Introduction

The South China Sea is an international body of water which is enclosed in its own respected region consisting of nine sovereign nations, including Taiwan. Because these nine nations share the South China Sea, it has become a major conflict zone between the Spratly and the Paracel islands. The international conflict that has struck this body of water ranges from territorial disputes, countries claiming sovereignty, and ownership over the uninhabited Spratly and Paracel group of islands, reefs and Exclusive Economic Zone (EEZ). The key nations that are involved in this conflict consist of the People’s Republic of China (PRC), The Republic of the Philippines, Vietnam, Malaysia, Taiwan (Republic of China), and Brunei Darussalam.

Figure 1: Map of the territorial disputes in the South China Sea including the EEZ and the Nine-Dash Line.

The conflict within the South China Sea revolves around territorial disputes, countries expanding territory outside of their respected EEZ, which has resulted in them claiming ownership and sovereignty.
over specific Spratly and Paracel islands resulting to constant distrust and uprising tensions. The Paracel and Spratly group of islands within the South China Sea are known to have a vast amount of highly sought-after natural resources such as crude oil and natural gas, which is the most important resource for countries, due to the booming energy industry in the world. The South China Sea has also attracted the attention of countries due to the vast amount of high quality fish in the sea, which could benefit the fishing industry of a nation. The international body of water is also a major shipping and trading ground for South East Asian countries and other countries in Asia, due to extensive amount of trade and the value of shipments that pass through the South China Sea annually.

There have also been many principal countries and organizations involved within the territorial disputes of the South China Sea, and some have started expanding military presence within the area such as the PRC. However, even though the conflict is at a high stake, multiple past and present solutions have been implemented in order to ease off tensions for countries regarding this matter.

Definition of Key Terms

Artificial Islands

An artificial island or reclaimed land, is a piece of land that has been fully constructed and designed by mankind using natural resources, and is used for a variety of different purposes. Within the region of the South China Sea, the PRC itself has taken the greater initiative by constructing artificial islands in order to build and start constructing military bases and air strips in order to expand the presence of the PRC within the South China Sea.

Exclusive Economic Zone (EEZ)

Economic exclusive zone (EEZ) is a specific section that stretches a certain distance out of a nation's coast. This is where a nation can perform activities such as fishing and mining that yield economic benefits. The EEZ that are a part of the South China Sea dispute is being obeyed by a majority of countries, however some have disobeyed this law.

Nine-Dash Line

The Nine-Dash Line which was previously known as the eleven and ten dash line, is a demarcation line set by the PRC, which claims a major part of the South China Sea. The Nine-Dash Line is particularly important, as it goes against the EEZ law set in place for the amount of distance a country can expand their coastline.
South China Sea

The South China Sea is a marginal sea that is a part of the Pacific Ocean, and has an area of 3,500,000 square kilometers and covers a variety of Southeast Asian countries. The South China Sea is what the territorial dispute is all about due to the uprising tensions. The body of water itself has been the scene of a variety of international conflicts that range from the present day territorial disputes, all the way back till World War II when Japan returned the South China Sea to the PRC.

Territorial Dispute

The term territorial dispute is defined by the UN as an argument or disagreement between the sovereignty and the authority of land between two or more nations. This specifically applies to the South China Sea, due to the fact that the nations involved within the conflict claim a specific group of islands, while other nations such as the PRC, the Philippines and Vietnam claim ownership the same group of islands or pieces of land which results in disputes.


UNCLOS is an international law and agreement signed by a variety of countries, that is aimed towards establishing correct legal laws regarding economic rights with countries and their specific body of international water. The UNCLOS is not followed by some countries within the South China Sea due to the fact that specific nations, have exploited and gone out of reach of their respective EEZ.

Background Information

Origin

One of the main reasons as to why the conflict regarding territorial disputes in the South China Sea has been a major issue today, is due to the history of the conflict and how nations have constantly claimed ownership over the Spratly and Paracel islands. The territorial disputes of the South China Sea can be linked all the way back to the 1800s when Vietnam was one of the first countries to claim sovereignty and ownership of the Paracel islands. However, the ownership of the islands properly took a toll when the first Sino Japanese war broke out in the year of 1894, and this is when the entire territorial dispute can be linked backed to as a whole. When this occurred, the Chinese took action and claimed sovereignty over the Paracel islands which then somewhat created tensions between Vietnam and China. Over the last couple of years China itself has been claiming ownership of a major part of the South China Sea, and this specifically applies to World War II in the year of the 1940s.
Territorial disputes

The main problem and issue that the nations that surround the South China Sea are facing is territorial disputes between groups of islands and international reefs, and sections of the sea. The most prominent nations involved in this matter consist of the PRC, Brunei Darussalam, Taiwan, Malaysia, The Philippines, and Vietnam. The disputes within the South China Sea mainly revolve around the uninhabited Spratly and Paracel islands. All the notable countries have been competing and arguing with each other in order to claim ownership over the specific Spratly or Paracel island. As of present day within the South China Sea, Vietnam controls 29 islands, the PRC controls 9, Philippines has 7, Malaysia has 3, Indonesia has 2 and Brunei Darussalam currently is in control of 1. Although the South China Sea is an international body of water, there are a variety of reasons as to why countries are in conflict over claiming ownership of specific sections and islands within the South China Sea.

Commercial Fishing

One of the many reasons as to why nations are in dispute over claiming ownership of specific islands and sectors of the Sea is due to commercial fishing. It is known that the Spratly islands and the South China Sea itself is home to one of the biggest fishing grounds in the world, not to mention that it includes the most exclusive type of Marine life. Due to this, countries are in battle over claiming ownership, due to the process of importing and exporting fish being a billion dollar business annually. It is known that an estimated 14 percent of the world’s population consumes and catches fish from the South China Sea, making it a highly demanded territory for fishing. Commercial fishing is also one of the many things that attracted the attention of nations. This is mainly because as fish stocks are currently going down, the countries involved in the disputes have been implementing a greater value of money in the sections of the South China Sea that are being disputed, which then results in a greater and higher value in the international market and causes the country’s economy to skyrocket.

Commercial Shipping

Another one of the reasons as to why the South China Sea is important towards so many countries is due to commercial shipping within the international vicinity. The South China Sea is one of the biggest shipping hubs in the world and it is known that about 1/3 of the world’s trade passes through the South China Sea annually. The value of shipments that passes through is a very high figure itself, which has also caused countries to claim ownership of major sectors of the South China Sea, as international trade and shipments can greatly benefit a country’s economy. The commercial shipping within the South China Sea has resulted in countries wanting to claim
ownership of the area due to the fact that the billions of dollars worth of trade can greatly influence and benefit a nation’s economy sending it into a higher state.

**Natural Resources**

Finally, this is one of the biggest reasons as to why the South China Sea is such an important hub and sector of the world for the nations involved in the territorial disputes. It has been discovered that an estimated 11 billion oil barrels and 190 trillion feet of natural gas is located beneath the sea. As of the reasons previously mentioned, this itself is one of the most important as to why the territorial disputes are so important, and it is due to the amount of natural resources the international body of water contains. The disputes have been growing and becoming worst to an even greater extent as the years have passed, and this is due to the constant argument and dispute between the ownership of the natural resources that the region contains. For the nations involved, the amount of natural resources has caught their attention even more and this is mainly due to the vast amounts of crude oil barrels and natural gas under the South China Sea, only has very positive impacts on countries. This is mainly due to the booming energy industry in the world and claiming ownership of the natural resources can only send a positive booming trend which then brings nations very positive benefits that can greatly create a huge impact.


Adding on to this, as the territorial disputes within the South China Sea causes uprising tensions every year, there are international laws set in place such as the third law of UNCLOS which states that each nation in international water, is allowed to claim 12 Nautical Miles of territory for their nation itself. It also states that countries can claim an EEZ for their independent nation that can far stretch all the way up to 200 Nautical Miles. And after the stretch mark it is then considered an international body of water. Nations involved in the South China Sea disputes have been following the law, however the PRC has disobeyed this international law by claiming more than 200 nautical miles of water, and formed as to what they call a Nine-Dash Line, which encircles a major part of the South China Sea.

**Nine-Dash Line**

The Nine-Dash Line which has a major role in the disputes is a demarcation line which has been set in place by the PRC in December of 1947. Originally, when this was implemented by the PRC it was first an 11 dotted line. However when the PRC was born in 1947 it was then adapted and made into a Nine-Dash Line, and claims a large quantity of the South China Sea and shows that the PRC claims almost all of the territory. Beijing (the capital of the PRC) has formed a circle estimated to be 90 percent
around the coastal water of the South China Sea marking this as the demarcation line. The Nine-Dash Line is 2000 kilometers (km) from mainland China stretching all the way to the Philippines, Malaysia and Vietnam. The Nine-Dash Line is most likely one of the biggest issues that all nations involved in the disputes face. This is mainly due to the PRC claiming almost all of the territory in the South China Sea as their own which has resulted in disagreements and the need for militarisation. The demarcation line itself also violates the third law of UNCLOS that outside of nation's economic zones is considered as international water, and currently the PRC has been violating that rule to an even greater extent. This has resulted in China supposedly claiming notable territory such as the Spratly and Paracel islands as well as the Scarborough Shoal. In the year of 2009, the PRC had proposed a map to the United Nations (UN) that had consisted of territories and the demarcation line in the South China Sea. Adding on to this, once the Chinese capital started handing out new passports in 2012, there was a map contained inside the passport that contained the nine dash demarcation line.

Spratly and Paracel islands

The Spratly and Paracel group of islands truly are the most important figures within the territorial dispute, and are the pieces of land which all the countries are attempting to claim ownership and sovereignty over. However, most of the Spratly and Paracel islands are either uninhabited or are not to the level of sea level making them a seamount under the water. Due to a majority of the islands being uninhabited, this has sparked an interest in countries such as Vietnam and the PRC to start militarising the Spratly and Paracel islands, by building military bases, air strips, ammunition as well as starting development projects, to obtain complete ownership of the island. The PRC itself truly has the greatest presence within the South China Sea as a whole, and has taken the greatest action and initiative into redeveloping the uninhabited islands. Due to the vast majority of islands, the most notable one is Fiery Cross Island which is a part of the Spratly group of islands. Fiery Cross is one of the most notable islands, mainly due to the fact that this is one of the many prominent islands that the PRC has redeveloped themselves. On Fiery Cross Island, the PRC has installed and built a military base, an air strip, missile defence system and close proximity warning technology.

Major Countries and Organizations Involved

People’s Republic of China (PRC)

The PRC itself has the biggest involvement in the entire South China Sea dispute, and have the largest number of military personnel deployed, and have built multiple artificial islands. The PRC has been blamed multiple times on a variety of different scales which range from the Nine-Dash Line, and the ownership of all territory in the region, towards violating the international laws of both UNCLOS and
EEZs. The PRC itself is a nation with one of the largest economies in the world and a Gross Domestic Product (GDP) at 11.2 trillion United States Dollar (USD), which is also the result of the government to take this much action and initiative within the South China Sea. The PRC has conducted, a variety of illegal activities and ownership have been committed by the nation. This includes having destroyed the income of the Philippines, when the PRC destroyed 35 tonnes of Philippine Bananas in 2016.

Republic of the Philippines

Ever since the Philippines claimed ownership and sovereignty of the Spratly islands in the year of 1978, there has been a constant battle and arguments mainly between the PRC and the Philippines. This ranges from the PRC’s Nine-Dash Line, and how it greatly violates the international laws of both UNCLOS and EEZs. Due to the vast expansion of the PRC in the South China Sea and the already militarisation of the region, has raised great concerns for the Philippines mainly due to the fact that the country has demanded a suspension in any and all construction and militarisation that the PRC has been conducting in the South China sea. The Philippines has also made claims that the PRC has violated the nations sovereignty through militarisation of the Spratly islands and by the Nine-Dash Line. Due to the vast amount of arguments and disagreements between both parties, there have been a few occasions as to where the Philippines took legal action and brought China to the International Court in The Hague. Also, due to the heavy involvement of the Philippines, the nation has officially made it clear on local maps and renamed the South China Sea to the “West Philippine Sea”.

Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN) is composed of ten member nations which consist of Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. ASEAN has been heavily involved with the territorial disputes and conflicts within the South China Sea, and has attempted a numerous amount of talks and negotiations between all of the nations involved in the dispute in order to come towards one agreement, however nothing has proven to work out in the past. Due to this, it has therefore resulted in the PRC stepping up by claiming ownership of even more islands, and conducting military exercises and construction.

Timeline of Events

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<th>Date</th>
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<td>1937</td>
<td>Japan invades the islands in the region of the South China Sea, and first got to the Spratly islands. This then marks the official commencement of the fight</td>
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between Republic of China’s National Revolution Army and the Japanese Imperial Army, as Japan had invaded and occupied both the Spratly and Paracels.

Before the PRC is born, the Republic of China officially makes a map that includes the 11 dotted line, that covers a large quantity of the area which includes the Paracel and Spratly islands.

A UN report is published that concludes and finds that “substantial energy deposits” are located underneath the South China Sea. It finds that there are billions of dollars worth of oil barrels, and natural gas.

The PRC finally claims ownership of the Western sector of the Paracel islands.

In response to this Vietnam then, begins to take control and claim ownership of the Spratly islands, and builds military technology and an airstrip.

The Republic of the Philippines makes a discovery of the amount of oil that is beneath the South China Sea. This then pushes the local government to sign and legalise an act which concludes that exploration and legal action of oil in the region is granted.

The UNCLOS is established, and defines the international laws within international bodies of water.

The PRC sinks three main ships which belong to Vietnam and had military forces on it. It costed the lives of an estimated 74 Vietnamese sailors and then resulted and had an effect on Beijing claiming more of the South China Sea and maintaining a heavy military presence on Fiery Cross Island.

The PRC itself eventually passes a law which is known as the law on territorial sea and contiguous zone, and it states that the PRC has control and ownership of the entire South China Sea. This claim of ownership is apparent to have linked back all the way to the Xia Dynasty.

The mischief reef incident that took place, consisted of vessels that belonged to the PRC to engage in a gunfight with the Philippines, on mischief reef, part of the Spratly islands that was claimed ownership by the Philippines. This incident that caused an uprising and a crisis in Sino Philippine relations.

The ASEAN Code of Conduct was implemented, in order to attempt to ease off the tensions between different parties and countries that were involved in the
South China Sea, and the PRC had the main role due to the fact that, during the time they were the one’s creating the most destruction.

ASEAN member nations Malaysia and Vietnam collaborate with each other and submit a joint idea and resolution to the UN that requests for them to extend their country shelves beyond the limit of 200 nautical miles in the South China Sea.

The United States finally becomes involved with the entire conflict in the South China Sea as a whole, and the nation’s hopes are to make the conflict more known internationally in order to create a joint resolution.

Due to the vast influence of China and the disruptions between the Philippines and the PRC. The Republic of the Philippines renames the South China Sea as the “West Philippine Sea”.

The United States takes the initiative and finally starts building artificial islands within the South China Sea within the disputed areas, and this is known as the “Freedom of Navigation”.

The PRC begun firing missiles towards the island known as “Woody Island” which is part of the Paracels, and the United States and other nations see this as a threat of militarisation.

The International Court of Justice (ICJ) in The Hague has ruled in favour of the Philippines, and claims that China’s “Nine-Dash Line” has no legal basis in Chinese history.

**Relevant UN Treaties and Events**

- Declaration on the Conduct of Parties, 4 November 2002
- Oceans and Law of the Sea, 29 December 2014 *(A/RES/69/245)*

**Previous Attempts to solve the Issue**


The UNCLOS was one of the first solutions that was set in place whilst the territorial disputes of the South China Sea was ongoing. The UNCLOS is an international agreement that explains the rights and purpose of nations within international water, as well as the rules and regulations. The treaty itself is
proposed by a variety of prospects towards the control of international waters, and this was specifically
done by the creation and set up of EEZs, continental shelves, contiguous zones as well as territorial
waters of certain nations. Even though this seemed like a major hope towards a solution towards the
entire dispute, it instead created more confusion and distrust due to the fact that a variety of ideas and
laws were repeated or overlapped resulting into nations not being able to come to an agreement.
However, even though the law imposed by UNCLOS of EEZs, regarding countries being allowed to
stretch 200 nautical miles of the coast, is being followed by specific nations. Some nations such as the
PRC have greatly disobeyed and violated this rule due to the so called Nine-Dash Line and have been
claiming ownership of the entire South China Sea. The UNCLOS does seem to have effect towards the
entire dispute, however it has proven to be a challenge. This is mainly due to the fact that even though it
is an international agreement between nations. Due to the specific actions of the PRC, other nations
involved in the South China Sea dispute have been feeling the need to extent control outside of the 200
nautical mile zone into international water, which has resulted in more complications and disruptions.

Association of Southeast Asian Nations (ASEAN)

ASEAN is an organization located in SouthEast Asia that is composed of ten members, and deals
with issues amongst nations within the region. The goal of ASEAN within the South China Sea disputes
is to retain peace and stability with all the nations and to achieve one universal agreement in order to
ease of tensions off from the disputes. Even though the ASEAN organization has faced certain issues
regarding a communique regarding the South China Sea and the involvement of the PRC. During the
specific meeting in Cambodia in 2012, all ten ASEAN members gathered together, however coming to a
joint agreement as a whole proved to be a difficult task for everyone involved. This was mainly due to the
fact that many of the important factors regarding the disputes during the meetings were dismissed or
simply not even brought up, such as the violation of the EEZ policy. Due to this, there was no possible
way for all participating nations to come to a final agreement, and to this day it has still resulted in
uprising tensions and distrust between nations. There have been tensions, such as nations (like the
PRC) claiming sovereignty and enforcing the Nine-Dash Line which has resulted in distrust. This is
because due to the actions of the PRC, it has led towards other nations taking extra precaution and
measures in order to secure the ownership of the specific islands that the specific nations owns.

Possible Solutions

Another China Code of Conduct
As a whole, there are a variety of possible solutions that can be implemented for the territorial disputes in the region of the South China Sea. One of the many solutions that can be implemented is for the ASEAN organization to implement another ASEAN China Code of Conduct. This is because it can then be used properly and include all the necessary elements and conflicts that nations within the South China Sea are facing against the PRC. Also, another more developed China Code of Conduct, most likely will be able to ease off tensions between China and other nations. This specifically can be achieved through diplomatic talks mainly between ASEAN, the PRC and the other nations involved in the dispute. This can then result in, easier communication as well as all nations involved can towards one agreement as a whole and decide how to deal and how to divide up a fair share of the South China Sea equally. Also, a more developed and enhanced China Code of Conduct with more firm and stricter implications, could result towards the PRC stepping down from claiming all islands to a limited number which can then result in an ease off in tensions within the disputes, as well as less militarisation by the PRC of the South China Sea can occur which can then also result in easier communication, and better developed towards all nations.

International Treaty

Adding on to this, countries have been arguing and deciding whether implementing a form of an international treaty modeled after UNCLOS is possible to solving the territorial dispute crisis in the South China Sea. This potential solution itself has been proposed by several nations involved, and hope for a new international treaty modeled after the UNCLOS with more firm international laws directed only towards the South China Sea. This is because even though UNCLOS itself is an international treaty which has been signed by many countries, a specific international treaty directed only towards the South China Sea, would be the most beneficial way into supporting the whole conflict and coming to a resolution as a whole in the end. Having an international treaty which is more enhanced and directed towards the South China Sea, can truly have greater benefits and this is due to the fact that a treaty more focused towards the South China Sea can include the involvement of the international community which can also, aid the struggling nations by providing support and attempting to urge the PRC to step down from claiming a major part of the South China Sea, and in fact only a limited number of islands.

Bibliography


**Appendix**

I. Court Case Between the People’s Republic of China and the Republic of the Philippines In the Matter of the South China Sea Arbitration.