

CENTRE FOR INTERNATIONAL LAW

South China Sea Series

CIL

14 June 2011, Tuesday, 4.00pm – 5.30pm

NUS Bukit Timah Campus, Block B, Executive Seminar Room, Level 3.

(This is a “by-invitation-only” event)

The South China Sea Disputes: (Evolving) Prospects for Adjudication or Arbitration

SPEAKER



Robert Beckman

Director
Centre for International Law

Robert C Beckman is the Director of Centre for International Law (CIL), a university-wide research centre at the National University of Singapore (NUS). He is also an Associate Professor at the NUS Faculty of Law, where he has taught for more than 30 years. He lectures at the Rhodes Academy of Oceans Law & Policy. He is an expert on the issues of law of the sea in Southeast Asia, including piracy and maritime security. He served for several years as a regional resource person in the workshops on Managing Potential Conflicts in the South China Sea. He has also represented Singapore in various CSCAP meeting on maritime security, and has worked on legal issues relating to the Straits of Malacca and Singapore. He is an Adjunct Senior Fellow in the Maritime Security Programme at the S Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU).

Background Readings

For background readings on the issues to be discussed in this seminar, see Prof Beckman's paper and PowerPoint presentation for the International Law Association Conference in Chinese Taipei from 29 May to 1 June 2011, which are available on the CIL home page under Members' Activities or at

<http://cil.nus.edu.sg/cil-members-activities/cil-director-at-ila-conference-in-taipei/>

INTRODUCTION

In recent weeks, tensions between China and Vietnam as well as China and Philippines over oil exploration activities in the Spratly Islands in the South China Sea have flared, highlighting the intractable nature of the South China Sea disputes.

It has been a long-held assumption that the disputes relating the Spratly Islands will not be resolved by an international court or arbitral tribunal. To this end, this Seminar will examine the evolving dispute between China and the Southeast Asian Claimants (particularly Vietnam and Philippines) and will discuss whether any of the legal issues arising from this evolving dispute can be unilaterally referred to arbitration or adjudication under the compulsory binding dispute settlement procedures in the 1982 UN Convention on the Law of the Sea (UNCLOS).

First, the relevant provisions of UNCLOS will be explained, particularly how States can claim various maritime zones under UNCLOS such as the territorial sea, exclusive economic zone (EEZ) and continental shelf. The importance of the classification of geographic features as islands, rocks, low-tide elevations, reefs or artificial islands will also be explained.

Second, the Seminar will explain the evolving issues between China and the Southeast Asian claimants over which areas in the South China Sea are in dispute and which areas are not in dispute. This will include an explanation of how the submissions made to the Commission on the Limits of Continental Shelf in 2009 have clarified the claims of the Malaysia, Vietnam and the Philippines in the South China Sea. It will also include an explanation of the significance of China's nine-dashed line.

Third, the system of compulsory binding dispute settlement in section 2 of Part XV of UNCLOS will be explained.

Finally, the question of the applicability of the compulsory binding dispute settlement system in UNCLOS to the current disputes over activities in the South China Sea will be considered.

This Seminar will be the seventh in a series of invitation-only seminars organized by CIL on the South China Sea disputes.

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