

KEY-NOTE SPEECH

Good Morning ...

President of Comité Maritime International, President of Turkish Maritime Law Association, dear delegates, esteemed colleagues

Allow me to say once more that we are extremely honoured to welcome you to İstanbul and therefore my sincere thanks are due to CMI for adopting this decision.

İstanbul, being an imperial city, throughout history, served as capital to different states, but one must always name the three most majestic empires: the Roman Empire, Byzantium and the Ottoman Empire.

İstanbul, I dare say, has one unique characteristic: To be a **cradle of law**, indeed for such laws that are either still valid or served as the basis or even source of several modern legal systems.

Without expanding much on the subject, I would like to dwell on couple of simple but highly meaningful examples.

I would also, in the meanwhile, like to point out the main themes selected for this Colloquium, which collectively ensured that this occasion shall stand out as one of the most memorable congregations of the CMI.

To start with, we shall have general average. I must confess that I am exceedingly delighted that we are having, as one of the main themes for discussion, an institution on which İstanbul has a certain bearing and in more than one way:

General average constitutes and reflects one highly distinctive and characteristic impact the sea from time immemorial had and still keeps on having on human beings. That is the awareness, conception of '*One for all, all for one*'. General average reflects the sense and appreciation of solidarity during periods of crises,

comradeship under hazardous circumstances, readiness to make some sacrifices to ensure better futures.

The very humane way of thinking, taught us by the great educator, the sea. One cannot of course dispute the enormous capacity of the sea to educate human beings. Being alone between the sea and the sky with never ending horizons, which are always ever too far ... Men received many many lessons from the sea ... general average being one of them, may be the major one.

Incidentally, I may safely claim that, the most representative general average type, which we, almost habitually, use to explain this concept to laymen, understandably, *jettison of cargo*, although claimed to have originated from *de lege Rhodia de jactu*, was first put on black and white, in a palace not far from here, by the lawyers working under Tribonianus, being *Quaestor Sacri Palatii* for Emperor Justinianus, when drafting the *Corpus Iuris Civilis* during 529-534.

What is even more meaningful ... İstanbul, confirming what I have said couple of minutes ago, served as the cradle of contemporary Civil Law system of European states, providing, at least a modest, inspiration to the Common Law. The *Corpus Iuris Civilis*, as you my esteemed colleagues know much better than I do, was the main and rather the only source of inspiration the *Glossators* and *Post-Glossators* turned towards in their efforts to revive the Roman Law during 10th and 11th centuries.

Corpus Iuris Civilis, even after this period was never ignored by the scholars who we now recall and respect as the founders of the modern Civil Law system ...

... I trust, therefore, it should not be an exaggeration or overstatement to say that the keel for the modern European law was first laid in İstanbul.

The sea gave inspiration to human beings and led human beings towards creating rules for survival. Sea gave human beings life, nourishment, wealth; compelled human beings to learn, gave them the idea/culture to look beyond what is seen and explore what is unseen. Sea was and still is a major educator compelling us to try to learn and understand what is not apparent to the naked eye. Alas, gradually, human beings started to destruct, demolish almost annihilate, not entirely an unexpected mode of behaviour, if one even for a moment looks back and remembers the

destructive capacity of human beings, this unbelievably rich resource of life, which gives without asking for something in return or as a pre-condition. It is not necessary to till or sow, as we should to receive returns from the ground. The sea is always fertile, always ready to feed; therefore, much more generous than the Mother Earth .. as long as it is not destroyed.

Luckily this congregation will also witness the efforts being undertaken by distinguished members of our community with far reaching views, to save the sea, together with the surrounding nature from looming damages, created by some greedy beings ... Another major theme of the Colloquium is 'Offshore Drillings'. Under the leadership of one of the most eminent member of this fraternity, group of devoted experts will endeavour to see what can be done to protect the sea alongside the environment from grave damages, or alternatively and to the possible extent, explore the means as to how to restore it to its original condition, should further disasters occur.

Now therefore we have, a memorable arrangement for the İstanbul meeting: One major theme, general average, the unique institution with no parallel in other branches of law and through which the sea taught human beings the idea of solidarity and camaraderie during times of peril and on the other hand the other major theme, how to save the sea from savage terminators.

I dare say best combination for this fraternity to show its respect to the sea.

With heartfelt thanks to all of you, for being here for this occasion.

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Chairman

Organising Committee