of implementation of the United Nations Convention on the Law of the Sea (UNCLOS). With that, I invite and welcome His Excellency Amb. Gudmundur Eiriksson, Ambassador of Iceland to India who has served as former Judge to the International Tribunal for the Law of the Sea (ITLOS). I look forward for his address.

To deliver Special Address at this Legal Experts Meeting, I invite Hon'ble H. P. Rajan who has served as Former Deputy Director, Division for Ocean Affairs and the Law of the Sea, United Nations and also is a Former Member of the Legal and Technical Commission, International Seabed Authority. His expertise and professional experience, I am sure, would be enriching the deliberations.

I must admit that the response that I have received from the Member States by deputing their officials to participate at this Legal Experts Meeting has been very encouraging. I welcome other representatives from Intergovernmental Organizations, delegates, legal experts, academia and research scholars, some of whom have travelled long distances to be here today, is commendable and reaffirms our notion, that even after more than half a century AALCO's contribution towards the UINCLOS remains significant, despite new and upcoming challenges, that have to be dealt with by the international community.

I also take this opportunity to warmly welcome each one of the representatives of AALCO Member States and participants who are here with us today and I am confident that you all will greatly benefit from the proceedings of the day.

It needs to be recalled that the creation of AALCO in 1956 coincided with the general awareness of the importance of the changing nature of international law of the sea.

Coastal states began to extend their maritime jurisdiction further and further into the oceans at the expense of the ever-receding high seas following President Truman's Proclamation of US jurisdiction over the submarine areas adjacent to the West-Coast, as well as the decision of the International Court of Justice in the Anglo-Norwegian Fisheries Case between United Kingdom and Norway, which recognized the necessity and validity of Norwegian straight base lines and four miles limits of Norwegian territorial sea. In the meantime, Indonesia was poised in 1957 to claim its archipelagic seas. At the First Session of AALCO in New Delhi, Sri Lanka and India took the initiative to refer to AALCO the Question relating to the Regime of High Seas including questions relating to the rights to seabed and subsoil in open sea.

The real momentum on the issue came in August 1967, when Arvid Pardo, Ambassador of Malta to the United Nations proposed an agenda item on the law of the sea for consideration by the United Nations General Assembly. The rest as they say is history. AALCO under the dynamic leadership of Mr. B. Sen played a very important role in facilitating effective Asian-African participation in UNCLOS III. Pursuant to a reference by Indonesia in 1970, the item has continuously been on AALCO's agenda.

The product of a long-drawn process, which started in December 1973 and lasted until December 1982, the birth of the Convention on the Law of the Sea has been described as one of the most ambitious and original negotiating process ever undertaken within the United Nations. The topic law of the sea has come a long way from its traditional interpretation. In present day, various concerns have arisen involving environmental pollution, land based and atmospheric pollution, pollution from ships, dumping at sea, fishing rights, protection of marine environment including marine biodiversity, marine resources and protecting marine mammals, etc.,. Primary concerns of States are on those resources which are of transboundary nature like biodiversity beyond national borders. The management and governance of high seas areas, challenges the international community by warning the States that development of an effective regime for the protection of biodiversity in areas beyond national jurisdiction is seen to be circumscribing some of the traditional high seas freedoms. The challenges of protecting, conserving and ensuring sustainable management of marine biodiversity beyond

national jurisdiction are thus enormous. Marine Protected Areas (MPAs) are seen to be an important marine ecosystem management tool for securing protection from threats to marine biological diversity.

In the recent past, many disputes have arisen between States which primarily based on jurisdiction over natural resources, maritime delimitation, maritime boundary and piracy at sea. The differing nature of cases depicts the involvement of diverse judicial bodies such as ITLOS, International Seabed Authority and ICJ. Special mention must be made of Fragmentation of international law which has paved way for various theoretical and practical issues such as overlapping environmental law issues, trade law issues and so on.

One of the major concerns of developing countries is of marine scientific exploration and the non-compliance with the obligation of access and benefit-sharing of the marine resources. The concept of Scientific Exploration requires that all nations have the right to conduct scientific research in the oceans, provided that the research is 1) conducted exclusively for peaceful purposes; 2) conducted with acceptable scientific methods; 3) does not interfere with other legitimate uses of the sea; and 4) conducted with respect to the other terms of the UNCLOS treaty, including those pertaining to protection and preservation of the marine environment. Coastal nations have the exclusive right to regulate, authorize, and conduct scientific research in their territorial sea, which means that scientific research within the territorial sea can only be conducted with the expressed consent of the nation. However, it is more of access to genetic and marine resources that remain the concerns of developed countries whereas benefit-sharing which is also an obligation is never given much serious thought by the developed countries. The rich biodiversity, including marine resources are mostly situated in developing countries and we witness more emphasis on access and knowledge sharing.

In the backdrop of growing importance to the law of the sea regime, and the challenges faced by the States, AALCO Member States have mandated the Secretariat to convene

this two-day Legal Experts Meeting, which would comprehensively discuss certain key areas in the law of the sea regime, such as marine biodiversity, fragmentation of international law of the sea regime and its overlapping jurisdictional issues, and dispute settlement.

This Two-Day Legal Experts Meeting focusses on 5 key issues; namely, (i) Marine Biodiversity (ii) Fragmentation of International Law: Law of the Sea; (iii) Piracy Legislation; (iv) Regional Cooperation on Maritime Issues; and, (v) Dispute Settlement: Afro-Asian Traditional Wisdom. I am sure the presentations and deliberations for these two days would be path-breaking. However, may I add a caveat that in view of some of the significant developments that have taken place within the ITLOS and ICJ last year, I would like to remind the you all that AALCO believes in discussing all matters within a spirit of consensus and thus we would like to refrain from focusing on any specific bilateral issues.

With these words I now invite our Chief Guest Dr. Neeru Chadha, President of AALCO to deliver her inaugural address and declare this meeting open.

Thank you all.