

Respect law of the sea: Prof Koh

Ambassador-at-large urges restraint in disputes in East and South China seas

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Prof Koh noted that some countries took advantage of ambiguous language in the United Nations Convention on the Law of the Sea. -- ST FILE PHOTO

WASHINGTON - Countries involved in heated maritime disputes in the East China Sea and South China Sea should exercise restraint and not undermine a key international agreement that establishes legal order in the seas, a senior Singapore diplomat said.

In a speech marking the 30th anniversary of the adoption of the United Nations Convention on the Law of the Sea (Unclos), Singapore's Ambassador-at-large Tommy Koh noted that some countries took advantage of ambiguous language in the agreement.

In other instances, the competing claimant states found ambiguity where none existed.

"The Convention represents a careful balance of the competing interests of all states," Professor Koh, who played a key role in negotiations that led to the adoption of Unclos in 1982, said in remarks to the UN General Assembly in New York yesterday.

"We should be faithful in our interpretation and application of the Convention (and) avoid undermining the integrity of the Convention by taking actions of questionable legality in order to further our short-term national interests."

Examples of such behaviour, the diplomat said, included the questionable way in which some states were demarcating their territorial sea. Other coastal countries also introduced local laws to regulate certain activities within their sea zones, despite the fact that Unclos did not confer such jurisdiction.

Prof Koh did not name any country in particular. However, China and its neighbouring countries like Japan, the Philippines and Vietnam have been in the headlines of late for such activities.

Beijing, for instance, has stirred widespread unease with its sweeping maritime claims in the South China Sea.

In June, Vietnam passed a law effectively claiming sovereignty over the disputed Spratly and Paracel islands, which are also claimed by China.

Last month, the southern Chinese province of Hainan announced new laws that would allow the police and coast guard to intercept foreign ships in the South China Sea.

Prof Koh called for restraint and urged the claimant states to settle their disputes peacefully.

"If negotiations do not succeed, I would urge the parties to consider referring their disputes to conciliation, mediation, arbitration or adjudication by the International Tribunal for the Law of the Sea or the International Court of Justice," he added.

In his speech, the Singapore diplomat also urged the United States, one of the last hold-outs against Unclos, to ratify the Convention. Currently, 163 countries and the European Union have joined in the Convention.

Earlier this year, the Obama administration stepped up efforts to prompt US lawmakers to ratify Unclos. It remained unclear whether any progress was made.

Prof Koh sounded an optimistic note, saying: "When my wife asked me recently when the US will accede to the Convention, I answered her by quoting (Winston) Churchill, who once said that we can always count on the United States to do the right thing, after it has tried everything else."

Other speakers at the event were General Assembly president Vuk Jeremic and UN Secretary-General Ban Ki Moon.