



The IMO International Maritime Law Institute Official Electronic Newsletter (Vol.18, Issue No.74) 6 April 2021

IMLI DIRECTOR ADDRESSES XIAMEN UNIVERSITY INTERNATIONAL SYMPOSIUM

Professor David Attard (Director, IMLI) addressed today the Xiamen University School of Law International Symposium on ‘Developments, Challenges and Prospects of the Law of the Sea’. Professor Attard delivered an address entitled ‘*The Contemporary Challenges to the International Law of the Sea*’. His address was part of the discussions of the first Panel of Experts which also included H.E. Mr. Michael Lodge (Secretary-General, International Seabed Authority) and Professor Zhang Haiwen (Director General, China Institute for Marine Affairs, Ministry of Natural Resources, China). The event was attended by many distinguished personalities.



Professor David Attard (Director, IMLI)

Professor Attard commenced his address by expressing his appreciation to Xiamen University School of Law for inviting him to speak and congratulated them for organising such an

important event. Professor Attard's address covered the challenges faced by law of the sea today and the problems of enforcement of international maritime law.

He noted that over the decades, due to the quest for economic development, humanity has become a major engine of change to what has taken nature millions of years to cultivate. In order to respond to these dangers, laws which promote good governance for the planet have been put in place. He stated that the oceans have not escaped this danger, as they are also exposed to extreme degradation including climate change, sea level rise, overfishing, and illegal, unreported and unregulated fishing (IUU fishing). At this juncture, Professor Attard went on to discuss the role of the law of the sea in regulating and protecting the oceans, which he noted has to be seen through the context of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This document, he remarked, remains the corner stone of and the constitution for the oceans. Professor Attard discussed further the challenges faced by this document, which includes the emergence of new developments and threats.

Professor Attard stated that the work of the IMO as the world's leading institutional source of maritime law cannot be overemphasized, noting that its rules and regulations have to be respected in order to maintain clean and safer oceans. However, a major challenge for this body is its lack of enforcement powers. As Professor Attard recalled, said powers lie in the hands of individual States which have the obligation, under international treaty law, to translate international instruments into domestic law, if they are to be enforced. This, he noted, leads to another challenge, which is the lack of expertise, particularly in developing States, to advise governments on the process of implementation and enforcement. Professor Attard was pleased to inform the audience that it was for this very reason, the training of experts, that IMLI was established. The Institute has, since its inception, trained over a thousand maritime experts who, as the Director proudly recorded, have played an important role in the development of international maritime law.

In concluding, Professor Attard explained that the recent IMO audit has exposed again a lack of implementation of the major maritime treaties and, therefore, stressed the importance of capacity-building in respect of implementation and enforcement of the law of the sea and international maritime law generally.

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