

The following are excerpts from the Keynote Address by Professor S Jayakumar at the National University of Singapore's Centre for International Law Conference on Joint Development and the South China Sea on Thursday, 16 June 2011, 9.10 AM

The disputes in the South China Sea

- To avoid any potential conflict, there is an urgent need to clarify the extent of the various claims and speedily conclude the implementation guidelines of the 2002 *Declaration on the Conduct of Parties in the South China Sea* (2002 DOC) that have been stalled for nearly a decade.
- **China:** China should not continue to leave unaddressed the concerns and questions raised by many over its puzzling and disturbing nine-dotted-lines map. I say it is “puzzling” because it does not seem to have any basis under the 1982 UN Convention on the Law of the Sea (UNCLOS), which China has repeatedly said it respects. I say it is “disturbing” because it can be interpreted as being a claim on all the maritime areas within the nine dotted lines. This ambiguity has led to concerns not just among claimant States, and it is clearly in China’s interests to clarify the extent of its claims and thereby dispel any apprehensions over its intentions. Failure to do so could jeopardise the trust essential for any peaceful resolution and undermine all the gains of Chinese diplomacy made in the last two decades.
- **United States:** The US is a major maritime power whose engagement with, and presence in, the region is crucial for maintaining stability in the South China Sea. Unfortunately, it has yet to become a party to UNCLOS. This despite the US having stressed many times its interests in the South China Sea, especially freedom of navigation. Every administration since President Clinton has requested the Senate to

accede to the UNCLOS and I hope that the current Senate will do so, because such accession will greatly enhance the role and credibility of the US.

- Singapore is not a claimant State and we have good relations with all of the claimants. We are neutral vis-à-vis the various claims. This does not mean we have no interests. Like Indonesia and other non-claimant ASEAN States, Singapore's interest is to ensure that these claims do not threaten regional peace and stability or impede the freedom of maritime navigation, over flight rights and the freedom to lay and repair submarine cables in the South China Sea.
- As a small State, we also have an interest in ensuring that all the claimant States, when pursuing their rights and obligations, will always act in accordance with international law, including the UNCLOS. In this regard, the Philippines' decision to amend its archipelagic baselines law in 2009 to bring its legislation into conformity with UNCLOS is a positive move.