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Territorial Disputes in the South China Sea: Legal Implications and Global Consequences

SIDDHI UDAY AMRE¹

ABSTRACT

The South China Sea has become a focal point of geopolitical tension, characterized by overlapping territorial claims, competing national interests, and strategic concerns. This abstract provides a succinct overview of the complex nature of the territorial disputes in the South China Sea, highlighting key historical, legal, and geopolitical dimensions. Old maps, customary fishing grounds, and historical claims are the origins of the territorial disputes in the South China Sea. Many countries claim sovereignty over islands, reefs, and waterways, including Brunei, Malaysia, China, Vietnam, the Philippines, and Taiwan. This has resulted in complex and overlapping territorial claims. The United Nations Convention on the Law of the Sea (UNCLOS) is the main international legal framework controlling maritime rights and obligations. However, the continued disputes in the South China Sea are exacerbated by divergent interpretations of UNCLOS clauses and the lack of a comprehensive regional accord.

The South China Sea's strategic significance for commerce routes, access to essential resources, and military positions raise the geopolitical stakes. Significant world powers are involved in the conflict, affecting the region's dynamics and the balance of power, including the United States. The situation is further complicated by China's forceful actions in the disputed waters and its growing presence. . The situation is further complicated by China's forceful actions in the disputed waters and its growing presence. Several sovereign entities in the region, including Brunei, the People's Republic of China, Malaysia, the Philippines, and Vietnam, have island and marine claims in the South China Sea. According to the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea, the parties agree to refrain from actions that could intensify or aggravate the region's issues. China, Malaysia, the Philippines, and Vietnam have all carried out reclamation projects and built installations and structures on occupied features in the Spratly Islands, despite the fact that these actions would appear to violate this clause.

Keywords: *South China Sea, geopolitical tension, national intresets, UNCLOS, geopolitical tension and commerce routes.*

¹ Author is a student at Christ Academy Institute of Law, India.

I. INTRODUCTION

A source of territorial conflicts involving several countries is the South China Sea, a strategically important body of water in Southeast Asia. Rival territorial claims, maritime borders, and access to vital resources are the main causes of the disputes. In the South China Sea conflicts, China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan are the main claimants. China's expansive claims of sovereignty over the sea have enraged rival claimants Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam. The sea is thought to contain 11 billion barrels of undiscovered oil and 190 trillion cubic feet of natural gas. Countries started claiming islands and different areas in the South China Sea, like the fishing grounds and abundant natural resources of the Spratly Islands, as early as the 1970s.

Control over several islands, reefs, and shoals in the South China Sea, which is vital for international trade and rich in fisheries, oil, and natural gas reserves, is at the heart of the disputes. Particularly China has made historical claims to the majority of the sea, which is marked by the ill-defined "Nine-Dash Line," which crosses through 90% of the South China Sea. According to China's position [PDF], foreign armies are prohibited by international law from conducting intelligence-gathering operations, including reconnaissance flights, within its exclusive economic zone (EEZ). The United States asserts that claimant nations are exempt from notification requirements for military operations and are entitled to freedom of navigation across their Exclusive Economic Zones (EEZs) in the sea under the UN Convention on the Law of the Sea (UNCLOS). The Permanent Court of Arbitration in The Hague ruled in favor of the Philippines on nearly all counts in July 2016 over a UNCLOS lawsuit that the Philippines had filed against China. Despite having signed the treaty creating the tribunal, China does not recognize the court's jurisdiction. China has stepped up its efforts to physically enlarge islands or create new ones in the South China Sea to recover territory, as evidenced by satellite footage obtained in recent years. China has built airstrips, ports, and military outposts in addition to sandbagging existing reefs. This is especially true in the Paracel and Spratly Islands, where it has twenty and seven outposts, respectively. With the deployment of fighter jets, cruise missiles, and a radar system, China has militarised Woody Island.



II. BACKGROUND

China's expansive claims of sovereignty over the sea have enraged rival claimants Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam. The sea is thought to contain 11 billion barrels of undiscovered oil and 190 trillion cubic feet of natural gas. Countries started claiming islands and different areas in the South China Sea, like the fishing grounds and abundant natural resources of the Spratly Islands, as early as the 1970s. China maintains that its exclusive economic zone (EEZ) is off limits to foreign armies conducting intelligence-gathering operations, such as reconnaissance flights, in accordance with international law. The United States asserts that claimant nations are exempt from notification requirements for military operations and are entitled to freedom of navigation across their Exclusive Economic Zones (EEZs) in the sea under the UN Convention on the Law of the Sea (UNCLOS). The Permanent

Court of Arbitration in The Hague ruled in favor of the Philippines on nearly all counts in July 2016 over a UNCLOS lawsuit that the Philippines had filed against China. Despite having signed the treaty creating the tribunal, China does not recognize the court's jurisdiction. China has stepped up its efforts to physically enlarge islands or create new ones in the South China Sea in order to recover territory, as evidenced by satellite footage obtained in recent years. China has built airstrips, ports, and military outposts in addition to sandbagging existing reefs. This is especially true in the Paracel and Spratly Islands, where it has twenty and seven outposts, respectively. With the deployment of fighter jets, cruise missiles, and a radar system, China has militarised Woody Island.

(A) Literature Review

a. Study 1²

- This article talks about the origin of the disputes in the South China Sea. Southeast Asia's geostrategic center is the South China Sea. The U.S. Navy, located in the Philippines, and the Russian Navy, with bases in Vietnam, maintained a stabilizing balance of power in the region until a few years ago. China now commands the majority of the naval force in the area as both the US and Russia have left. There is apprehension among several states in the region that Beijing wants to turn the South China Sea into a "Chinese lake."³

- Despite the long history of the South China Sea territorial disputes, their reappearance in the mid-1970s was a sign of the shifting power dynamics brought about by the end of the Vietnam War. After their border battle in 1979, Sino-Vietnamese ⁴negotiations made this evident. Conflicts stemming from matters other than the territorial dispute were frequently mentioned by both parties.

- Hanoi had not contested Beijing's claim to sovereignty over the several island groupings in the South China Sea during the Vietnam War. But after South Vietnam fell apart in 1975, Hanoi started asserting its sovereignty over the South China Sea islands and seized islands that the Saigon government had controlled in the Spratly group. Vietnam established an exclusive 200-mile economic zone on May 12, 1977, and proclaimed the Paracel and Spratly Islands ⁵to

² Hyer, E. (1995). The South China Sea disputes: implications of China's earlier territorial settlements. *Pacific Affairs*, 34-54.

³ Lee Lai To, "Security Issues of the South China Sea in the Post-Cambodian Era," presented at the third workshop on Managing Potential Conflict in the South China Sea, Yogyakarta, Indonesia, June 28-July 2012 ⁶Pao-min Chang,

⁴ Pao-min Chang, "The Sino-Vietnamese Territorial Dispute," *Asia Pacific Community*, no. 8 (Spring 1980), p. 144

⁵ See FBIS, Daily Report: PRC (March 21, 1978), pp. E22-23 (July 26, 1978), p. A9 (December 26, 1978), pp. A14-15.

be part of its territorial waters.

- Any attempt to settle the South China Sea conflicts in the 1970s and 1980s was hampered by the Indochina War. The conflicts are perhaps the most important testing ground for regional cooperation now that the Cold War and the Cambodian settlement have ended. China and the ASEAN countries saw Cambodia as a shared interest, but there is a worry that the territorial conflicts could strain ties now that there is no shared security concern. Because Southeast Asia lacked a security regime in the post-Cold war era, states in the region continued to arm themselves out of fear of the increased potential for instability, which raises the possibility of armed conflict over the issues at hand. This makes a negotiated settlement of the disputes even more crucial.

b. Study 2⁶

- This article talks about the effects of the South China Sea dispute and the global consequences of it. The current disputes in the South China Sea have been the center of attraction and the claim of the various countries on it also stands somewhat justified owing to the natural resources that are embedded in the Sea.

- The claim of the various countries stands firmly on the laws that are laid by the UNCLOS which says that the special economic zones could not be more than 200 nautical miles or it cannot be extended to not more than 200 nautical miles. Chinese and Vietnam claim around the Paracel and Spratly Islands and overlap with the specific claims raised by the Philippines and Brunei. These countries have specific claims to the areas contiguous of their territory which also overlap.

- The stand of Brunei in this dispute stands as the silent one and they are considered silent nations as Brunei is considered well rich in oil resources so the country does not need to have a specific claim against all the countries that are parties to the dispute. But in 2015 the oil prices in Brunei were seen a major downfall which made the country think and turn to their outside investors. China sees this as an opportunity to take one more vote on their side and both these countries are now planning to extract some oil resources in the South China Sea.

c. Study 3⁷

- The article talks about the disputes in the South China Sea and the perspective of

⁶ Macaraig, C. E., & Fenton, A. J. (2021). Analyzing the Causes and Effects of the South China Sea Dispute: Natural Resources and Freedom of Navigation. *The Journal of Territorial and Maritime Studies*, 8(2), 42–58.

⁷ Dipua, A., Hermawa, R., Puspitawati, D., Harahap, N., Nurdiansyah, D. R., & Prakoso, L. Y. (2020). An analysis of the South China Sea conflict: Indonesia's perspectives, contexts and recommendations. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17(4), 976-990.

Indonesia about it. One of the most contentious and important debates concerning maritime claims in the area is the South China Sea conflict. The Philippine government supported Vietnam last year when a Chinese vessel fired down a Vietnamese fishing vessel near Reed Bank. Several other countries have expressed grave worry over it as well as demands that China "stop exploiting the distraction or vulnerability of other states to expand its unlawful claims in the South China Sea."⁸

- The arbitral tribunal in 2016 invalidated the Nine-Dash Line since it was solely based on traditional fishing grounds, and it withheld the date on which UNCLOS came into effect following ratification. The region's valuable natural resources and transit location are further reasons it is highly contested.

- China's historical claims have caused problems in the South China Sea, similar to a fire in the husk. Eventually, other nations with strategic interests in the South China Sea region as well as non-claimant governments were impacted by this issue. For instance, indirectly, Indonesia is likewise concerned about finding a solution to these issues with China. China released a chart that Indonesia saw, showing the nine-dash line⁹ intersecting with Indonesian territory. This causes tension between the two countries. Internationally, the UNCLOS 1982, which stipulates that nations construct territorial sea (12 miles), continental shelf (200 miles), and EEZ (200 miles) from the outermost line, rejects the nine-dash line that designates SCS as a fishing ground.

- Indonesia has maintained its opposition to Chinese claims, which has become stronger over time. China has a maritime claim with ZEEI but no territory claim with Indonesia. The crux of the matter is the existence of what are known as overlapping boundary area lines that are allegedly engaged in the islands in the SCS. Our inability to differentiate between sovereignty, sovereign rights, and high-seas freedom is one of our problems. Many claim that the EEZ is our domain, which we must control, preserve, and inhabit.

- Regarding China's claims in the South China Sea, Indonesia has four points of view: (1) There have been violations in the Indonesian EEZ region by Chinese ships; (2) Indonesia's EEZ territory has been established by international law, specifically through UNCLOS 1982;

⁸ Tonnesson, S. (2001) *An International History of the Dispute in the South China Sea*. EAI Working Paper No. 71. Singapore East Asian Institute, National University of Singapore.

⁹ Yujuico, E. (2015) *The real story behind the South China Sea dispute. Situation Analysis*. London: London School of Economics and Political Science.

(3) China is a party to UNCLOS 1982, so it has a responsibility to observe its implementation; and Indonesia will never recognize the 9-dash line, which is a unilateral claim.

UNCLOS

The first proposal for a "constitution of the seas" was made on November 1, 1967, by Arvid Pardo, who was the UN Ambassador at the time. During his address to the General Assembly, he touched on several topics, including the potential richness of the seabed, the conflicting legal claims and their collateral implications on peace and order, pollution of the seas, and the rising rivalry between states that was spreading to the oceans. UNCLOS was established following three UN conferences on the Law of the Sea. On November 14, 1994, exactly 21 years after the inaugural meeting and one year after being ratified by the sixty-first state, UNCLOS III entered into force (GRID-Arendal 2014). As of right now, 168 states have signed the agreement (United Nations 2020). Strengthening peace, security, collaboration, and amicable ties among all countries by the values of justice and equal rights is one of UNCLOS III's primary goals (United Nations 1982). One of the most noteworthy aspects of UNCLOS is its distinct dispute settlement mechanism.

In her evaluation of the 20 years of UNCLOS dispute settlement, Professor Natalie Klein¹⁰, dean of Macquarie Law School, stated in 2014 that one should constantly aim for the stars and that if one only reaches the rooftops, then at least one has gotten off the ground. This kind of aspiration was present in the idealized UNCLOS dispute settlement process, which was intended to be mandatory and essential to the resolution of all maritime conflicts. The end product was a politically feasible system that included a range of conflict resolution procedures, as well as exclusions and restrictions, but was yet required and essential in certain situations. UNCLOS Part XV, Section 3 outlined the restrictions and exclusions for mandatory dispute resolution. For example, the parties had to attempt to settle their issue through the procedures outlined in Part XV, Section 1 before turning to mandatory dispute settlement under that section. Articles 279–285 of the aforementioned Section 1 specify that amicable resolution of disputes is required. It refers to obligations under general, regional, or bilateral agreements¹¹; and provides for the application of this section to disputes submitted under Part XI.

Article 283 of UNCLOS further mandates that states consult with one another to resolve disagreements about how to interpret or apply the convention through negotiation or other

¹⁰ ASEAN [Association of Southeast Asian Nations] and PRC [People's Republic of China]. 2002. "2002 Declaration on the Conduct of Parties in the South China Sea." Accessed February 12, 2021.

¹¹ Bader, Jeffrey A. 2014. "The U.S. and China's Nine-Dash Line: Ending the Ambiguity." Accessed February 9, 2021. 21.

peaceful methods. Additionally, the parties will keep exchanging opinions even in cases when a peaceful resolution to the conflict is needed and consultation on how to carry out the settlement is necessary.

III. SOUTH CHINA SEA ARBITRATION¹²

As previously stated, a member state of UNCLOS may decide to resolve a dispute through the ITLOS, the ICJ, ad hoc arbitration, or a "special arbitral tribunal." The Philippines decided to take its claim against China on the SCS before the Tribunal after attempts at diplomacy failed to resolve the issue. By the UNCLOS's requirements for mandatory dispute resolution, the arbitration began on January 22, 2013. It is crucial to emphasize that UNCLOS does not deal with a state's sovereignty over its territory, as the Tribunal itself has also stated in the case's final ruling. The arbitration addresses disagreements between the parties over the legitimacy of specific geographic features in the SCS, the legal foundation for maritime rights and entitlements there, and the permissibility of certain activities China has taken there. In its final ruling, the Tribunal divided the Philippines' requests ¹³into four groups that needed to be addressed:

- disagreement over the origin of maritime rights and entitlement in the SCS;
- disagreement over Scarborough Shoal's entitlement to maritime zones that would be created under the UNCLOS and specific maritime features in the Spratly Islands that are claimed by both China and the Philippines;
- several disagreements over the legality of China's actions in the SCS
- the conclusion that China has intensified and prolonged the disputes between the parties throughout this arbitration by imposing access restrictions on a Philippine Marine Detachment and by building massive artificial islands and reclaiming land at seven Spratly Island reefs.

China stated unequivocally from the start that it would neither take part in the arbitration or abide by the ruling. China informed the Philippines and the Tribunal of this stance via numerous diplomatic Notes Verbales as well as public declarations. Moreover, China declared in 2006 that it would not accept maritime boundary delimitations as part of a mandatory dispute settlement process. One of the concerns China raised in its Position Paper on the Subject of Jurisdiction in the South China Sea, which it submitted to the Tribunal on July 12, 2014, was

¹² <https://www.mindef.gov.bn/Defence%20White%20Paper/DWP%202011.pdf>

¹³ <https://www.lowyinstitute.org/the-interpreter/assessing-dutertes-china-investment-drive>

this one. In it, China provided a thorough legal analysis of each of its concerns and stated its intention to disregard the Tribunal's ruling. The Tribunal determined that it had jurisdiction over the dispute after concluding that it could not accept China's arguments in its Award on Jurisdiction and Admissibility. Furthermore, the Tribunal considered all of the information throughout adjudication, despite China's insistence that its communication should not be construed as participation.

In the ruling that was made public on July 12, 2016, the Tribunal found decisively in favor of the Philippines. It was determined that China lacked a legitimate foundation to assert historical rights to resources located in the maritime regions that lie inside the nine-dash line, about China's claims of historical rights and its nine-dash line. The UNCLOS states that "[r]ocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf." Based on the Spratly Islands' lack of habitation and the historical impossibility of habitation, the Tribunal also found that the islands could not create their own EEZ. Because "those areas are not overlapped by any possible entitlement of China," the Tribunal concluded that the areas are within the Philippines' Exclusive Economic Zone (EEZ).

RESEARCH QUESTION 2

Perspectives and Justifications

1. Vietnam

Vietnam's present claims are based on maps from the 17th century. In the 1920s, troops from the French colony of Vietnam took control of a few Paracel islands. Vietnam conquered the western Paracels and annexed certain Spratly land features following the Vietnam War. Vietnam proclaimed its sovereignty (absolute legal power) over the Paracels and Spratly Islands in 2009.

Along with the Gulf of Thailand, Hanoi also claims the Spratly and Paracel Islands. Vietnam, in contrast to China, has not included its extensive claims to the South China Sea in official documents or maps. Regarding the Spratly Islands, Vietnam annexed multiple islands and declared them an offshore district of Khanh Hoa Province in the 1970s. In a military conflict known as the Battle of the Paracel Islands, China took control of the archipelago in the same decade. Vietnam hired archaeologists to produce proof of its long history of presence in the SCS to bolster its claims. Since the 17th century, the state was said to have aggressively governed both the Paracels and the Spratly Islands and the other countries are rejecting their claim. 2009 saw the joint submission of Vietnam and Malaysia's South China Sea territorial

claims to the UN Commission on the Limits of the Continental Shelf. The countries were required to provide clarification regarding the legal status of the features and boundaries of their claims in the region since the submission was deemed legitimate (EIA 2013; Nguyen 2020). Additionally, Vietnam passed a marine law in 2012 claiming sovereignty over the Vietnam proclaimed its sovereignty (absolute legal power) over the Paracels and Spratly Islands in 2009. Parcel and Spratly Islands and mandating that any foreign navy vessels operating through the area register with Vietnamese authorities.

2. Malaysia

When the Malaysian Department of Mapping and Survey published an official map in 1979 that included the Spratly Islands on the nation's continental shelf, Kuala Lumpur became involved in the SCS issues. Several governments' continental shelves and EEZs were overlapped by this chart, which infuriated China, Indonesia, Vietnam, and the Philippines, among other neighbours. Though some legal experts (EIA 2013; Roach 2014) deemed Malaysia's claim to be weak, it was not less valid than China's or Vietnam's claims to the entire Spratly archipelago. In 2009, Malaysia and Vietnam jointly submitted information to the CLCS on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in respect of the southern part of the South China Sea, by Article 76, paragraph 8 of UNCLOS. The CLCS has not yet offered any advice on issues about determining the boundaries of their continental shelf. However, these two nations' acts can be seen as legal moves within international law to support their claims.

Ten years later, in 2019, Malaysia filed a partial proposal to the CLCS for the remaining states' continental shelf in the northern SCS region that extends beyond 200 nautical miles (Malaysia 2017). In the past, Malaysia's stance on the issue was frequently described as muted; instead of openly opposing Beijing, it chose to engage in quiet diplomacy and show that it was prepared to deepen its bilateral ties with China. Kuala Lumpur's strategy appeared to shift after its most recent submission, shifting away from alignment with China's position and towards conformity with UNCLOS. Furthermore, Malaysia has strengthened its connections with the United States and supported a united front among the Association of Southeast Asian Nations to maintain its rights through diplomatic, political, and economic means.

3. Brunei

Following its independence in 1984, Brunei published maps showing a 200-nautical-mile exclusive economic zone (EEZ) that crossed the Chinese nine-dash line and a continental shelf that extended to a fictitious median with Vietnam. In doing so, the Bruneian government

annexed a portion of the Spratly Islands archipelago that was nearer its Exclusive Economic Zone (EEZ) in Borneo's north. Regarding the SCS disputes, Brunei has frequently taken a cooperative, impartial posture, supporting a group effort to provide marine security and settle disputes. But occasionally, because of China's penchant for bilateral accords and its need for oil reserves to maintain its economy and monarchical rule, the sultanate has supported China's wishes.

4. China

The historical maritime voyages that date back to the fifteenth century provide the foundation for the People's Republic of China's claim to the Spratly and Paracel Islands (EIA 2013). The Kuomintang, which ruled China at the time, drew a line around the aforementioned islands in 1947 and named it the "nine-dash line map". China thus proclaimed its sovereignty over all the islands that fall inside this line (Nguyen 2015). The new government continued to use this map in official correspondence and asserted rights to the waterways inside it when the Communist Party came to power in 1949 and created the PRC. China continues to assert its sovereignty over the SCS in light of these and other historical facts.



In an attempt to bolster its claim and legitimize it beyond 200 nautical miles, China presented the nine-dash line map to the Commission on the Limits of the Continental Shelf (CLCS) in 2009, following the joint submission of Vietnam and Malaysia to the CLCS. As a direct response to China's claims, Brunei, Malaysia, Vietnam, and the Philippines all declared their sovereignty over islands and other SCS zones. The nine-dash line map, however, does not comply with UNCLOS regulations. Specifically, the Convention provides standards that apply

to the South Pacific, including baselines, the width of territorial seas, the regime of islands, low-tide elevations, the exclusive economic zone, the continental shelf, the delimitation of maritime boundaries, and dispute settlement.

However, to create an EEZ that stretches 200 nautical miles, China has been island-building, growing the size of islands, and converting islets and other features into fully fledged islands to reclaim land in the South China Sea. Because of this, the PRC¹⁴ is asserting its control over and around the islands that are unsuitable for human habitation and is developing new ones to increase the area that falls under its purview. Article 121, paragraph 3 of UNCLOS says that "rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf." These acts violate this clause. Beijing's ties with its neighbors, who also have claims in the area, have been hampered by Beijing's actions and stance, which is not surprising. The disagreements have consequently greatly intensified, resulting in instances when ships have been sunk and military drills to establish sovereignty.

5. The Philippines

Legal and historical claims over the Scarborough Shoal and the Kalayaan Island Group (KIG), which consists of fifty Spratly Island features, are made by Manila. These assertions conflict with China's ownership claims. The Philippine government started conducting studies in the SCS in 1956. To justify its actions, it asserted that the shoal and the islands were terra nullius, or no man's land. Later, it expanded this claim by taking control of many Spratly Islands and renaming them the Kalayaan Island Group. Furthermore, the Philippines designated the previously stated islands and shoals to be part of a unique regime of islands that belong to Manila while being apart from the rest of the Philippine archipelago.

Given that an EEZ may be declared up to 200 nautical miles from the baseline under UNCLOS, Philippine sovereignty seems to be stronger. Both groupings of islands are within the Philippine EEZ and are officially recognized as such under UNCLOS. They are located 400 nautical miles closer to the Philippines than they are to China. Tensions in the SCS have increased as a result of China, Malaysia, and Vietnam objecting to the Philippines' claims, even though they are compliant with UNCLOS.

6. Taiwan

Taiwan's claims to territory in the South China Sea are concentrated on the Pratas Islands, often referred to as the Dongsha Islands, and the adjacent Spratly Islands islets and reefs. Many other

¹⁴ People's Republic of China

nations in the region, notably China, Vietnam, the Philippines, Malaysia, and Brunei, contest Taiwan's claims on the Spratly Islands. Taiwan's historical claim to the Pratas Islands dates back to the 17th century when Dutch explorers first recorded their existence. Taiwan maintains that these islands are under its exclusive economic zone (EEZ) and continental shelf according to international law since it has been continually occupying and managing them since that time.

Taiwan claims ownership over a number of smaller islets and reefs in the Spratly Islands in addition to the Pratas Islands. Among them is Taiping Island, the largest island in the Spratly Islands and the home of Taiwanese military; it is referred to as Itu Aba by the Philippines. Other claimants in the region contest Taiwan's claims to these features as well.

Tensions between China and other claimant governments over matters like resource extraction, maritime boundaries, and military operations have made the South China Sea conflict more bitter in recent years. Taiwan's status as a self-governing democracy with close relations to China and other claimant governments in the region complicates its position in this conflict.

IV. CONCLUSION

Relationships between countries have been shaped by the South China Sea disputes over several decades. States outside the conflict that have been attempting to defuse tensions and reach settlements on the numerous overlapping claims are also affected, in addition to the states that are directly embroiled in the disputes. The conflicts are at the core of the state's national interests due to the region's strategic location and wealth of natural resources. Bilateral and multilateral agreements have been used in an effort to reduce tensions and resolve the SCS problems over the years. The Philippines brought their issue with China before the Permanent Court of Arbitration, one of the UNCLOS dispute settlement mechanisms, as a result of China's inability to uphold these accords. The Tribunal determined that the disputed territory was part of the Philippines' Exclusive Economic Zone (EEZ), rendering China's claims historically and legally baseless. China's rejection of the Tribunal's authority and final ruling, however, brought attention to the difficulty international law faces in resolving the conflict. However, this chapter demonstrated that two benefits of the UNCLOS are mandatory adherence to the dispute settlement mechanism and the many fora.

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