The territorial disputes of the South China Seas (SCS) rose from several concerns nations had regarding the islands, reefs, and Exclusive Economic Zones (EEZs) of the SCS. The Republic of China (Taiwan), Brunei, Malaysia, Cambodia, The People's Republic of China, Vietnam, and the Philippines, are extremely involved in this pressing conflict. Interest rose with these nations regarding the South China Seas, due to many factors including the areas for fishing, as the threats to the fishing trade network increased by falling fish stocks. Furthermore, the dispute concerned investors around the world, particularly those with interests in benefitting from natural resource reserves, such as crude oil and natural gas, found under the ocean. In fact, the bulk of global trade flows through the SCS, thereby strengthening the strategic control over critical shipping lanes.

The issue at hand is a daunting one to overcome because of various factors that make it impossible for the disputing states to reach an agreement. The nations most directly involved have a history of armed conflicts, and diplomatic tensions in the region, and territorial disputes were further escalated as a consequence of Chinese military reinforcements taking a position in the SCS. Nevertheless, it is important to take legislative action to manage the conflict before it deteriorates further, and to guarantee that this occurs, it is crucial to establish the sovereign rights that each country has over the SCS.
China asserts sovereignty over the area encapsulated by the nine-dash lines, an undefined border established by China primarily over the Scarborough Shoal, the Paracel Islands, the Spratly Islands, as well as the Macclesfield Bank, of which the South China Sea is practically made up of. Under the United Nations Convention on the Laws of the Sea (UNCLOS), each nation is given an Exclusive Economic Zone (EEZ) that provides special rights to maritime resources and energy exploitation or development. Within the South China Sea, the countries in question all have economic interests that outweigh their intended diplomatic relationships. Therefore, much of the problem is about natural resource conflicts, agriculture, commerce, and military disputes. The nine dash lines are also inconsistent with international law. There are three interpretations of the 9 dash line; they can either be seen that the dashed lines mean that each nation holds the titles to the islands and groups enclosed in it, or that they represent a national maritime boundary but no title to the islands, or that the dashes represent a historic claim to the waters that means that they belong exclusively to China. These three interpretations represent the core of the conflict over the SCS. China maintains the 9 dash line, however the other countries in dispute say that the 9 dash line was made arbitrarily by China, and that it is in violation with international and maritime law. In response, China has maintained that the seas are their sovereign and historical right, which it will defend with military force if necessary. As China’s military is the largest in the world, this is a significant cause for concern.

The South China Sea in the Pacific Ocean is a small sea. The ocean has ties with China, Vietnam, Taiwan, the Philippines, and Malaysia. This covers an area of around 3.7 million square kilometres. There are many valuable resources in the region, including reserves of oil and gas. Today there are disagreements about the jurisdiction of the maritime territories and islands in the South China Sea, mostly between the bordering countries, but the conflicts have also included other nations, such as the USA. The tension between these countries is the result of the different views that nations have about the SCS. Resolving this dispute is crucial in order to reduce the uncertainty and reduce the chances of continuing violence, which could contribute to a war breaking out among nations. The South China Sea
stretches from Singapore to Taiwan and is one of the most important trade channels for the countries around it because of its geographical location.

**Definition of Key Terms**

**South China Sea**

A small ocean covering around 3.7 million square kilometers in the Pacific Ocean. Its surrounding nations are; China, Vietnam, the Philippines, Malaysia, Indonesia, Brunei, and other countries. Given that a quarter of global shipping moves through it, the SCS bears immense importance, bringing 3 trillion USD in annual exchange. It also involves vital food security fisheries in Southeast Asia, as well as significant reserves of oil and gas.

**Nine-dash Line**

It is a dashed line drawn on a map in the 1940s showing the territorial claims of China in the South China Sea. To bring China authority over the Paracel and Spratly Islands and many more, the nine-dash line was created.

**Paracel Islands**

A collection of about 130 islands, beaches, coasts, and other maritime features throughout the South China Sea, governed by the People’s Republic of China, as well as claimed by Taiwan and Vietnam. It is surrounded by rich fishing grounds and untapped reserves of oil and gas.

**Spratly Islands**

A disputed collection of South China Sea islands and more than 100 reefs. This lies off the Filipino, Malaysian, and southern coasts of Vietnam. Approximately 45 beaches, cays, reefs and shoals are controlled by security systems and armies from Malaysia, Taiwan, China, the Philippines, and Vietnam. These Islands are strategically located where many merchant ships pass through their waters, and custody of these islands would affect the safe passage of goods. These Islands are also rich in Natural Gas and oil, and strategically located for the military security of Vietnam, China, Taiwan, the Philippines, Malaysia, and Brunei.

**Innocent Passage**

A policy codified in the United Nations Law of the Sea (UNCLOS) enabling boats to move across territorial waters and exclusive economic zones as long as they do not breach the area's peace and security. This includes ships for both trade and military purposes.
Exclusive Economic Zone

An area of 200 miles from the shore of territorial waters. This refers to a country's claims to maritime discovery and the use of natural resources. A nation in the EEZ has sovereign rights, authority over the development and use of artificial islands and associated structures, and marine environment security.


Also recognized as the Law of the Sea Convention or the Law of the Sea Treaty. Its aim is to provide a clear set of rules to be adopted by states concerning the development of standards for ocean management with respect to business management and ocean climate. The EEZ is the result of this convention.

Territorial Dispute

A territorial dispute is a disagreement about land ownership and control between two or more countries.

Background Information

The origins of the conflict

The South China Sea debate has been growing in recent years. Therefore, there is a conflict between nations claiming what they feel is their territory within the SCS. Since the end of World War II, the fight in the South China Sea has been around. Until World War II, the controversy in the South China Sea focused primarily on who had jurisdiction over the Spratly and Paracel Islands, with claims made by France, China, Vietnam, and Japan. World War II is one of the major conflicts of the SCS conflict. The Japanese ruled over the Spratly and Paracel Islands and took control of the SCS. In 1939, small Japanese installations were established on the inhabited islands. The nine-dash line was then created after the war.

Oil and gas reserves

Under the seabed of the South China Sea, it is believed that there is a supply of gas and oil. Up to 11 billion barrels of oil and 190 trillion cubic feet of gas have been estimated. This also raises conflict between nations because all of the involved nations want to profit off of improved oil industries in their countries. In addition, hydrocarbons are used as fossil fuels, providing energy and trade profits through nations. The U.S. Energy Information Administration estimates that future oil demand in Asian countries outside the OECD (Organization for Economic Cooperation and Development) will increase from about 20% of global consumption in 2008 to 30% by 2035, which is 2.6% annual growth. Gas is expected to
increase from 10% in 2008 to 19% in 2035, with an annual growth rate of 3.9%. 43% of this growth is accountable to China.

The nine-dash line

First developed in 1947, the Nine-Dash Line was initially created with 11 dashes by the Republic of China's government on a Chinese map. Two of the dashes were withdrawn in 1949 after Vietnam was granted the Gulf of Tonkin by the Chinese Communist Party. While China never publicly claimed the nine-dash line it remained until 2009 to be a vague claim. In 2009, China sent a map to the United Nations featuring the nine-dash line as protest against Vietnam's statement on a continental shelf, as well as asserting jurisdiction over the Paracel and Spratly Islands. This was met with backlash from the Philippines, Vietnam, and Indonesia, who argued this was unconstitutional under the EEZ scheme of UNCLOS, as the self-assigned borders of China are conflicting with several EEZs.

China issued new passports in late 2012, which also included the border of the nine-dash line, attracting further international criticism. Nevertheless, in the face of opposition, China appears firm in the legality of the boundary they have created. China has based this on historical expeditions, fishing operations, and naval patrols, some of which can not be validated. The uncertainty of the nine-dash line lies in the fact that China has never clearly defined whether the whole border was the range of its jurisdiction or just the territorial sea within the boundaries around the islands. Such vagueness allows China to take advantage of the border and is also difficult to challenge legally. The Philippines requested international arbitration in 2013 to refute China's South China Sea statement that jurisdiction within the SCS is unauthorized and illegal. China said it was not going to take part in the arbitration. Nonetheless, before ruling in favor of the Philippines, the court ruling lasted for three years. They consequently noticed that China does not have historical claims to the SCS areas. China rejected this ruling.

Military

In the region, the crisis has intensified militarization, increasing the chances of an armed conflict that would make it harder to resolve disputes. The South China Sea is a significant extension of naval power to China. The increased presence of other nations within the SCS has forced China to accelerate its military buildup. The US argues that China has built three military bases in the disputed areas of the South China Sea, enabling China to send military assets at any moment to the Spratly Islands, presenting a military threat to those seeking freedom of passage. There was a conflict between the US and China, where the US warship USS John S McCain got radio notices from a Chinese frigate (a type of warship) about being in Chinese territory. However, China argued that it wasn't militarizing the SCS. Other nations are also increasing their participation in military actions. Vietnam and Malaysia, for instance, have accelerated their military buildup and increased trade in weapons with India and Russia. The Philippines raised its military budget and entered U.S. arms trade agreements. In April 2014, the
Philippines reported that their biggest U.S. warship was in a confrontation with Chinese surveillance ships while attempting to arrest Chinese fishermen by the Philippines ship.

**Trade**

Chinese and ASEAN (Association of Southeast Asian Nations) countries have expanded shipping and trading, using the South China Sea as their main trade route. Approximately 50 percent of global imports of oil tankers and commodities worth around $5 trillion move through the South China Sea. Furthermore, within the region there are more than half of the top ten shipping ports within the SCS. Therefore, this problem is of equal importance to countries with trade interests in Asia, such as China, the United States, and even the European Union. Freedom of navigation and innocent passage in the South China Sea are, therefore, extremely important.

**Fishing**

Fishing accidents were also a central part of the conflict. As the stock of fisheries starts to decline, most farmers have started moving out into the disputed areas in search of rarer fish. The South China Sea harbors rich fishing grounds, however, civilian fishermen roaming through the disputed areas can risk intervention and aggression from the naval forces of other countries. For example, in April 2012, eight Chinese fishing vessels were intercepted by Filipino naval forces in Scarborough Shoal and discovered that they had illegally fished in their area, contributing to a two-month standoff between the two countries. Fishing prohibitions and prosecutions of civilian fishermen can show the independence of a government, according to the International Crisis Group, and this power has an impact on around 1.5 billion citizens whose livelihood depends on fishing.

**Major Countries and Organizations Involved**

**China**

The People's Republic of China firmly believes that the islands of the Spratly and Paracel have been a part of China for at least 2000 years. In 1948, with the nine dashed lines, China made the first public statement, claiming to the area. Regarding the claims made by Vietnam and the Philippines that China's claim of the majority of the SCS is illegal and against the intervention of UNCLOS in the territorial dispute, China still insists the claims made by Vietnam and the Philippines are false accusations.

**Vietnam**

Most of the rivalry between China and Vietnam has been going on since the Second World War with reports of violence against each other. Vietnam claims they should have control over these islands. After the Vietnam War, which began in April 1975, Vietnam made claims on its territories in the South
China Sea. Vietnam claimed its rights to parts of the South China Sea after the Vietnam War. Vietnam had a military confrontation with China, because of tensions from the SCS disagreements in 1988, with the consequence that hundreds of Vietnamese troops were killed. Vietnam and China held bilateral talks and agreed to work towards a Code of Conduct. Vietnam has also carried out joint military drills with the U.S.

**Philippines**

Between 2005 and 2008, the Joint Marine Seismic Undertaking (JMSU) was formed by Vietnam, China and the Philippines, a tripartite agreement to conduct seismic exploration in an SCS area of the Philippines. The Philippines also has a similar situation to Vietnam, arguing that the EEZ belonging to them is controlled by China. In 2013, China was brought before a UN tribunal in The Hague by the Philippines on the basis that the nine-dash line is a violation of UNCLOS (United Nations Convention on the Law of the Sea). The court found that China breached the Philippines’ sovereign rights in the South China Sea by mining, oil exploration, and island-building done by China. China has denied all these claims, therefore, no actions have been taken.

**India**

As nearly 55% of its trade with Asia Pacific transits through the SCS, India is slowly becoming more dominant and becoming more involved in the issue. India is keen to keep the sea lanes accessible for safe energy supplies to states such as Japan and Korea. India's Oil and Natural Gas Corp (ONGC) and PetroVietnam have established a three-year oil and gas exploration and production partnership deal in October 2011. This cooperation was severely opposed by China.

**Japan**

Japan officially surrendered its empire in 1951 through the San Francisco Treaty (re-established peaceful relations between Japan and the Allied Powers after World War II), thus annulling all claims to the South China Sea Islands by Japan. Japan has a strong bilateral defense treaty (treaty or military alliance in which the nations promise to support each others military and to defend each other) with the United States, so in this conflict Japan is likely to support the US allies.

**The United States of America**

Although the United States does not have demands on the South China Sea area, they are becoming more involved in the conflict. The United States is not a participant of UNCLOS, and political discussion has been created due to their presence. The US aims to prevent Chinese interference in the region by showing support to China's opponents.

**European Union**
The EU value the SCS for its economic role, as the sea is a major area that they can invest although none of the EU countries actually have any territorial claims in the region. The EU released its guidelines on the EU’s Foreign and Security Policy in East Asia in 2012, encouraging freedom of navigation in the SCS. Moreover, the EU prefers a peaceful solution that is in line with UNCLOS, contradicting China’s desires. In addition to this, the EU offered its help to parties involved in the conflict by sharing its skills in settling laws on maritime borders and sustainable management of resources and security measures in the major disputed areas of the SCS.

Association of Southeast Asian Nations (ASEAN)

The aim of the ASEAN is to improve cooperation between the nations of Southeast Asia. It is made up of ten nations including the Philippines, Malaysia, Brunei, Indonesia, and Vietnam. ASEAN states adopted a Declaration of Conduct on the South China Sea in 2002, including China. It aims are promoting stability and peaceful solutions for the dispute.

Timeline of Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
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<tbody>
<tr>
<td>1946</td>
<td>China claims Spratly Islands.</td>
</tr>
<tr>
<td>1948</td>
<td>Nine dashed line map first published by the Republic of China</td>
</tr>
<tr>
<td>1951</td>
<td>Through the San Francisco Convention, Japan formally surrenders the monarchy annulling all Japan's claims to the South China Sea Islands.</td>
</tr>
<tr>
<td>1974</td>
<td>China claims Paracel Islands.</td>
</tr>
<tr>
<td>1988</td>
<td>70 Vietnamese sailors killed in naval battle with China.</td>
</tr>
<tr>
<td>1991</td>
<td>China violates international law to their expand sea territory.</td>
</tr>
<tr>
<td>1995</td>
<td>China gain control over Philippine military instalments</td>
</tr>
<tr>
<td>May 2000</td>
<td>Philippine troops kill Chinese fishermen and arrest seven of them.</td>
</tr>
<tr>
<td>June 2011</td>
<td>US Senate condemns China’s use of force in South China Sea.</td>
</tr>
<tr>
<td>October 2011</td>
<td>Gas discovered in oil field off Vietnam’s coast.</td>
</tr>
<tr>
<td>November 2011</td>
<td>US ASEAN press China on the South China Sea policy.</td>
</tr>
<tr>
<td>June 2012</td>
<td>US announces that more ships will be deployed in the Pacific.</td>
</tr>
</tbody>
</table>
July 2012  China announces creation of Sansha city, headquartered in the Paracel Islands.

January 2013  The Philippines announces, it will take China to a UN tribunal under the UNCLOS.

2015  China has started an infrastructure project on four reclamation sites in the SCS.

### Relevant UN Treaties and Events

- Declaration of the Government of the People’s Republic of China on China’s Territorial Sea, 4 September, 1958
- Declaration on the Conduct of Parties in the South China Sea, 4 November 2002
- Oceans and the law of the sea adopted in November 2012, 29 January 2013 *(A/RES/67/5)*
- Implementation of the Declaration of the Indian Ocean as a Zone of Peace, 9 December 2013 *(A/RES/68/24)*
- Oceans and the law of the sea, 27 February 2014 *(A/RES/68/70)*
- Oceans and the law of the sea, 5 April 2012 *(A/RES/66/231)*

### Previous Attempts to solve the Issue

ASEAN also played a major role in seeking possible solutions to the South China Sea crisis. ASEAN was founded to promote regional peace and stability, as well as effective cooperation and assistance among the SCS-affected nations. On the 4th of November 2002, ASEAN issued the Resolution on the Behavior of Parties in the South China Sea. This was vital if long-term stability hopes were to be transferred and cooperation and communication between countries increased. The Declaration was signed in November 2002 by all ASEAN countries, including China. The resolution had three main goals, one of which was the code of conduct; this was ASEAN's primary goal. Although it was not as successful as hoped, it has still made the dispute slightly more stable.

The United Nations Convention on the Law of the Sea (UNCLOS) could also be seen as a previously attempted solution. It was established as a way of creating a systematic set of rules for regulating the oceans and seas. It established the principle that an EEZ can stretch 200 nautical miles from the ocean boundary of a state. The United Nations Convention on the Law of the Sea (UNCLOS), constitutes the current basis of international maritime law in the South China Sea dispute. UNCLOS is the basis of international maritime peace and security. The decision to implement the UNCLOS into the
UN was negotiated for over nine years. In 1982, almost every country in the United Nations agreed to its implementation. UNCLOS allocates the maritime resources of the world. What we see in the South China Sea, however, is China's attempt to overturn it.

On the 20th of July 2011, Taiwan, Vietnam, Brunei, the Philippines, and Malaysia, agreed a set of preliminary guidelines on the implementation of the DOC (Declaration of Conduct of Parties in the South China Sea) which would prioritize working towards resolving conflicts. The PRC's assistant foreign minister, Liu Zhenmin described this agreement as "an important milestone document for cooperation among China and ASEAN countries". Some of the early drafts of this declarations successful took into consideration aspects such as "marine environmental protection, scientific research, safety of navigation and communication, search and rescue and combating transnational crime," although the issue of oil and natural gas drilling remains unresolved.

**Possible Solutions**

This is a particularly difficult issue to deal with, as there are many countries involved in the issue, all of which have a claim over the disputed area, or at least believe that they have one. Therefore, when addressing the issue, it is necessary to fix not only the dispute of the nine-dash line but also the other claims made by nations. It should always be achieved in a manner that prohibits conflicts from developing into a large-scale dispute. First of all, measures need to be taken to better execute the law of the seas that has been broken without repercussions by many of the states involved. This includes violations of the UNCLOS due to the control of military ships passing within the states’ EEZs and the enforcement of the ruling of the PCA regarding the nine-dash line. Furthermore, until the disputes are settled, regulations must be imposed in order to prevent the reclamation of disputed land and the militarization of it. This can be enforced by international organizations like the UN, specifically the branch of the General Assembly or International Court of Justice. The types of regulations enforced can be the ones agreed on during the United Nations Convention on the Law of the Sea in 1982.

A major problem of the South China Sea is the lack of negotiation and compromise between nations. There is also the problem of countries referencing two different arguments (the UNCLOS and the historical claims). A way to solve this would be to start from scratch. Analyse all evidence and divide the territory equally based on the economic opportunities and potential, or a similar prospect between all bordering countries. These divisions could also be altered based on the position a country holds economically, politically, etc. A new set of laws could be created specific to the South China Sea (not laws related to maritime claims or the official claims from UNCLOS) in order to find a compromise between nations. Therefore, a conference held by the UN, including all involved nations, can help come to a solution beneficial to all parties.
In any case, the improvement of communication is vital in order to decrease the tension and therefore, hopefully, reduce the conflict. This can be done through more discussion and more military transparency including defence policies, military spending and military capability. This is generally considered an essential element for building trust and confidence between nations to help end the dispute. Discussion could also lead to more shared laws in the SCS.

The use of infrastructure and construction in the South China Sea, such as artificial island development, should be avoided temporarily in order to stop any alterations to the ground that would cause the territory to be different (changes in the territories would make the land already identified with a government, for instance, the Chinese building of the islands caused China to claim it belonged to them).

More agreements such as 'The Joint Marine Seismic Undertaking' could be created, led by the UN, to facilitate the development of multiple nations. Not all measures were adopted from the code of conduct, and putting pressure on these regulations to be enforced might speed up the South China Sea dispute disarmament.

Guiding Questions

1. What is at stake for the countries involved in the South China Sea disputes?
2. Should the United States become more involved, less involved, or maintain its current level of involvement in the territorial dispute over the South China Seas?
3. Would U.S. military intervention in China's maritime disputes ever be justified? If so, what would justify military action?
4. Is armed conflict between China and its neighbors imminent?
5. What are Japan's strategic interests in the East and South China Seas? How have these interests shaped Japan's approach to its own territorial claims?
6. What role can nations, and/or the international community play to ease regional tensions, facilitate greater cooperation, and reduce the likelihood of armed conflict in the South China Seas?

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Appendix or Appendices

This website is useful, because it is very informative as it gives fast facts about the dispute of the South China Seas.

guide-chinas_maritime_disputesmap#!/%2F&gclid=Cj0KEQjwk7msBRC.Jj67khY2z_NIBEIQAPTFj
v2qEzMcScMOTH4MpaPV0
ScfBE3TN5qTuDSLXpKM_vPAaApvm8P8HAQ%23historical-context
This website is useful, because it gives you a more detailed timeline of the events that occurred regarding the disputes of the South China Seas as well as useful facts and information.

This website is useful as it gives you the ASEAN Declaration on the Conduct of Parties in the South China Seas.