

# IMLI<sup>e</sup>-News

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## **JUDGE AT INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (ITLOS) LECTURES AT IMLI**

IMLI had the honour to host the Honourable Elsa Kelly, Judge at ITLOS visited the Institute on 24 March, 2016. During her visit, Judge Kelly delivered a lecture titled “Argentina and the Law of the Sea”.

This was Judge Kelly’s first visit to the Institute; The Director, staff of IMLI, and students of Class of 2015-2016 warmly welcomed the newly found friend of IMLI, whose visit fits in perfectly with the Institute’s tradition of not only delivering academic knowledge to its students, but also practical knowledge, as Judge Kelly is a world known expert in public international law.



*Professor David Attard (Director, IMLI) and Judge Elsa Kelly (Judge, ITLOS) with the IMLI Class of 2015-2016*

Judge Kelly commenced her lecture by giving an introduction to the law of the sea development in Argentina. She said that Argentina has a long tradition in defending permanent national interest

concerning the sea and its resources, knowing the fact that the extension of Argentina's coast line and that of its continental shelf which lays far beyond the 200 nautical miles. Argentina, she further stated, followed very closely all the proposals and positions adopted by countries on the different aspects and issues concerning the law of the sea and analyzed their possible impact on its national interests. The concept of Epicontinental Sea already by itself reflected the main elements of the national interest of Argentina which concerned basically the resources of the water column and those of the seabed and subsoil of the marine areas situated beyond its territorial sea.

She further explained the position of Argentina during the first and second United Nations Conferences on the Law of the Sea to not share the concept of full sovereignty over the 200 nm zone since the freedoms of navigation and overflight were considered essential. Judge Kelly also discussed legislative initiatives and regional efforts taken by the Argentine Government and their neighboring countries shortly after the conferences, including The 1961 Treaty between Argentina and Uruguay concerning the Rio de la Plata and its corresponding Maritime Front 1961, The 1972 Danto Domingo Declaration, the 1970 Montevideo and Lima Declarations.

Judge Kelly finally addressed the process leading to the third UN Conference on the Law of the Sea, the issues discussed during the process, and the Argentine standpoint on the Exclusive Economic Zone and the Continental Shelf.



*Judge Elsa Kelly (Judge, ITLOS) with the IMLI Students from Argentina*

Prior to her election to ITLOS, Judge Elsa Kelly had assumed a number of prominent positions at Ministry for Foreign Affairs, including Director-General of Cultural Affairs (1990–1992),

Director-General for International Environmental Affairs (1996–2000), Ambassador Extraordinary and Plenipotentiary of Argentina to Italy (2000–2003), Ambassador of Argentina to Austria and Permanent Representative of Argentina to the UN Office in Vienna, to the International Atomic Energy Agency and Member of its Board of Government (2003–2006), and Director of International Security and Nuclear and Spatial Affairs (2006–2009). She had also appointed as arbitrator by Argentina in the “*ARA Libertad*” Case (*Argentina v. Ghana*) (2012). Judge Elsa Kelly was also a Professor of International Law at Foreign Service Institute, Argentine Ministry for Foreign Affairs and the Law School of the University of Buenos Aires.

In an interview with the editor of the IMLI e-news, reproduced below, Judge Kelly expressed her pleasure to visit to and lecture at IMLI, a world recognized centre for the training of law graduates in international maritime law, and she was also pleased to know that three students from Argentina are currently doing their LL.M study at the Institute.

***Good Afternoon Judge Kelly, we are very honoured to have you as our Visiting Lecture here, at IMLI. How does it feel to come back to Malta?***

I always enjoy my visit to Malta. This is my first visit to IMLI, and I am very grateful to Professor David Attard for inviting me to visit and deliver a lecture at such prestigious law institution as IMLI. Even though it is my first visit, but I have been impressed with the Institute’s achievements as an international centre for the training of specialists in maritime law. IMLI has been doing an excellent job in contributing to the development and dissemination of knowledge and expertise in international maritime law.

Malta is indeed a very fascinating country with long maritime tradition and culture. Dr. Arvid Pardo, the Permanent Representative of Malta to the United Nations in 1967, was named as "the Father of the Law of the Sea Conference". His speech delivered to the United Nations General Assembly in November 1967 was very visionary, he urged delegates to consider the resources of the oceans beyond national jurisdiction as "the common heritage of mankind". He also played an important part in the birth of the modern law of the sea enshrined in the United Nations Convention on the Law of the Sea (UNCLOS).

In fact, there is a strong historical maritime connection between Argentina and Malta. Malta had an impact in Argentine State Navy. The creator of the Argentina’s Navy was a Maltese, his name is Juan Bautista Azopardo, a Maltese seafarer who assisted Argentines in independence war with Spain and formed their first naval squadron in 19<sup>th</sup> century.

***How do you see the future of IMLI as a centre of international Maritime Law?***

In my opinion, IMLI would be a very influential institution in the field of international maritime law. As what I see now, IMLI is an Institute with high standard and high quality in many aspects. The Institute has been so well connected with those in public sector, notably the Government of the IMO’s member states, International Organization and International Non-Governmental Organization, and in private sectors like maritime business and associations, as well as top ranking universities over the globe.

IMLI has been well developed as an Institute, and it can be developing to become a university with specialization in maritime law covering also contemporary issues affecting maritime industry such as climate change and sustainability.

***Currently there are three young lawyers from Argentina doing their LL. M study at IMLI, they were very pleased to meet you and have your session today. What could be the contribution of IMLI graduates to the development of maritime law in Argentina?***

They are all Argentine representatives, who works for Navy, Coast Guard, and University; these organizations obviously are in need of personnel with sufficient skills and knowledge in maritime law. So for sure, when they return to Argentina, they will apply the knowledge and skills they have gained from their study at IMLI. More importantly, the networking they have built and established with their classmates during their study and also with the visiting lecturers would benefit to their work and their career life. For example, after my lecture, they become more aware of the fact that Argentina is very attentive to the maritime issues, from ocean governance, law of the sea, fisheries, to marine environment.

Further, through these students and the Argentine graduates, a link has been created and maintained between Argentina as a country and IMLI as a research Institution. It might be in the future that Argentina, as a maritime country who has a high interest in and attention to maritime issues, seeks IMLI for research or project collaborations.

***We are very impressed with your professional achievement as until now the only female judge in ITLOS tribunal. Would you like to say a few words of encouragement to our female students?***

I both personally and professionally encourage the participation of female lawyers in the implementation and development of the law of the sea in all countries. There are many women now have good knowledge and skills; and I urge the government of all the regions in the worlds, particularly from the developing countries to unleash the potential of their women by sending them here to IMLI to study international maritime law. Whenever a country has funding and slots, the Government should give the priority to women.

***Thank you very much Judge Kelly for your time and valuable comments, and I hope you enjoy the rest of your evening with us.***

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