

Statement given at the signing ceremony to adopt the text of a Model Agreement between the Government of Singapore and the Tribunal

Your Excellencies, Mr K Shanmugam, Minister for Law and Minister for Home Affairs of Singapore, and Mr Edwin Tong, Senior Minister of State,

Ladies and gentlemen,

On behalf of the International Tribunal for the Law of the Sea, it is my great honour to refer to the mutual understanding reached between the Government of Singapore and the Tribunal to adopt the text of a model agreement. This day can certainly be considered the culmination of protracted efforts, since the seeds of the Model Agreement were actually sown as far back as 2007.

In 2007, a regional workshop was held in Singapore on “The role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea in Northeast, Southeast and South Asia”, organized by the Tribunal together with the Ministry of Foreign Affairs of Singapore. Following that successful workshop, consultations took place between the President of the Tribunal and the Government of Singapore regarding the possibility of concluding an arrangement concerning the provision of facilities should the Tribunal consider it desirable for a special chamber to sit in Singapore.

Another significant step was taken in 2015 during a visit to Singapore by the then President of the Tribunal. The President of the Tribunal and the Permanent Secretary of the Ministry of Law of Singapore signed a joint declaration, on 31 August 2015, underscoring the commitment of both sides to safeguarding the international rule of law in Asia, and expressing their support for Singapore’s becoming a potential venue for proceedings in cases before the Tribunal or a special chamber of the Tribunal to settle disputes relating to the law of the sea.

The joint declaration provided the impetus for commencing negotiations on the terms and conditions of the Model Agreement. This, in turn, led to continued interactions between the Registry of the Tribunal and the Ministry of Law of Singapore. Several

rounds of negotiations were held, including a final meeting in October 2019 between delegations of both parties at the premises of the Tribunal.

It seems fitting to briefly reflect on the purpose of the Model Agreement that we will be signing shortly. As you all know, in accordance with article 1, paragraph 2, of its Statute, the Tribunal's seat is the Free and Hanseatic City of Hamburg in the Federal Republic of Germany. However, pursuant to paragraph 3 of that same article, the Tribunal may sit and exercise its functions elsewhere whenever it considers this desirable. The Model Agreement, which is largely based on the Agreement on the Privileges and Immunities of the Tribunal, makes it possible for the Tribunal or one of its chambers to implement the latter provision in practice. To this end, the Model Agreement establishes the terms and conditions under which the Government of Singapore agrees to provide the Tribunal with the appropriate facilities which are required for the Tribunal or one of its chambers to sit or otherwise exercise its functions in Singapore. The contents of the Model Agreement are comprehensive, covering a variety of important aspects, such as court facilities and privileges and immunities. The Model Agreement incurs no extra financial burden for the Tribunal and ensures that the Tribunal can function in every aspect as efficiently as in its seat in Hamburg.

I am most pleased that these efforts have resulted in an instrument that not only promotes dispute settlement under the United Nations Convention on the Law of the Sea, but also caters for the needs and specificities of different regions. It is a particularly welcome development that this initiative was spearheaded by an Asian State, since traditionally the States of this region have been perceived to have a rather reluctant position with respect to international adjudication. Hopefully this Model Agreement will help pave the way for more Asian States to seek recourse to the International Tribunal for the Law of the Sea for the settlement of their law of the sea-related disputes.

Today's event may serve as an incentive for States from other regions of the world, such as Latin America and Africa, to contemplate the benefits of concluding similar arrangements with the Tribunal. It is my firm belief that having a network of model agreements extending to various regions will help lower the barrier for many States

to avail themselves of the services of the Tribunal, thus promoting peaceful settlement of international disputes.

The proactive stance on the part of the Tribunal to enter into such agreements is a testament to its capacity and willingness to swiftly adapt to ever-changing times whilst offering a flexible mechanism for the settlement of law of the sea disputes. Indeed, the current COVID-19 pandemic causes us to reflect on various aspects of the work of the Tribunal, including its working methods. I think that the Tribunal needs to be innovative and explore methods utilizing modern technology that would enable it to operate effectively despite wide-ranging restrictive measures taken around the world.

In closing, I wish to express my sincere gratitude to the Government of Singapore for their excellent cooperation over the past few years. Thanks to the detailed arrangements set out in the Model Agreement, States desirous of resolving their disputes through referral to the Tribunal or a chamber of the Tribunal are well-advised to consider Singapore as a viable venue for proceedings.

I thank you for your kind attention.