

PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA ADDRESSES IMLI'S 30TH ANNIVERSARY COMMEMORATIVE SEMINAR

The President of the International Tribunal for the Law of the Sea, H.E. Judge Jin-Hyun Paik, delivered a speech on “*The rule of law and the importance of capacity building*”, on the occasion of the 30th Anniversary of the IMO International Maritime Law Institute (IMLI), hosted at the Headquarters of the International Maritime Organization (IMO) in London on 25 June 2019.



H.E. Judge Jin-Hyun Paik (President, International Tribunal for the Law of the Sea) delivering his speech

H.E. Judge Paik in his speech emphasized the importance of the notion of the rule of law in international relations. In his opinion, it is not sufficient only to adopt treaties and international agreements, they have to be incorporated into national laws, implemented and administered properly by national authorities. Hence, the attainment of the international rule of law depends, to a large extent, upon the legal and institutional capacity of each State, with capacity-building having an important role in strengthening the rule of law in international relations.

In this respect, he recognized the great contribution of IMLI to the rule of law in the world's oceans, by training qualified candidates from all over the world, particularly from developing countries. With its focus on legislative drafting techniques designed to assist participants in the process of incorporating international conventions and instruments adopted by the IMO and other relevant international organizations, Judge Paik noted that the Institute has played a key role in helping those countries to build a national capacity for implementing international maritime law and thus ensuring safer shipping and cleaner oceans.

He pointed out that IMLI's role, among others, is also essential to other international institutions, such as International Tribunal for the Law of the Sea. The Tribunal, as a judicial institution established by the United Nations Convention on the Law of the Sea (UNCLOS) for a dispute settlement, considers its role of helping States to build their capacity in the law of the sea of no less importance. It is for this reason that the Tribunal strongly believes that the rule of law at sea and effective ocean governance can be greatly strengthened through training experts and building the capacity of each State to implement the provisions of the UNCLOS. Thus, Judge Paik concludes, the Tribunal has a lot to share with IMLI and also a lot to learn from its experience.

In his final words, H.E. Judge Paik congratulated IMLI for its outstanding achievements in the past three decades and expressed his best wishes for the further invaluable service of the Institute to the international community and the world's oceans for many years to come.

The speech of H.E. Judge Jin-Hyun Paik is reproduced hereunder:

Celebration of the 30th Anniversary of the IMO IMLI
“The rule of law and the importance of capacity building”

*Prime Minister Joseph Muscat,
Secretary-General Kitack Lim,
Director David Attard,
Excellencies and distinguished guests,*

It is a great honour for me to attend this event, celebrating the 30th anniversary of the International Maritime Law Institute. I congratulate the Institute and its director, Professor Attard, for the great success it has achieved as a world-renowned centre for the training of experts in international

maritime law over the past three decades. I myself had the pleasure of giving lectures at the Institute a few years ago, and I have first-hand knowledge of its excellent programme and the strong motivation and commitment of its students.

Excellencies and distinguished guests,

Historically, the notion of the rule of law has mostly been developed in the national context. However, there is little doubt that this notion is also important in international relations. As we all know, there is no authority above States in the modern international system, and each State is thus sovereign, having autonomy and freedom of action. In such a decentralized structure, if a State is left unregulated, it is not difficult to expect that the rule of might would prevail, inevitably leading to instability, conflict, and domination by the strong and powerful, as we have often seen in the history of mankind. Therefore, there is a clear need for the rule of law in international relations. That is why the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States emphasized the promotion of the rule of law among nations. That is also why the United Nations has stressed over and over again that the rule of law at the national and international levels is essential to maintaining international peace and security, to promoting socio-economic development, and to furthering universal respect for human rights.

Excellencies and distinguished guests,

Now allow me to say a few words about what requirements are necessary to achieve the rule of law in international relations. I can point out three: first, a well-developed body of laws; second, well-developed institutions to implement, apply and enforce such laws in a fair and equal manner; and third, a positive attitude of members of the community toward the rule of law.

Only when all three requirements are met can we expect the rule of law to function successfully. Therefore, it would not be sufficient to adopt treaties and international agreements, no matter how important they are. They have to be incorporated into national laws and implemented and administered properly by national authorities. In order to do so, it is crucial that each State has an adequate legal infrastructure and well-qualified personnel to carry out their jobs. In addition, those regulated by such laws should be aware of and comply with them.

Thus the attainment of the international rule of law depends, to a large extent, upon the legal and institutional capacity of each State. It also depends on the positive attitude of all those involved in the activities subject to international regulation. This is why capacity building is so important to strengthening the rule of law in international relations.

The IMLI has made great a contribution to the rule of law in the world's oceans, by training qualified candidates from all over the world, particularly from developing countries, thereby helping those countries to build a national capacity for implementing international maritime law. Its focus on legislative drafting techniques designed to assist participants in the process of incorporating international conventions and instruments adopted by the International Maritime Organization and other relevant international organizations has been particularly effective in

strengthening the rule of law in the world's oceans. As such, the Institute has played a key role in ensuring safer shipping and cleaner oceans.

Excellencies and distinguished guests,

My Tribunal, the International Tribunal for the Law of the Sea, is a judicial institution established by the United Nations Convention on the Law of the Sea, or UNCLOS. Our primary function is, of course, to settle disputes submitted to us. However, the Tribunal considers its role of helping States to build their capacity in the law of the sea no less important, because we believe that the rule of law at sea and effective ocean governance can be greatly strengthened through training experts and building the capacity of each State to implement the provisions of the UNCLOS. In this regard, we have a lot to share with the IMLI and also a lot to learn from its experience.

In closing, I once again congratulate the Institute on its outstanding achievements in the past three decades. I have no doubt that it will continue to offer its invaluable service to the international community and the world's oceans for many years to come.

Thank you very much for your attention.

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