

CIL ROUNDTABLE ON THE SOUTH CHINA SEA, INTERNATIONAL LAW AND UNCLOS

27-28 JUNE 2013, ORCHARD HOTEL, SINGAPORE

AGENDA

DAY 1 (27 JUNE 2013, THURSDAY)	
08.30 - 09.00	Arrival and Registration of Participants
09.00 - 09.30	Welcome Address by Professor Tommy Koh , Chairman, CIL Governing Board
09.30 – 11.00	Session 1: Offshore Features subject to Claims of Sovereignty
09.30 – 10.00	<p>There are a variety of different off-shore features in the South China Sea, including islands, islets, rocks, low-tide elevations, atolls, reefs, shoals, banks and submerged reefs. This Session will examine the significance of the status of off-shore features to claims to territorial sovereignty as well as to claims to maritime zones. In particular, it will examine whether off-shore features which do not meet the definition of an “island” in UNCLOS can be the subject of a claim to sovereignty.</p> <p>Chair Person: Professor S Jayakumar, Chairman, CIL International Advisory Panel, NUS</p> <p>Speaker: Professor Bernie Oxman, Richard A. Hausler Professor of Law, University of Miami</p> <p>Commentator: David Anderson, Former Judge, International Tribunal for the Law of the Sea</p>
10.00 – 10.40	Comment & Round Table Discussion
10.40 – 11.00	Open Floor Discussion
11.00 – 11.30	Coffee Break
11.30 – 13.00	Session 2: Baseline Issues in the South China Sea
11.30 – 12.00	<p>Under UNCLOS, all claims to maritime zones must be measured from baselines. This Session will examine the provisions in UNCLOS on baselines, bays, low-tide elevations and fringing reefs in order to determine how to construct baselines from offshore features. It will also consider the practice of States in interpreting and applying the provisions in UNCLOS.</p> <p>Chair Person: HE Arif Havas Oegroseno, Member, CIL International Advisory Panel</p> <p>Speaker: Professor Clive Schofield, Director of Research, Australia National Centre for Ocean Resources and Security (ANCORS), University of Wollongong</p> <p>Commentator: Professor Robert Beckman, Director, Centre for International Law, NUS</p>
12.00 – 12.40	Comment & Round Table Discussion

12.40 – 13.00	Open Floor Discussion
13.00 – 14.00	Lunch
14.00 – 15.30	Session 3: Maritime Zones from Islands and Rocks
14.00 – 14.30	<p>This Session will discuss the maritime zones (i.e. territorial sea, exclusive economic zone and continental shelf) that can be drawn from offshore islands. It will examine the debate over “islands” and “rocks” in Article 121 of UNCLOS and how this might apply to the features in the South China Sea. This discussion will include the practice of States and the jurisprudence of international courts and tribunals when dealing with maritime claims from small, uninhabited off-shore islands.</p> <p>Chair Person: Professor Robert Beckman, Director, Centre for International Law, NUS</p> <p>Speaker: Dr Clive Symmons, Trinity College Dublin</p> <p>Commentator: Dr Alex Oude Elferink, Deputy Director, Netherlands Institute for the Law of the Sea</p>
14.30 – 15.10	Comment & Round Table Discussion
15.10 – 15.30	Open Floor Discussion
15.30 – 16.00	Coffee Break
16.00 – 17.30	Session 4: Maritime Delimitation and Offshore Features
16.00 – 16.30	<p>This Session will examine general principles on maritime delimitation under international law, including Articles 15, 74 and 83 of UNCLOS and how international courts and tribunals have interpreted these articles. It will then examine the treatment of offshore features in maritime delimitation, including the effect that international courts and tribunals have given to islands in the delimitation of the territorial sea, EEZ and continental shelf.</p> <p>Chair Person: Professor Tommy Koh, Chairman, CIL Governing Board</p> <p>Speaker: Professor Tullio Treves, Universita di Milano, Milan, Italy</p> <p>Commentator: Professor Clive Schofield, Director of Research, Australia National Centre for Ocean Resources and Security (ANCORS), University of Wollongong</p>
16.30 – 17.10	Comment & Round Table Discussion
17.10 – 17.30	Open Floor Discussion
17.30	End of Day One
18.30	Welcome Dinner for all Participants and Presentation of Rhodes Academy Submarine Cables Award 2013
20.30	End of Dinner

DAY 2 (28 JUNE 2013, FRIDAY)

08.30 – 10.00	Session 5: Rights and Jurisdiction over Resources under the UNCLOS Regime
08.30 – 09.00	<p>This Session will examine the rights and jurisdiction of coastal States to resources in the EEZ as provided for in UNCLOS and the validity of historic waters, historic title and historic rights claims under international law. It will then examine the relevance of historic waters, historic title and historic rights as a basis of rights and jurisdiction over resources in the South China Sea.</p> <p>Chair Person: Professor Tommy Koh, Chairman, CIL Governing Board</p> <p>Speaker: Professor Ted McDorman, University of Victoria</p> <p>Commentator: Dr Clive Symmons, Trinity College Dublin</p>
09.00 – 09.40	Comment & Round Table Discussion
09.40 – 10.00	Open Floor Discussion
10.00 – 10.15	Coffee Break
10.15 – 11.45	Session 6: Legal Issues Arising from the Extended Continental Shelf Claims
10.15 – 10.45	<p>This Session will examine the implications of the extended continental shelf claims of Vietnam and Malaysia and potential extended shelf claims of other South China Sea coastal States, including an analysis of whether the CLCS can consider the submissions made by Vietnam and Malaysia as well as the status of such claims if the CLCS is unable to consider their submissions.</p> <p>Chair Person: Professor Robert Beckman, Director, Centre for International Law, NUS</p> <p>Speaker: Dr Alex Oude Elferink, Deputy Director, Netherlands Institute for the Law of the Sea</p> <p>Commentator: Professor Ted McDorman, University of Victoria</p>
10.45 – 11.25	Comment & Round Table Discussion
11.25 – 11.45	Open Floor Discussion
11.45 – 12.45	Lunch

12.45 – 14.15	Session 7: Rights and Obligations in Areas of Overlapping Maritime Claims
12.45 – 13.15	<p>This Session will discuss the significance of overlapping maritime claims in the South China Sea. It will examine in particular the issues raised when the 200 nm EEZ claim of a coastal State overlaps with claims of other States to maritime zones from offshore islands or other geographic features as well as the issues raised when two or more States have claimed maritime zones from a disputed island.</p> <p>Chair Person: HE Arif Havas Oegroseno, Member, CIL International Advisory Panel</p> <p>Speaker: David Anderson, Former Judge, International Tribunal for the Law of the Sea</p> <p>Commentator: Professor Bernie Oxman, Richard A. Hausler Professor of Law, University of Miami</p>
13.15 – 13.55	Comment & Round Table Discussion
13.55 – 14.15	Open Floor Discussion
14.15 – 14.30	Coffee Break
14.30 – 16.00	Session 8: UNCLOS Dispute Settlement Mechanisms
14.30 – 15.00	<p>The final session will provide an overview of the complex regime on the settlement of disputes in Part XV of UNCLOS. It will focus in particular on compulsory procedures entailing binding decisions in Section 2 of Part XV. It will explain how one party to a dispute can unilaterally refer a dispute to arbitration or adjudication, which court or tribunal would have jurisdiction to hear the dispute, what law would apply and what procedures would be followed. It will examine the exceptions to the compulsory procedures in the context of the types of legal disputes which could arise in the South China Sea. It will also analyse the types of disputes that would be subject to the compulsory procedures and whether it might be possible for some of the legal issues in the South China Sea to be referred to the International Tribunal for the Law of the Sea for an Advisory Opinion.</p> <p>Chair Person: Professor S Jayakumar, Chairman, CIL International Advisory Panel, NUS</p> <p>Speaker: Professor Robert Beckman, Director, Centre for International Law, NUS</p> <p>Commentator: Professor Tullio Treves, Universita di Milano, Milan, Italy</p>
15.00 – 15.40	Round Table Discussion
15.40 – 16.00	Open Floor Discussion
16.00 – 16.30	Concluding Discussion
16.30	End of CIL Roundtable