

**CIL-JCLOS International Conference**

**Governance of Arctic Shipping**

**Balancing Rights and Interests of Arctic States and User States**

**9-11 December 2015**

**Hilton Hotel, Singapore**

**Welcome Remarks by Tommy Koh, Chairman, Board of Governors,  
Centre for International Law, National University of Singapore.**

**Salutations**

Your Excellencies, Professor Tore Henriksen, Director of the Jebsen Centre for International Law, University of Tromso, Norway; Professor Robert Beckman, Director of the CIL; Mr Kamal Vaswani, Director-General for Europe, MFA, Fellow Participants, Distinguished Guests, Ladies and Gentlemen.

**Warm Welcome**

2. On behalf of the CIL of NUS, one of the two co-organizers of this Conference, I wish to extend a warm welcome to all the participants. I would like to thank all of you for accepting our invitation to join the Conference. Some of you have travelled a long distance to be here and we appreciate it very much.

### **Thank Norway**

3. I would like also to thank our Norwegian colleagues for their collaboration. Last year, Bob Beckman attended the annual meeting convened by the Center for Ocean Law and Policy of the University of Virginia Law School, in Norway. It was at that meeting that Bob met Tore Henriksen and the idea for this Conference emerged from their discussions. In addition to this Conference, a book on the Governance of Arctic Shipping, co-edited by Bob Beckman, Tore Henriksen, Eric Molenaar and Ashley Roach, will be published by Edward Elgar Publishing. I would also like to thank my good friend, the Norwegian Ambassador to Singapore, Tormod Endresen, for hosting the Conference participants to a dinner reception last evening at his residence.

### **Focus of Conference**

4. The focus of this Conference is on the Governance of Arctic Shipping. The sub-theme is the need to balance the rights and interests of the Arctic States and the User States. I will try to stay focused and limit myself to making only three points.

### **Arctic Ocean and UNCLOS**

5. My first point is that the Arctic Ocean is part of our global commons. The 1982 UN Convention on the Law of the Sea governs the Arctic Ocean as it does all the other oceans and seas of the world. In a

speech I made on 10 December 1982, exactly 33 years ago today, I described the Convention as a “constitution for the oceans”. Claims by the Arctic littoral states must be consistent with the Convention’s regimes of the Internal Waters, Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf. The rights of coastal states and user states are prescribed by the Convention. In other words, the international law applicable to the Arctic Ocean is the UN Convention on the Law of the Sea. All the Arctic States, including the United States, accept this proposition.

### **Article 234 of Convention**

6. The Convention has, however, taken into account the special ecological characteristics of the Arctic. Although Article 234 of the Convention does not mention the Arctic, it was negotiated by Canada, the US and the former Soviet Union, to apply to the Arctic. The Article empowers the coastal states to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone.

### **IMO**

7. My second point is that on all matters relating to international shipping, the Convention refers to the IMO as the competent authority. The increased presence of vessels in the Arctic has raised concerns about whether current international rules and standards are sufficient for guiding vessels in this hostile and remote environment. Responding to

these concerns, the IMO has included a number of special regulations for ships operating in ice-covered waters into several Conventions and adopted non-binding guidelines to improve the safety of navigation in polar regions. By May 2015, both the safety and environmental requirements of the so-called Polar Code, and the associated SOLAS and MARPOL amendments have been adopted. These amendments will come into force on 1 January 2017.

### **Arctic Council**

8. My third point is to refer to the important work of the Arctic Council. The Council is an inter-governmental forum, established by the 8 Arctic States, in 1996. The purpose of the Council is to foster cooperation and coordination among the Arctic States, “with the involvement of the Arctic indigenous communities and other Arctic inhabitants” as well as contributions from invited experts and observers. Singapore has been accepted as one of the twelve observers.

9. The Arctic Council has developed an agreement among the 8 member states on cooperation in aeronautical and maritime search and rescue in the Arctic region. The agreement was concluded in 2011 and came into force in 2013.

10. In 2009, the Arctic Council adopted the non-binding Offshore Oil and Gas Guidelines. In 2011, a binding agreement was signed to facilitate cooperation on Marine Oil Pollution Preparedness and Response in the Arctic.

## Conclusion

11. I shall conclude. I must be one of the few Singaporeans who have been to the Arctic and who has spent a night with ~~an Canadian~~ Inuit community. It was a depressing experience because I saw with my own eyes how the arrival of western civilization has destroyed the traditional way of life of this indigenous community. I therefore worry that global warming will exacerbate the problem by changing the ecosystem and threatening the biodiversity and wildlife, such as, the polar bears. It is true that we can't stop climate change and we can't stop "progress". But, let us not forget that the indigenous people of the Arctic has a right to be treated fairly and with respect.

.....