

Starboard: ITLOS can sit in Singapore

July 23, 2020

Singapore's reputation for neutrality and the peaceful settlement of disputes between States within the framework of international rule of law recently received a boost from the signing of a model agreement enabling the International Tribunal for the Law of the Sea (ITLOS) or one of its chambers to sit and exercise its functions in Singapore.

The virtual ceremony conducted by video link which establishes Singapore as the first country in the world to host cases before ITLOS outside of its headquarters in Hamburg, marks an end to a long and ultimately fruitful process which began more than a decade ago. In 2007, ITLOS and the Singapore Law Ministry organised a regional workshop on the role of ITLOS in settling disputes relating to the law of the sea in Northeast, Southeast and South Asia. The success of that workshop led to consultations on the possibility of an arrangement for the provision of facilities in Singapore for the hearing of such disputes. After a visit to Singapore by the then President of ITLOS in 2015, a joint declaration was signed not only expressing both parties' continued commitment to ensuring that international rule of law is respected in Asia, but also their support for Singapore becoming a venue for the hearing of cases relating to the law of the sea. This provided further drive for the negotiations on the terms and conditions of the model agreement, which was ultimately signed on 11 June 2020.

Established as an independent judicial body to hear disputes relating to the 1982 United Nations Convention on the Law of the Sea, ITLOS has not always received enthusiastic support from Asian States due to the traditional hesitation when it comes to resolving sea-related disputes by international adjudication. The model agreement may therefore help to pave the way for dispute resolution through ITLOS to become more commonplace in Asia now that Singapore is a viable venue for proceedings. With luck, similar agreements will also be signed with African and Latin American States, and thereby expand the reach of international rule of law to more countries as the barriers to using the services of ITLOS are reduced. Lastly, the model agreement may mark the start of a trend for international organisations to explore ways of operating effectively through modern technology to overcome restrictions and limitations, especially in the current Covid-19 world.

Your Key Contacts



Lawrence Teh

Senior Partner, Singapore

D +65 6885 3693

lawrence.teh@dentons.com



Jen Wei Loh

Partner, Singapore

D +65 6885 3647

jenwei.loh@dentons.com



Junhui Sim

Partner, Singapore

D +65 6885 3733

junhui.sim@dentons.com