



CENTRE FOR INTERNATIONAL LAW *CIL*

KEYNOTE SPEECH BY PROF S JAYAKUMAR, SENIOR MINISTER AND COORDINATING MINISTER FOR NATIONAL SECURITY AT THE LAUNCH OF THE CENTRE FOR INTERNATIONAL LAW ON FRIDAY 30 OCTOBER 2009 AT 3.00 PM

The Honourable Chief Justice Chan Sek Keong

Mr K Shanmugam
Minister for Law and Second Minister for Home Affairs

Professor Tan Cheng Han
Dean of the Faculty of Law, NUS

Associate Professor Robert Beckman
Director of the Centre for International Law

NUS Board of Trustees and senior management

Colleagues

Ladies and Gentlemen

The establishment of this Centre for International Law is timely, because there is a clear need to develop greater expertise in international law in Singapore.

Today's successful launch of this Centre is the result of close collaboration between the NUS Law Faculty, the Ministry of Law, the Attorney-General's Chambers and the Ministry of Foreign Affairs.

Given the rapid development and broadening scope of international law, this close collaboration between the academic community, policy-makers and officials is increasingly salient. This is especially so in the context of Singapore's limited talent pool.

DEVELOPING INTERNATIONAL LAW EXPERTISE IN SINGAPORE

We are a small country plugged into the global system, and hence international law is important for Singapore. Just consider our position as a trade, financial and transport hub as an example. This is underpinned by a legal infrastructure consisting of many air services agreements, free trade agreements, avoidance of double taxation agreements and investment guarantee agreements.

Globalisation has multiplied the situations where events occurring in one state impact on neighbouring states and sometimes even across the globe, as in the case of the recent global financial crisis. Many of the world's pressing problems cannot be resolved without global and regional regulation and cooperation.

Consequently, large segments of government policy and activity, including areas traditionally considered as domestic, now fall under the purview of some form of international regulation through rules, standards and organisational processes.

Singapore cannot remain on the sidelines of international law making. We have to examine how we can, in our own way, be a player in the processes and institutions which shape international legal norms. The history of international law-making reveals that there will always be individuals who, regardless of the size of their countries, played decisive roles as thought leaders in this field. Professor Tommy Koh is one of these individuals. We need to develop the next generation of Tommy Kohs, so that we have a sufficiently large pool of talented international law practitioners to respond to new and emerging challenges in the future.

In order to develop this pool of international law expertise, we need to actively pursue three interconnected approaches, namely:

- A Whole-of-Government approach;
- Early exposure of our younger talents; and
- Cross fertilisation of resources especially between the academic and non-academic quarters.

Whole of Government Approach

First, a Whole-of-Government approach is aimed at building up resources and capability, not only within the Attorney-General's Chambers but also across all relevant Ministries and agencies. This means that every Ministry and agency should make the effort to build up their own international law expertise.

Today, international law is no longer within the sole purview of the Attorney-General's Chambers or the Foreign Ministry. Virtually no governmental agency is untouched by international norms. For instance, when MINDEF sends peacekeepers to take part in international peacekeeping efforts, our soldiers must be clear on their obligations and authority, and the applicable Rules of Engagement, and so on.

Similarly, all officials need to be conscious that every step or decision, every act or omission they make may have legal implications, even many years after the fact. A case in point is the 1953 letter by the Johor State Secretary in the Pedra Branca case, which the ICJ held up as evidence against Johor's claim of sovereignty over Pedra Branca.

EARLY EXPOSURE

Second, there has to be early exposure of our younger talents to the workings of international law in the real world.

I myself started out as an academic, teaching international law in NUS many years ago, until I was called upon to represent Singapore at the United Nations in 1971. There, I witnessed first-hand and was involved in the creation and development of international legal norms under the UN's auspices.

My contemporary, Professor Tommy Koh also took a similar turn from a distinguished career in academia. From early on in both our careers, we were exposed and thrown into the ring with practitioners and policy-makers.

Later, both of us, along with Judge of Appeal Chao Hick Tin, were called to serve in Singapore's delegation to the United Nations Conference on the Law of the Sea (UNCLOS). There, we managed to pull together from scratch a significant constituency of "land-locked and geographically disadvantaged

states” to help mould an international regime that took into account Singapore's interests as a small island state sandwiched between far larger neighbours, and also to ensure freedom of navigation vital for our ports.

That early exposure to international law in action - including our involvement in the other longstanding legal case over Pedra Branca - gave us an invaluable edge. We were able to apply our legal knowledge in actual practice to protect and advance Singapore's interests. We saw how international law was developed by harmonising competing national interests, foreign policy and *realpolitik* considerations. Those without the requisite legal expertise and diplomatic skills risked having their interests disregarded.

CROSS-FERTILISATION OF RESOURCES

Third, we need to encourage cross-fertilisation of resources between the academic and non-academic quarters.

The reality is that in international law, academia and practice need to have a far closer, more porous and symbiotic relationship than in many other areas of law. Most of the top international law practitioners today have eminent academic credentials. It is therefore important for this cross-fertilisation between academia and practice to take place in developing the younger generation of international lawyers.

There are several ways of achieving this. For instance, Ministries and statutory boards should not hesitate to enlist our law academics as legal experts or consultants to provide advice on specific issues. They can also be enlisted as experts in inter-governmental negotiations, meetings and conferences as part of the Singapore delegation.

Conversely, legal officers with the necessary expertise can become adjunct academics in international law and contribute to academic journals, both to advance their own knowledge to engage in research, as well as to share their practical experiences.

Going further afield, we should also look at how we can extend the concept of cross-fertilisation towards public-private partnership. A coordinated effort will enable us to leverage on international law expertise both in the private sector and institutions of higher learning.

Enabling Asia to Play a Bigger Role in International Law

Taking a broader perspective, the Centre will not only benefit Singapore. I hope it will also bring in academics and international law practitioners from the region to undertake research and participate in its seminars and other programmes. The content of many of these programmes will also be of particular relevance to the Asia-Pacific region. One of the focus areas of the Centre, for example, is ASEAN law and policy, which is an emerging area of academic interest following the signing of the ASEAN Charter.

If these efforts take off, then I can foresee the Centre and Singapore becoming an Asian hub for international law and enable not only Singapore but Asia as a whole to play a bigger role in international law. As Tommy Koh and I pointed out in our book "Pedra Branca: The Road to the World Court", the practice of international law is largely a western monopoly at the moment. Advocacy before the International Court of Justice is currently dominated by lawyers from Europe and America. International law cannot call itself “international” without the voice of Asia. To change the current situation may seem to be a tall order, but I hope that in time, we will see a new generation of Asian international lawyers with a global standing arguing cases before the ICJ and other legal institutions.

CONCLUSION

To conclude, the Centre for International Law will play an important role in the development of international legal expertise in Singapore. It will be a place where our next generation of lawyers will teach and undertake research in international law, interact with their peers from Singapore and the region

and learn from experienced practitioners in this field. The development of greater expertise and specialisation in the various aspects of international law will enable Singapore to participate more effectively in helping to influence and shape the rapidly growing field of international laws, principles and norms.

The Centre for International Law is a timely development in Singapore's efforts to become a leading legal hub in Asia. The Centre, together with the NUS Faculty of Law serving as the Secretariat of the Asian Society of International Law, can be the catalyst to build up a larger international law presence in Singapore and the region.

The success of the Centre will help create a pool of Singapore-based experts in international law of regional and global standing. I hope the Centre will also become a hub in the region, around which regional experts and leaders in the field will cluster. The quality of their work should put Singapore and Asia on equal footing with leading experts from Europe and America. This will enable Singapore and Southeast Asia to play an important role in the promotion and development of international law.

On that note, may I extend my best wishes for the success of the Centre for International Law. Thank you.

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