

# **International Workshop on Treaty Law and Practice**

**organised by**

**The Centre for International Law (CIL)  
of the National University of Singapore  
and**

**The British Institute of International and Comparative Law (BIICL)**

**at**

**Grand Copthorne Waterfront Hotel  
17 January 2012**

Opening Speech by Prof Tommy Koh  
Chairman, CIL

Pak Bagas Hapsoro, Deputy Secretary-General for Community and  
Corporate Affairs, ASEAN Secretariat

Ms Jill Barrett, Arthur Watts Senior Research Fellow, British Institute of  
International and Comparative Law

Distinguished Speakers (Mr Paul Barnett, Mr Gerard Limburg and Ms Elise  
Cornu)

Participants from ASEAN governments and the ASEAN Secretariat

Assoc Prof Robert Beckman, Director, Centre for International Law

Ladies and gentlemen

## **Welcome**

I would like to join Jill and Bob in welcoming you to the first  
Workshop co-organised by CIL and the British Institute of International and  
Comparative Law (BIICL). I would also like to congratulate Bob and Jill and

their staff for working together so well in organising this Workshop in Singapore. BIICL is a world class institution and a valued partner. I hope that the success of this Workshop will lead to other joint ventures between us.

2 I would like to make three points today. First, on the significance of international law. Second, on the significance of treaty law and practice. And third, on the Centre for International Law and its initiatives to promote the first two.

## **I. International Law**

3 In 2010, I was asked to comment on “Whether there was a role for law in a world ruled by power?” Realists like to say that the world is ruled by power. They tend to be dismissive of international law. I argued that even in a world ruled by power, all States need international law and they generally comply with it.

4 States interact with one another in many areas, including trade, investment, tourism, aviation, shipping, telecommunications, banking, tax, mobility of workers, refugees, terrorism, non-proliferation of nuclear weapons, human rights, women's rights, children's rights, diplomatic immunity, transnational crime and so on. Globalisation has amplified the old interactions and created new interactions, such as those dealing with the Internet.

5        What is not very well known is that in all these areas, as well as in others, there are applicable international law, conventions, rules and institutions. This is a reality that has an impact on States as well as on individuals.

6        International law is particularly important for small States. For instance, the principles of the United Nations Charter on the sovereign equality of States; respect for the territorial integrity and political independence of States; non-resort to force; the peaceful settlement of disputes; and non-interference in a country's internal affairs, provide the international legal framework which empowers small States to coexist peacefully with bigger States. As we move toward a more multipolar world, with emerging powers in Asia and elsewhere, the importance of international law for the regulation of relations between States and between the rising powers and the incumbent powers will increase.

## **II. Treaty Law and Practice**

7        We live in an increasingly inter-connected and inter-dependent world. It is a world bound together, not just by State interests, but also by international law, international organisations, regional groupings, customs and practices. There are two primary sources of international law: customary law and treaties.

8        Treaties are usually the means by which these international actors commit to activities of mutual interest or for the global good. They are, in essence, contracts among States through which willing parties assume

obligations among themselves. A party that fails to live up to its obligations can be held accountable under international law.

9 Treaties are also frequently the basis for regional groups that are tasked with promoting regional cooperation as well as preventing or resolving conflicts between neighbouring States. For example, the 1976 Treaty of Amity and Cooperation has established norms of conduct between the member States of ASEAN as well as between ASEAN and other powers. More recently, the 2007 ASEAN Charter provided the legal and institutional framework for ASEAN's transformation from an association to a community. The Charter also governs all aspects of ASEAN's activities.

10 In order for ASEAN States to fully achieve the goals of the ASEAN Community, treaties and other instruments agreed to by the ASEAN States need to be implemented and managed in accordance with international law, best practice and national law. In addition, the ASEAN Secretariat will need the legal and institutional capability to cope with a rules-based ASEAN and to assist member States to fulfill their ASEAN obligations.

11 For this reason, I am very pleased that CIL decided to host this comprehensive three-day Workshop. The objective of this Workshop is to set out broad criteria on good treaty practices by examining the practice of selected civil and common law jurisdictions as well as that of international organisations serving as treaty clearing-houses or depositories.

12 In addition, I understand that CIL and BIICL will convert the outcomes of this Workshop into a manual on treaty law and practice specifically for practitioners of international law and international affairs. I am sure that both the Workshop and publication will be useful for officials in governments and international organisations.

### **III. Centre for International Law**

13 CIL was established as a university-wide research institute at the National University of Singapore in 2009 in response to the growing need for international law expertise and capacity-building in the Asia-Pacific region. The Centre is an outcome of close cooperation between the University's Faculty of Law and Singapore's Ministry of Foreign Affairs and Attorney-General's Chambers.

14 The Centre's current focus areas are ASEAN law and policy; ocean law and policy; trade and investment law and policy; air law and policy; and finally international dispute settlement, which also cuts across the other focus areas. I expect that treaty law and practice will become another focus area for CIL after this Workshop.

15 In the area of ASEAN law, CIL has embarked on a major research project "Integration through Law: The ASEAN Way in a Comparative Context", spearheaded by Professor Joseph Weiler of New York University (NYU) and involving over 70 researchers from Asia and around the world. The project's outcomes are expected to support the efforts of ASEAN member States to achieve the ASEAN Community.

16 In the area of ocean law and policy, CIL has organised several conferences, workshops and seminars on pressing international issues such as maritime crimes and piracy; the protection of submarine telecommunications cables (which carry the Internet around the world); joint development in zones of overlapping maritime claims; and the legal aspects of the South China Sea territorial and maritime disputes.

17 The Centre has also made rapid progress in the field of international economic law with Associate Professor Michael Ewing-Chow, head of CIL's trade and investment law programme, appointed as the World Trade Organization (WTO) Chair for Singapore in 2011. In addition, CIL organised two successful global conferences on international investment arbitration in 2010 and 2011. I am happy to say that CIL will host the biennial global conference of the Society of International Economic Law (SIEL) in July 2012.

18 In the field of air law, CIL partnered with the Singapore Aviation Academy to bring the acclaimed "IASL International Conference on Law and Regulation of Air Transport and Law of Space" to Singapore in 2010. The conference assembled many distinguished academics, the private sector and government officials who discussed critical issues of aviation and space.

19 The readiness of established think tanks and international organisations to enter to into MOUs or partnership arrangements with CIL, a relatively 'new kid on the block', is indicative of CIL's growing reputation

as a centre of excellence on international law. I mentioned the WTO earlier. In addition, CIL also has cooperative arrangements with the Rhodes Academy of Ocean Law and Policy, the International Boundaries Research Unit (IBRU) of Durham University; the United Nations Division of Ocean Affairs and the Law of the Sea (UNDOALOS) and others. Of course, as Bob mentioned, this Workshop is the happy fruition of CIL's MOU with the respected British Institute of International and Comparative Law.

20 An important mission of the Centre is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law. In keeping with this capacity-enhancement and training mandate, CIL has facilitated the participation of 27 officials from ASEAN governments, 4 ASEAN Secretariat officials and 3 expert observers from the wider Asia-Pacific region at this Workshop.

21 However, this is only the tip of the iceberg. Since 2009, CIL has organised 4 international conferences, 8 international workshops, 5 training courses and 55 seminars. For many of these, CIL made a purposeful effort to invite and support the participation of officials from ASEAN countries and the ASEAN Secretariat. CIL has also sponsored officials from Southeast Asia to attend courses conducted by other institutes such as at the Rhodes Academy in Greece. Over 100 officials from the region have benefited from CIL's support since 2009, making it not just a Centre for Singapore, but a resource for ASEAN and the Asia-Pacific region as well.

22 Another capacity-enhancement initiative of the Centre that was launched in 2010, and of particular relevance to this Workshop, is the “CIL Documents Database”. The database is a free, user-friendly resource of selected ASEAN and International Law documents that can accessed by anyone through the CIL website. The database is continually updated and presently contains 460 ASEAN instruments, 260 international law documents and 130 investment agreements from Southeast Asia. A flyer on the database has been included in your Workshop folder.

## **Conclusion**

23 I shall conclude by urging everyone to have an active, open and vigorous discussion at this Workshop. Jill, Bob and I would like to hear your views, suggestions and proposals on treaty law and practice. This Workshop is not intended to be a typical training course but a platform for an exchange of ideas, experiences and knowledge. I wish all our participants a happy stay in Singapore.

24 Thank you.

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