

# **CIL Conference on Joint Development and the South China Sea**

**Grand Copthorne Waterfront Hotel, Singapore**

**16 – 17 June 2011**

## **General Information:**

The Conference is organised by the Centre for International Law (CIL), National University of Singapore.

It will be held on the 16<sup>th</sup> and 17<sup>th</sup> of June 2011 (Thursday and Friday) at the Grand Copthorne Waterfront Hotel, Singapore. There will be a Welcome Reception and Dinner on the 16<sup>th</sup> of June 2011 (Thursday).

## **Objective of the Conference:**

The South China Sea has long been regarded as a source of conflict and tension in Asia. Underlying this conflict is the dispute between China, Viet Nam, Philippines, Malaysia, Brunei and Taiwan (the Claimants) relating to sovereignty over the features in the South China Sea as well as access to resources in the waters surrounding these features. Most agree that the disputes will not be resolved in the foreseeable future. One viable solution pending the resolution of the South China Sea disputes is for the Claimants to set aside the disputes and jointly develop the hydrocarbon resources in the South China Sea.

To this end, the Conference will bring together international legal experts on joint development, representatives from the oil and gas industry and government officials from the region to examine the law and policy issues relating to the joint development of oil and gas resources in areas of overlapping claims in the South China Sea.

The first day of the Conference will give background to the South China Sea disputes and to the concept of joint development, its rationale, key provisions and issues. Day Two will examine the existing joint development arrangements in the region, to determine whether there are models or lessons learned that may be applicable to joint development arrangements in the South China Sea.

The joint development arrangements which will be examined during the Conference include:

1. 1974 Agreement Between Japan and the Republic of Korea Concerning Joint Development of the Southern Part of the Continental Shelf Adjacent to the Two Countries

2. 1979 Memorandum of Understanding Between the Kingdom of Thailand and Malaysia on the Establishment of the Resources of the Sea Bed in a Defined Area of the Two Countries in the Gulf of Thailand
3. 1990 Agreement between the Government of the Kingdom of Thailand and the Government of Malaysia on the Constitution and Other Matters relating to the Establishment of the Malaysia - Thailand Joint Authority
4. 1992 Memorandum of Understanding on joint development between Malaysia and Viet Nam
5. 2000 Agreement on the Delimitation of the Territorial Seas, Exclusive Economic Zones and Continental Shelves in the Beibu Gulf between the People's Republic of China and the Socialist Republic of Viet Nam
6. 2002 Timor Sea Treaty between Timor-Leste and Australia

The Conference will not address in any way the outstanding sovereignty disputes in the South China Sea. The assumption is that the competing claims to the islands are unlikely to be submitted to dispute resolution and even if they are resolved through negotiations, this will not occur any time soon.

### Organization of the Conference:

The Conference will be organized as 8 sessions of 90 minutes each on Thursday, 16<sup>th</sup> of June 2011 and Friday, 17<sup>th</sup> June 2011.

#### Advisors

CIL organized the Conference with the assistance and advice of Ian Townsend-Gault, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia; Clive Schofield, Director of Research, Australian National Centre for Ocean Resources & Security; and David Ong, Reader in International & Environmental Law, University of Essex Law School. They will also be assisting CIL in preparing the Conference Report and Recommendations.

#### Paper Authors and Panellists

One major paper will be commissioned for each of the eight sessions. The paper will be written either by a single individual or co-authored by person(s) with relevant expertise (**Paper Author**). The draft copies of the papers will be uploaded onto the CIL website in early June, together with relevant background materials. The Paper Author will be asked to be the main presenter in each session and will speak for about twenty minutes.

Two or three panellists will then be given eight minutes each to make comments and raise questions (**Panellists**). The Chair Person will then open the session for questions and discussion. Therefore, for at least half of each 90-minute session participants will have the opportunity to interact with the Paper Author and the Panellists by raising questions and making comments.

We are pleased to announce that the following experts will be either Paper Authors or Panellists:

- **Vasco BECKER-WEINBERG**, Max Planck Research School for Maritime Affairs, University of Hamburg, Germany
- **Robert BECKMAN**, Director, Centre for International Law, National University of Singapore
- **Peter CAMERON**, Director of Centre for Energy, Petroleum, and Mineral Law and Policy (CEPMLP) and Associate Dean of Research, Graduate School of Natural Resources Law, Policy and Management, University of Dundee, UK
- **Hasjim DJALAL**, Special Advisor to the Minister of Maritime Affairs and Fisheries, Indonesia
- **Ralf EMMERS**, Associate Professor and Acting Head, Centre for Non-Traditional Security Studies, S. Rajaratnam School of International Studies, Singapore
- **Moritaka HAYASHI**, Professor Emeritus, Waseda University, Faculty of Law, Japan
- **Stuart KAYE**, Dean, University of Western Australia Law School, Australia
- **Nazery KHALID**, Senior Fellow, Maritime Institute Of Malaysia
- **Tommy KOH**, Chairman, Centre for International Law, National University of Singapore

- **Keun-Gwan LEE**, Professor, College of Law, Seoul National University, Korea
- **Gavin MACLAREN**, Partner, Allens Arthur Robinson, Melbourne, Australia
- **Jittima MANTAJIT**, Petroleum Engineer, Petroleum International Affairs Division, Department of Mineral Fuels, Thailand
- **Ben MILLIGAN**, Research Scholar, Australian National Centre for Ocean Resources & Security
- **NGUYEN Thi Lan Anh**, Diplomatic Academy of Viet Nam
- **Richard NOWINSKI**, Professor and Member of Centre for Energy, Petroleum, and Mineral Law and Policy (CEPMLP) Global Faculty and External Consultants team, UK
- **David ONG**, Reader in International & Environmental Law, University of Essex Law School, UK
- **Shaharuddin ONN**, Principal Assistant Secretary, Department of Research, Treaties & International Law, Ministry of Foreign Affairs, Malaysia
- **Donald ROTHWELL**, Professor of International Law, Australian National University
- **Dominic ROUGHTON**, Partner, Public International Law Group, Herbert Smith LLP, Japan
- **Joel SAMUELS**, Associate Professor, University of South Carolina Law School, USA
- **Jon SAVAGE**, South China Sea Seismic Project Specialist Consultant, Singapore
- **Clive SCHOFIELD**, Director of Research, Australian National Centre for Ocean Resources & Security
- **Rodolfo C. SEVERINO**, Head, ASEAN Studies Centre, Institute of Southeast Asian Studies
- **Yann-huei SONG**, Research Fellow, Academia Sinica, Chinese Taipei
- **Tran Truong THUY**, Research Fellow and Director, Diplomatic Academy of Viet Nam
- **Ian TOWNSEND-GAULT**, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia, Canada
- **WU Shicun**, National Institute for South China Sea Studies, China
- **Sienho YEE**, Changjiang Xuezhong Professor and Chief Expert, Wuhan University Institute of International Law, China

## Draft Agenda - Panelists may be subject to change

DAY 1:	OVERVIEW OF JOINT DEVELOPMENT
8:30	<b>Registration</b>
9:00	<p><b>Welcome:</b></p> <p><b>9.00 Tommy Koh</b>, Chairman, Centre for International Law, National University of Singapore</p> <p><b>9.05 Hasjim Djalal</b>, Special Advisor to the Minister of Maritime Affairs and Fisheries, Indonesia</p>
9.10	<b>Keynote Speech: Prof S. Jayakumar</b> , Senior Minister, Republic of Singapore
9:30	<p><b><u>SESSION 1: GEO-POLITICS AFFECTING THE SOUTH CHINA SEA</u></b></p> <p><b>Paper Author:</b> <b>Clive Schofield</b>, Director of Research, Australian National Centre for Ocean Resources &amp; Security</p> <p><b>Chair Person:</b> <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li><b>Ralf Emmers</b>, Associate Professor and Acting Head, Centre for Non-Traditional Security Studies, S. Rajaratnam School of International Studies, Singapore</li> <li><b>Jon Savage</b>, South China Sea Seismic Project Specialist Consultant, Singapore</li> <li><b>Hasjim Djalal</b>, Special Advisor to the Minister of Maritime Affairs and Fisheries, Indonesia</li> </ol> <p><b>Rapporteur:</b> <b>Tara Davenport</b>, Research Associate, Centre for International Law, National University of Singapore</p>
11.00	<b>Tea Break</b>
11:30	<p><b><u>SESSION 2: JOINT DEVELOPMENT OF HYDROCARBON RESOURCES IN THE SOUTH CHINA SEA: INTERNATIONAL LEGAL FRAMEWORK</u></b></p> <p><b>Paper Author:</b> <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p> <p><b>Chair Person:</b> <b>Ian Townsend-Gault</b>, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia, Canada</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li><b>Wu Shicun</b>, National Institute for South China Sea Studies, China</li> <li><b>Dominic Roughton</b>, Partner, Public International Law Group, Herbert Smith LLP</li> </ol> <p><b>Rapporteur:</b> <b>Leonardo Bernard</b>, Research Associate, Centre for International Law, National University of Singapore</p>
13:00	<b>Lunch Break</b>
14:00	<p><b><u>SESSION 3: RATIONALE FOR ZONES OF COOPERATION</u></b></p> <p><b>Paper Author:</b> <b>Ian Townsend-Gault</b>, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia, Canada</p> <p><b>Chair Person:</b> <b>Tommy Koh</b>, Chairman, Centre for International Law, National University of Singapore</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li><b>Ben Milligan</b>, Research Scholar, Australian National Centre for Ocean Resources &amp; Security</li> <li><b>David Ong</b>, Reader in International &amp; Environmental Law, University of Essex Law School, UK</li> </ol>

	<p><b>3. Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p> <p><b>Rapporteur:</b> <b>Tara Davenport</b>, Research Associate, Centre for International Law, National University of Singapore</p>
15:30	<b>Tea Break</b>
16:00	<p><b><u>SESSION 4: JOINT DEVELOPMENT ARRANGEMENTS: PRINCIPLES, PREREQUISITES AND PROVISIONS</u></b></p> <p><b>Paper Authors:</b> <b>Peter Cameron</b>, Director of Centre for Energy, Petroleum, and Mineral Law and Policy (CEPMLP) and Associate Dean of Research, Graduate School of Natural Resources Law, Policy and Management, University of Dundee &amp; <b>Richard Nowinski</b>, Professor and Member of CEPMLP Global Faculty and External Consultants team</p> <p><b>Chair Person:</b> <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li><b>Ian Townsend-Gault</b>, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia, Canada</li> <li><b>Gavin MacLaren</b>, Partner, Allens Arthur Robinson, Melbourne</li> </ol> <p><b>Rapporteur:</b> <b>Leonardo Bernard</b>, Research Associate, Centre for International Law, National University of Singapore</p>
17:30	<b>End of Day One</b>
<b>DAY 2:</b>	<b>JOINT DEVELOPMENT IN ASIA: LESSONS FOR THE SOUTH CHINA SEA</b>
9:00	<p><b><u>SESSION 5: JOINT DEVELOPMENT IN SOUTHEAST ASIA</u></b></p> <p><b>Paper Author:</b> <b>David Ong</b>, Reader in International &amp; Environmental Law, University of Essex Law School, UK</p> <p><b>Chair Person:</b> <b>Clive Schofield</b>, Director of Research, Australian National Centre for Ocean Resources &amp; Security</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li><b>Shaharuddin Onn</b>, Principal Assistant Secretary, Department of Research, Treaties &amp; International Law, Ministry of Foreign Affairs, Malaysia</li> <li><b>Jittima Mantajit</b>, Petroleum Engineer, Petroleum International Affairs Division, Department of Mineral Fuels, Thailand</li> <li><b>Nguyen Thi Lan Anh</b>, Diplomatic Academy of Viet Nam</li> </ol> <p><b>Rapporteur:</b> <b>Tara Davenport</b>, Research Associate, Centre for International Law, National University of Singapore</p>
10:30	<b>Tea Break</b>
11:00	<p><b><u>SESSION 6: JOINT DEVELOPMENT IN THE GULF OF TONKIN AND NORTH EAST ASIA</u></b></p> <p><b>Paper Author:</b> <b>Vasco Becker-Weinberg</b>, Max Planck Research School for Maritime Affairs, University of Hamburg, Germany</p> <p><b>Chair Person:</b> <b>Ian Townsend-Gault</b>, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia, Canada</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li><b>Moritaka Hayashi</b>, Professor Emeritus, Waseda University, Faculty of Law, Japan</li> <li><b>Keun-Gwan Lee</b>, Associate Professor, College of Law, Seoul National University, Korea</li> <li><b>Nguyen Thi Lan Anh</b>, Diplomatic Academy of Viet Nam</li> </ol>

	<p>4. <b>Sienho Yee</b>, Changjiang Xuezhong Professor and Chief Expert, Wuhan University Institute of International Law, China</p> <p><b>Rapporteur:</b> <b>Leonardo Bernard</b>, Research Associate, Centre for International Law, National University of Singapore</p>
12:30	<b>Lunch Break</b>
14:00	<p><b><u>SESSION 7: JOINT DEVELOPMENT IN THE TIMOR SEA</u></b></p> <p><b>Paper Author:</b> <b>Stuart Kaye</b>, Dean, University of Western Australia Law School</p> <p><b>Chair Person:</b> <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li>1. <b>Donald Rothwell</b>, Professor of International Law, Australian National University</li> <li>2. <b>Clive Schofield</b>, Director of Research, Australian National Centre for Ocean Resources &amp; Security</li> <li>3. <b>David Ong</b>, Reader in International &amp; Environmental Law, University of Essex Law School, UK</li> <li>4. <b>Gavin MacLaren</b>, Partner, Allens Arthur Robinson, Melbourne</li> </ol> <p><b>Rapporteur:</b> <b>Leonardo Bernard</b>, Research Associate, Centre for International Law, National University of Singapore</p>
15:30	<b>Tea Break</b>
16:00	<p><b><u>SESSION 8: JOINT DEVELOPMENT IN THE SOUTH CHINA SEA: THE WAY FORWARD? (Panel Discussion – No Presentations)</u></b></p> <p><b>Chair Persons:</b> <b>Tommy Koh</b>, Chairman, Centre for International Law, National University of Singapore</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li>1. <b>Sienho Yee</b>, Changjiang Xuezhong Professor and Chief Expert, Wuhan University Institute of International Law, China</li> <li>2. <b>Nazery Khalid</b>, Senior Fellow, Maritime Institute Of Malaysia</li> <li>3. <b>Yann-huei Song</b>, Research Fellow, Academia Sinica, Chinese Taipei</li> <li>4. <b>Tran Truong Thuy</b>, Research Fellow and Director, Diplomatic Academy of Viet Nam</li> <li>5. <b>Rodolfo Severino</b>, Head, ASEAN Studies Centre, Institute of Southeast Asian Studies</li> <li>6. <b>Joel Samuels</b>, Associate Professor, University of South Carolina Law School, USA</li> <li>7. <b>Ian Townsend-Gault</b>, Associate Professor of Law and Director, Southeast Asian Legal Studies, University of British Columbia, Canada</li> <li>8. <b>Hasjim Djalal</b>, Special Advisor to the Minister of Maritime Affairs and Fisheries, Indonesia</li> <li>9. <b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</li> </ol> <p><b>Rapporteur:</b> <b>Tara Davenport</b>, Research Associate, Centre for International Law, National University of Singapore</p>
17:50	<p><b><u>CLOSING REMARKS</u></b></p> <p><b>Robert Beckman</b>, Director, Centre for International Law, National University of Singapore</p>
18:00	<b>Closing of Conference</b>