

THE LEGAL REGIME OF THE SPRATLYS: POSITIONS OF THE PARTIES CONCERNED AND RELEVANCE TO THE DISPUTE

Date: 25 August 2010, Wednesday

Time: 4.00pm – 5.30pm

Venue: SEMINAR ROOM 3

National University of Singapore
Bukit Timah Campus, 469 Bukit Timah Road
Block B, Level 3
Singapore 259756

- This is a “by-invitation-only” event.

Introduction

This seminar will examine the provisions of the 1982 UN Convention on the Law of the Sea (UNCLOS) which are part of the legal regime governing the disputed Spratly Islands in the South China Sea.

Under 1982 UNCLOS, a mid-ocean island is entitled to a 12 nautical mile territorial sea of up to 452 square nautical miles as well as a 200 nautical mile exclusive economic zone of up to 125,600 square nautical miles. Therefore, UNCLOS is often blamed as providing the motivation for the States concerned to strongly assert sovereignty claims over the Spratly Islands in the South China Sea.

On the other hand, Article 121(3) provides that “rocks which cannot sustain human habitation or economic life of their own” are only entitled to a 12 nautical mile territorial sea. Further, geographic features which are not naturally formed or which are not above water at high tide are not entitled any maritime zones of their own.

How many of the islands in the Spratlys can actually generate full maritime zones? What is the practice and the positions of the parties on the legal regime of islands in the Spratlys?

This seminar will examine the practice and positions of the claimant States on the issue and the relevance of the legal regime to the current dispute. The author will also make recommendations on feasible solutions to the dispute in the Spratlys.

About the Speaker

Dr Nguyen Thi Lan Anh is the Vice Dean of the International Law Faculty, where she has taught since 2000. At the Diplomatic Academy of Viet Nam she teaches courses in Public International Law, International Law of the Sea, WTO Law and International Dispute Settlement. She is also a member of the research programme of the Diplomatic Academy of Vietnam on the South China Sea.

Lan Anh received a Bachelor of Arts in Law degree from Hanoi Law University in 1998, a Bachelor of Arts degree in International Relations from the Diplomatic Academy of Viet Nam in 1999, and a Master of Arts in International, European and Commercial Law degree from the University of Sheffield in 2004. She obtained a Doctor of Philosophy degree in International Law from the University of Bristol in 2008. The title of her PhD thesis was "The South China Sea Dispute: A Reappraisal in the Light of International Law".

Lan Anh has been a CIL Visiting Fellow for the past two months. CIL sponsored her to attend the Rhodes Academy of the Oceans Law & Policy in June-July 2010.

ABOUT THE CENTRE FOR INTERNATIONAL LAW (CIL)

The Centre for International Law (CIL) is based at the Bukit Timah campus of the National University of Singapore. CIL's mission is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law and policy. The Centre's aim is to become the region's intellectual hub and thought leader for research on and teaching of international law and policy. The Director of CIL is Associate Professor Robert C Beckman and the Deputy Director is Dr Navin Raj. For more information, please visit the CIL website at <http://www.cil.nus.edu.sg> or email: cil.info@nus.edu.sg

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