

Forum: The 4th General Assembly

Issue: The Question of the Protection of Sovereignty in the South China Sea

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Introduction

The South China Sea disputes have been active since the early 1950s and have recently over the 21st century skyrocketed with tensions being at an all-time high. These disputes include island claims in the South China Sea as well as maritime claims. A number of Southeast Asian nations, and China mainly have been directly involved in these disputes along with some western interference in them as well. Some of the major countries involved are People's Republic of China, Brunei, Republic of China (Taiwan), Indonesia, Malaysia, Vietnam and the Philippines. Acquiring a strong hold of a majority area of the South China Sea will not only provide economic benefits but also brings together several strategic positions that can vastly help shape how a country's future looks.

From the economic aspect, US\$ 3.37 trillion worth of trade pass through the South China Sea region alone which is nearly 1/3 of the entire world's maritime trade. Thus, establishing control here would prove to be fruitful for the economy of a country. Secondly, all throughout the South China Sea there is an abundance of marine life which can be used to margin huge profits. Increasing a nation's Exclusive Economic Zone (EEZ) will undoubtedly help increase these profits as they have a larger area to work with which means a larger amount of marine life to garner profit from keeping in mind that seafood is an integral part of Southeast Asian and Chinese cuisine. Thirdly, large and vast natural gas as well as oil reserves have been discovered under the floor of the South China Sea. These substances are an increasingly rare commodity as time goes on and thus being able to obtain mass commodities of them would ensure that the country who has them will be financially stronger than their competitions in this specific sector. Major sites where these reserves are found is east of the Malay Peninsula, north of Borneo, as well as northeast of Palawan.

Looking at this issue from a strategic point of view, a third of the world's trade passes through this region and thus holds a great deal of power when it comes to trade. The South China Sea is home to a couple of the world's most important shipping routes. Therefore, controlling who and what passes through these routes can change the balance of power either in or out of a country's favor. Other than trade, these routes are of major military importance as multiple fleets, including the US', regularly transition between areas through these routes so thus having control over such area will be of grave importance as it could tip the military balance in favor of pro-western Southeast Asian nations or pro-Chinese Southeast Asian nations.

Definition of Key Terms

ASEAN (Association of Southeast Asian Nations)

It is a 10-member association of the Southeast Asian nations ranging from small states like Laos to larger states, both economically and politically, like Indonesia. There have been several agreements between China and ASEAN but the advancement on those have been minimal.

EEZ (Exclusive Economic Zone)

A nation is allowed to have a dedicated zone exactly 200 miles around their country's borders where they have the sole right to exploit resources. The problem arises when there are multiple countries in close proximity with a water body, in this case the South China Sea, making their EEZs overlap thus making it confusing and complicated which leads to political unrest regarding resource utilization.

FONOP (Freedom of Navigation Operations)

Freedom of Navigation Operations are methods of the UNCLOS as well as averting negative outcomes by reinforcing the freedom of navigation through using ships in order to sail through all of the areas permitted under the UNCLOS, practice, and especially those areas that other states have stopped access to but, however are defined under UNCLOS.

Island

An island is a naturally occurring land mass that is above during both low and high tide and is capable of supporting human habitation. A feature like this does indeed generate a

territorial sea as well as an EEZ.

Itu Aba

It is the largest feature of the Spratly Islands and is occupied by Taiwan. However, Taiwan is concerned regarding whether the tribunal will classify it as an island or not. The feature spans across 51 hectares.

Low-tide elevation

A feature that is exposed above sea level during low tide but is submerged during high tide. This feature does not generate a territorial sea.

Maritime

The word maritime is utilised to describe anything that is related to the sea, connected to the sea, and ships.

Nine-dash line

China's claim to the South China Sea is a 9 dashed line that was drawn on a map in the 1940s. It is a roughly 1,800km loop that points to south of the coast of China's Hainan Island and is shaped like a cow's tongue.

Paracel Islands/Archipelago

These chain of islands that are located in the South China Sea near Vietnam, Taiwan, China and the Philippines. These islands are surrounded by productive and rich fishing grounds along with potential oil/gas reserves. China has occupied all these islands since 1974.

Rock

According to the UN convention of the Law of the Seas, a rock is defined as a feature that cannot sustain human habitation. It does not invoke an EEZ. If there is land reclamation, the feature would still not qualify as an island as it has lost its naturality.

Skirmish

A skirmish is a small and short-lived battle that occurs between a few number of soldiers

and is not orchestrated or planned. Skirmishes usually pave the way for larger movements and battles.

Southeast Asian

The nations surrounding Myanmar, Cambodia, Laos, Malaysia, the Philippines, Singapore, Thailand, Vietnam, Brunei and Indonesia.

Spratly Islands/Archipelago

A chain of more than a hundred islands and reefs that are located in areas of high marine life abundance and as well as potential oil/gas deposits.

Territorial Sea

The 12 nautical mile territorial belt is measured from the baseline of a coastal nation. It refers to the low water mark of the coast.

UNCLOS (United Nations Convention for the Law of the Sea)

This United Nations Convention provides the overarching framework in order to govern and rule the oceans. It was enacted in 1994 and has 167 parties under it. Each state has a general obligation to address maritime pollution, protect and preserve the marine environment, as well as carry out contingency plans for environmental monitoring and impact assessment.

Key Issues

The Dispute Over the Spratly Islands

The Spratly Islands dispute is one of the most notable disputes prevalent in the South China Sea with 6 nations – China, Philippines, Malaysia, Vietnam, Taiwan, and Brunei – claiming either a majority or the entire island chain to themselves. These islands are a highly profitable venture considering that they hold prospects of large natural oil/gas reserves. Not only of economic importance, the Spratlys also hold a position that is a position of global strategic maritime areas. Having control of this area will undoubtedly lead to a shift in global power dynamics. Thus, this island dispute is of economic, political, legal and as well as geo-strategic importance. China, Taiwan and Vietnam have based their claims primarily around historic rights over this archipelago meanwhile the Philippines, Malaysia and Brunei base their claim primarily

upon the geographic proximity to the island chain under UNCLOS.

China's Claim to The Spratlys

China's claims are based off of historical occupation and sovereignty over the South China Sea. Beijing claims that these claims go back to the ancient Chinese histories and dynasties, with some even arguing that they go back as far as the Han Dynasty in the 2nd Century B.C. In the 1940s, China had published official names for the features and islands in the Spratlys and had incorporated them into their Guangdong province as well. However, ever since the formation of the Hainan province, China has included these islands in that province instead which was established around 1987. The 9-dashed line also made its appearance in maps that showed China's claim to the South China Sea. China's first attempt at asserting authority over these islands came around in March of 1988, when there was a naval incident with the Vietnamese navy. China inevitably took control of these islands and has been strengthening their authority on them. In February of 1992, China had increased their authority on these islands by passing an act that classifies this island chain as a part of Chinese territory.

Although through these acts China has achieved the concept of control over some of the islands since 1988, it is hard to justify their claim on the entirety of the archipelago seeing as it does not effectively occupy nor control a majority of the features or the islands themselves. Their entire claim is based around historical sovereignty. While they may be baseless due to the lack of relevant evidence, their strong physical presence in these regions makes them something one cannot look over or ignore.

Taiwan's Claim to The Spratlys

Similar to China, Taiwan's claims to these islands are based off of historical discovery and occupation. These islands have been almost inseparable from China. But ever since, Taiwan and China have been separated, there have been separate attempts at administrating and occupying this region. Taipei claims that it is the first government to occupy these islands, by means of physical presence, part of the Spratly Islands as well as the first to assert effective control in the area. Back in 1939, when Japan invaded the island of Hainan, it had placed the neighboring Spratly archipelago under the control of the Taiwanese jurisdiction. They remained there until 1948 when they had to be withdrawn due to the Chinese Civil War. However, they were redeployed back in 1956 and since then have remained on the island. Just like China, the Taiwanese have also fortified their presence on the islands by constructing boundary markers in various features of the archipelago. Also following in the footsteps of China, while it has effective

control to some islands, the authority does not extend to the rest of the archipelago.

Vietnam's Claim to The Spratlys

Vietnam's claim to the archipelago is also based on historical administration and occupation along with colonial inheritance. Their claim suggests that the Vietnamese emperors have administered and occupied the archipelago since the Nguyen dynasty in the 17th and 19th centuries. In 1975, the government published a white paper that affirmed its sovereignty over the Trung Sa and Hoang Sa archipelagos. Vietnam also claims that even though it had lost effective administration following a Chinese invasion, they had regained control to the archipelago during the independence from France when it inherited the territorial holdings in the area. This claim of the right to cession dates back to 1933. In 1973 and 75', Vietnam had moved to establish its claim by occupying 13 of the islands in the Spratlys. In 1989, it had occupied a further 3 more islands and since has taken more features, as well stationed troops on various features and published numerous maps that incorporated these islands under Vietnamese territory.

Their claims have a shaky base considering that in the ancient texts, maps and records they specifically refer to the Paracel islands (which are also a disputed territory) however only imply the Spratly archipelago. There also concerns regarding whether these documents are authentic and accurate. Furthermore, the claim of right to cession is neither supported by the French due to the fact that France lacked a legitimate claim to this archipelago. France had no control or lawful title to the Spratlys during the colonial era. Despite that, Vietnam has controlled multiple features and has kept occupation in the Spratlys since 1973.

The Philippine's Claim to The Spratlys

The Philippines' claims to the Spratlys are on the basis of discovery of specific islands and features in the archipelago, geographic proximity and subsequent annexation. In 1956, a private Filipino citizen claimed he had discovered a chain of islands which he declared a new island state called "Kalayaan". He continued to claim these islands until 1974 when an agreement was signed between him and his government in which ownership was transferred to the Philippine government. The Philippines considers the islands before the man discovered them to be terra nullius following the Japanese renunciation over territories in the South China Sea. Due to threats by other nations, the Philippines occupied 8 of the islands discovered. The Philippine official position acknowledges that it has no claim over the Spratly archipelago. However, it asserts that the Kalayaan chain is not part of the Spratlys and is instead part of a natural extension of the Philippine continental shelf.

Secondly, based off of the UNCLOS provisions, these islands fall under the legitimate 200 nautical mile EEZ of the Philippines. It has occupied the Kalayaan chain since 1971 and has since stationed troops, erected garrisons and as well as established an airstrip on one of the islands. These bases on the islands have also been fitted and fortified with heavy military equipment, radars and all sorts of military facilities.

Malaysia's Claim to The Spratlys

Similarly, to the Philippines, Malaysia's claim to the Spratlys also is based on geographic proximity. More specifically, regarding the continental shelf provisions in the UNCLOS. Malaysia's claim goes all the way back to 1979 when the government first published a map showing the nation's continental shelf and its EEZ extending to the southernmost part of the archipelago. It also asserts that prior to their claims the islands were terra nullius. Malaysia is the newest nation to lay claim to the archipelago and is also the newest to occupy the islands and features in it. Malaysia lays claim to more than 12 islands in the Spratly Islands. They assert that it has sovereign control over all the features and islands within its continental shelf by citing the 1958 Geneva Convention on territorial waters and continental shelf boundaries as well as UNCLOS provisions. Malaysia has sent troops to Shallow Reef and has also sent some to other features which they lay claim to. Malaysia's claims which are based off of UNCLOS do seem to have some sort of legitimacy, but however, the use of continental shelves provisions to assert authority and sovereignty seem to be misplaced and misinterpreted.

Brunei's Claim to The Spratlys

Just like Malaysia and the Philippines, Brunei also bases their claim to the Spratlys based on the geographic proximity of this island chain as stated under UNCLOS. Unlike the other nations however Brunei only claims the Lousia Reef, which is a naturally underwater feature in the Spratly archipelago. Along with that, Brunei only claims maritime jurisdiction around Louisa Reef and its exclusive rights to exploit the resources of this reef. It claims that since it is a formation that does indeed fall within the 200 nautical mile EEZ, it is legally subject to an extension of its continental shelf. Malaysia and Brunei have incompatible delimitations regarding their adjacent maritime borders and thus Lousia Reef falls between those disputed delimitations. Brunei is also the only nation in the Spratly dispute that does not have a physical/military presence on any of the islands/features of the Spratly archipelago. Being also the most recent claimant, its claims lack any sort of documentation. Its claims over the Lousia Reef seems to be in line with and consistent with the UNCLOS provisions however it suffers from practical limitations.

The Dispute Over the Paracel Islands

The Paracel archipelago is another disputed territory present within the South China Sea. However, unlike the Spratlys, this dispute only majorly involves 2 nations rather than 6 which were involved in the Spratly dispute. China and Vietnam have laid claim to the archipelago. Just like the other archipelago disputes, the Paracels are also of high strategic and economic importance. These islands hold an abundance of fishing opportunities, and other precious items such as feathers and tortoise shells. The only downside to this is that the seabed is rocky which can potentially damage the fishing gear used by the vessels that come here. Unlike the Spratlys, the Paracels do not hold serious amounts of oil/gas reserves. Controlling the Paracels would ensure that the nation controlling the islands has great strategic power as they would control the maritime routes between China, Vietnam and Taiwan.

Vietnam's Claim to The Paracels

Vietnam bases their claim on the Paracel archipelago on historical evidence and claims that they controlled the archipelago all the way as far back as 1686 during the Nguyen Dynasty which rules much of what is now, modern Vietnam. They claim that in the late seventeenth century, this, Nguyen Dynasty had sent a fleet of fishermen, called the 'Đội Hoàng Sa', to go and occupy these islands as well as harvest the edible seafood and the bird's nests and bring them back for the rulers. It is said that these fishermen that arrived to these islands had given them their Vietnamese name – the Hoang Sa Archipelago. Unfortunately, Vietnam do not have control over these islands and China has established control over these islands ever since the Battle of The Paracel Islands on January 19th, 1974 in which China and then South Vietnam forces took part in a military engagement that resulted in the Chinese winning and ultimately controlling the region.

China's Claim to The Paracels

China argues the claim put forth by Vietnam saying that its claims to this archipelago can be traced back to thousands of years. The country's foreign minister in a 2014 stated that the Chinese activities in the region can date back to more than 2,000 years and claims that China was the first nation to explore, discover, name and exploit the resources of the South China Sea islands and is also the first to continually exercise their powers over them. China until 1909 had no real interest in exerting its sovereignty over these islands when it had sent a small fleet of its naval vessels to place some markers on and inspect the islands. Ever since the Battle of The

Paracels and by driving the Vietnamese forces out of the the region, China has continually been fortifying their presence on the islands by putting military garrisons, building artificial harbors and even building an airstrip on Woody Island.

The 9-Dash Line

China's claim to almost 90% of the South China Sea comes from the 9-dash line which, as in the name, is a 9 dashed line that forms a loop like shape across the South China Sea which shows that any area found among the lines belongs to the Chinese. China has however, not precisely articulated the exact meaning of this 9 dashed line concept which leaves a lot of scope for ambiguity and even over-interpretation especially considering some of the actions that China has taken previously regarding issues within that area.

The 9 dashed line can be interpreted as a maximalist claim to control and sovereignty over all of the land, water, features and seabed of the area encompassed by the 9 dashed line boundary. This is that the other nations that are also in the dispute fear about. However, if one was to see this from the law of the sea perspective, this would not make much sense as it appears as a conflation of the concepts of jurisdiction and sovereignty. There have also been no coordinates given for the claimed islands or baselines which is required under the law. Even though having sovereignty over a region means that you solely can exploit that region for its resources or produce, nowhere is it mentioned that you can impose specific conditions on control or navigation over the activities in the region as if you owned it. Even though China have not explicitly said this, they have however, implied this with some of the actions and rhetoric that they have taken. Especially in cases regarding FONOP, China has strongly reacted to them if they are within the South China Sea, even in areas where that are borderline another states EEZ. To other nations, this ambiguity might be seen as a waste of time and effort since there is no real clarification, however this might be a tactic used by the Chinese in order to buy themselves more time if they have not figured out properly what to do regarding its meaning and intent and use this time to figure out to exactly what areas and features do they wish to lay claim.

On the other end of the spectrum, the 9-dash line can be interpreted as that the line represents a "box," inside of which the Chinese lay claim to any feature that is exposed above sea-level at high tide and gain jurisdictional rights over any of the corresponding maritime zones like the EEZ, continental shelf or the territorial sea that is generated by that feature. If China was to make this their intent of the 9-dashed line, the other claimants would obviously be not very happy as they would be laying claim to sovereignty over territories that Vietnam, Philippines,

Malaysia and various other countries claim. The 9-dash line in this case would be insufficient and incomplete as a claim but would however be consistent with some aspects of UNCLOS, provided that China also recognizes FONOP beyond 12 nautical miles of any naturally formed feature after high tide elevation.

Taiwan also supports the approach made by the second interpretation of the 9-dash line as it is similar to their approach which was of a 11-dashed loop in a map originally issued by a department of the Republic of China.

Major Parties Involved and Their Views

United States of America (USA)

The United States of America is undoubtedly one of the most economically and politically influential countries of the 20th & 21st century. Despite being an 'outsider' to the whole South China Sea conflict, they are still as involved in the issue as any other claimant nation. The policy put forward by the United States states that China's claims to the offshore resources across the majority of the South China Sea are "completely unlawful" and so is its "campaign of bullying to control them". The US further goes on to state that they have always sought to preserve peace and stability, maintaining the unimpeded flow of commerce, uphold the freedom of the seas in a consistent manner with international law, and oppose any attempt at using coercion or brute force to settle the disputes. According to the US, the shared interests of the US and other claimants have come under unprecedented threat by China. They claim that China uses intimidation in order to undermine the sovereign rights of the Southeast Asian coastal nations, bully them out of offshore resources, replace international law with "might makes right" and assert a unilateral dominion. The US has regularly carried out freedom of navigation operations (FONOP) in the South China Sea. The US Navy does not recognize FONOPs as a tool for deterrence, but instead as a measure for legal signaling. Each FONOP carried out is conducted with careful legal premising behind it. The US does not only carry out FONOPs near China acclaimed regions, but also to all other South China Sea claimants as well.

The People's Republic of China (PRC)

The People's Republic of China is perhaps the biggest claimant to the South China Sea whether it be in terms of influence or in terms of claimed areas. China has laid claim to nearly 90% of the South China Sea with their policy of the 9-dash line which is a 9-dashed line that stretches like a loop all the way along the perimeter of the South China Sea. The actual meaning

of this 9-dashed line is ambiguous and open to various interpretations as China has not explicitly mentioned to exact meaning however, through various exercises and actions carried out, they have implied that maybe the line indicates China's sovereignty over all the features, island and even maritime zones present within the area of the 9-dash line. China has not been the only claimant to the South China Sea, and other nations in Southeast Asia have also laid claims to the area. Majority of China's claims are on a historic bases where China claims to have occupied and inhabited the Spratly as well as Paracel Islands since ancient times and puts forth maps and texts of that time to enforce those claims. The Chinese have occupied quite a number of islands in both the Spratly and the Paracel archipelago. China has fortified their occupation on a variety of islands by installing military garrisons, placing troops, establishing plane hangars, helipads and even building an entire runway. China has been extremely serious about all its actions in the South China Sea and by the looks of it due to their immense military strength, might just get what they want unless a mutual solution or intervention is not done soon.

Association of Southeast Asian Nations (ASEAN)

Ever since the establishment of the Association of Southeast Asian Nations (ASEAN), there have been numerous security challenges faced by them ranging from conflicts in Cambodia and Vietnam to territorial disputes among its member states. However, in the 21st century one issue clearly dominates the security agenda of ASEAN and that is the South China Sea dispute. This dispute is important to ASEAN as it not only involves its member states battling among themselves but also involves China which is 3rd party member who is not part of the association. As of today, the association has no real stance or position on the issue but rather the leaders of ASEAN emphasize on "ASEAN centrality" with regards to the regional security issues. The previous ASEAN secretary general Surin Pitsuwan said that ASEAN had earned a place to play the central role in the constantly evolving architecture as a result of not only being able to provide the platform for economic and political dialogue but also being the hub of economic integration activities in the region. That being said this does not mean that ASEAN will deal with certain merits of delineation and settlement amongst claimant states but rather set up a framework which would help facilitate the claimant states negotiate a much more peaceful resolution of their claims. Therefore the "centrality" aspect refers to the lead role in addressing this dispute on a multilateral basis rather than Beijing's contrary approach to negotiate bilaterally with disputing claimants.

Australia

Australia, who is a member party to the UNCLOS, until now had been neutral about the

issue in the South China Sea. However very recently Australia now follows the same policy on this issue as the US as a result of major US policy change that was made by the Secretary of State, Mike Pompeo. Australia leaped from the perch of neutrality to aligning itself with the US in support of UNCLOS and the tribunal hearing in favor of the Philippines in 2016. Unlike the US though, Australia went a little bit further and was much clearer in its rejection of China's claims regarding the South China Sea.

An example of this would be that Australia's rejected China's assertion to exert sovereignty over the Spratly and Paracel archipelagos was widely received and recognized by the international community. It should be kept in mind though, that Australia as of yet remains neutral on the multiple claims to sovereignty in the region of the Paracel archipelago. Moving further in accordance with the Arbitral Tribunal, Australia has gone on to reject China's claims on the basis of "historic rights", "maritime rights and interests" that were established by "historical practice". Australia argued that China has no legal basis with respect to China drawing maritime zones, baselines and classifying features in the South China Sea.

Global Partnership for the Prevention of Armed Conflict (GPPAC)

The Global Partnership for the Prevention of Armed Conflict is a Non-Governmental Organization (NGO) that is based out of the Netherlands and has been vocal about the South China Sea disputes for quite some time now. In 2016, before the Arbitral Tribunal was held which was ruled in favor of The Philippines, Peter van Tuijl who is the executive director of the GPPAC foundation, urged both sides (The Philippines and China) to resort to peaceful negotiations and talks in order to solve the dispute among both the nations. He also stated that the civil society present in Southeast Asia and China will undoubtedly play a large role in increasing mutual understanding which will help facilitate in settling the dispute at the governmental level. This NGO has stated that the governments of all the claimants should work together and use a human security-approach in order to build peace and prevent conflicts. They demand an end to the suffering and pain of all the people affected by this conflict, and encourage nations to put human security first. They advise that we all should focus on the greater humanitarian and security aspects before disputing for land or causing any more harm, and that we should work towards the greater humanitarian good including the fundamental human rights which should be a basic guarantee in the 21st century.

Development of Issue/Timeline

Date	Event	Outcome
1st December, 1947	First publication of Map including the Nine-dash line	This year was the first time when China had published a map that included the nine dash line that looped around almost the whole of the South China Sea as well as laying claim to waters adjacent to Malaysia, Vietnam, the Philippines.
4th September, 1958	Update on the meaning of the Nine-dash line	China had published a declaration regarding the Republic of China and its territorial sea where it describes the true meaning of the Nine-dashed line. In this, Beijing says that it owns any land or features in the area within the Nine dash line on the lines of “historical maritime rights”
1971	Taiwan attacks Philippine fishing boat.	In 1971, the Philippines had announced claims to the islands that were next to its territory in the Spratlys, which they had named ‘Kalayaan’. These claims were brought about after the Taiwanese had fired at and attacked Philippine fishing boats.

January 19th, 1974	Battle of the Parcel Islands	This battle was a skirmish between the then South Vietnam and China wherein both sides engaged in naval warfare which was brought upon by the Vietnamese forcefully attempting to take control by expelling the Chinese fishermen. China ultimately defeated the South Vietnamese forces and expanded its influence in the region.
March 14th, 1988	Johnson South Reef Skirmish	There is another naval battle that takes place between China and Vietnam (post-unification of both Vietnams) that takes place in the Johnson South Reef in which the lives of 64 Vietnamese were taken after the Vietnamese tried intercepting a UNESCO commissioned Chinese force.
1992	China's oil exploration contract and Vietnam accuses China of sending troops to Da Lat Reef.	The Chinese government signed a contract with Crestone, in order to develop natural resources in the sea's southern part. Vietnam also accuses China of sending troops to Da Lat Reef. China seizes nearly 20 Vietnamese cargo ships in between June and September.

July 13th, 1999	Taiwan's claims to the Sea	Taiwan, under the presidentship of Lee Teng hui had stated that "legally, historically, geographically, or in reality", the entire South China Sea and the Spratlys were under Taiwan's control. Taiwan had denounced the actions undertaken by Malaysia and the Philippines.
January 8th, 2005	Chinese fires upon Vietnamese boats	The Chinese ships attacked and opened fire on a couple of Vietnamese fishing boats in which 9 people were killed and had detained one ship with 8 people on Hainan Island. The foreign ministry of China had claimed that these boats were pirate boats and it was these boats who opened fire first. A confession was obtained from the detained members.
May 26th, 2011	Chinese and the Vietnamese clash	The Vietnamese oil and gas survey ship had a clash with three maritime patrol vessels from China around 600km away from Hainan Island. Vietnam claims that the Chinese purposefully had cut off the survey ship's cables, however, China has denied those allegations.

<p>May 16th, 2012</p>	<p>Fishing ban in Scarborough Shoal by China and Philippines</p>	<p>China and the Philippines pose a ban on fishing in Scarborough Shoal and both the nations had seceded their vessels from this region due to the typhoon season. In December of 2012, the Chinese ships remained around the disputed shoal area and have been turning away Philippine ships and boats.</p>
<p>September 1st, 2012</p>	<p>Taiwan conducts live fire military exercise</p>	<p>Taiwan conducted live fire military exercises in which Vietnam was allegedly the imaginary target of the exercise. Vietnam then protested these exercises and demanded Taiwan to cease the exercise. However, Taiwan rejected these demands and declared that the Taping Island is part of Taiwan's territory and thus no one has the right to protest against drills performed on their territory.</p>
<p>September 23rd, 2012</p>	<p>China's drone and UAV initiative.</p>	<p>China launches an initiative to increase drone and UAV presence in the Scarborough Shoal, Spratly Islands, East China Sea and the Paracel Islands.</p>

May 2nd, 2014	Vietnamese and Chinese vessels collide in the Sea.	A Vietnamese fishing boat sank after colliding with a Chinese ship near an oil rig to which both China and Vietnam lay claim to, both of the nations were blaming one another for this incident and later that week Vietnam released footage in which it was shown that the Chinese ship ramming into the Vietnamese vessel before sinking. This caused tensions to skyrocket not only between Vietnam and China but also ASEAN and China.
July 7th, 2015	Philippines' arbitration case against China's 9 dashed line claim over the South China Sea.	Philippines' case regarding the legality of the 9 dashed line that allegedly lay China the claim to almost the entirety of South China Sea under the UNCLOS was in hopes of invalidating said claim by China. There were a number of observer nations also present such as Japan, Malaysia, Thailand, Indonesia and Vietnam
February 13th, 2016	China expanding the islands and building military presence	Images from the satellites clearly show China expanding the Tree as well as North Island and implementing water capture reservoirs, fuel bunkers and even the construction of a helicopter base on Duncan Island.

		Speculations suggest that China may be building a network of these helicopter bases to help support anti submarine helicopters.
July 12th, 2016	Tribunal case regarding the 9 dashed line	The tribunal ruled in the favor of the Philippines and rejected the Chinese's 9 dash line on the basis of it having no legal premise leading the Philippines to unanimously win the case.

Previous Attempts to Solve the Issue

Multilateral Negotiations

There have been numerous proposals for multilateral negotiations which have all been turned down and opposed by China, who have insisted that these negotiations are to be conducted bilaterally and not multilaterally with the respective claimants. In an ASEAN meeting the same proposal was repeated by the Philippine foreign minister. The Chinese government quickly reacted to this and voiced its opposition against these proposals and since then no other ones have been raised. When the ASEAN Regional Forum (ARF) met in 2009, China's ambassador at the forum ensured that this topic was not on the agenda. ASEAN themselves have not been united over the multilateral negotiations proposals as Malaysia, who is a member state of ASEAN, stands with China regarding its views on the proposal.

Legal Resolution

If there was to be a legal resolution of the South China Sea disputes the application of the UNCLOS provisions and principles would be required in order to reconcile the various claims. A way of increasing the interest in a legal solution would be to utilize the Chinese proposal for the joint development of as a basis for resolving the claims. The Chinese Foreign Minister, Qian

Qichen, had told the ASEAN Foreign Ministers that when the conditions will be ripe, the negotiations regarding the South China Sea can begin and that China is willing to leave aside its claims on territories. China has time and time again brought up the joint developments but however, there has been no clarification of these operations by the Chinese. The Chinese have given an example of the East China Sea agreement that it has with Japan as an example of their “Joint Development” proposal. This was brought into action as a result of a dispute regarding a gas drilling region from the Japanese EEZ. China’s Vice Foreign Minister, Wu Dawei, had declared that the Chinese had retained sovereignty over the gas field and that’s its development has to be in accordance with the Chinese Law and that Japan had acknowledged their sovereignty. Since then, Japan has been expressing concern over the Chinese’s intentions with the field with which Japan says that they will violate the agreement. Japanese foreign minister has said that countermeasures will be deployed if China violates the agreement and that an appeal to the International Tribunal for the law of the Sea will be sent. If this is what China means by the idea of a joint development operation, then this idea will certainly not bode well for the legal resolution of the South China Sea.

A Cooperative Regime

There have been various proposals for a cooperative regime that have been put forward and could help create some groundwork for the resolution of the issue. An approach to this was to utilize track two workshops involving the participants who are linked with the governments of conflicting sides as an effort to go beyond the sovereignty issue. If this workshop is able to identify the ways and means of a functional cooperation, then the lessons learnt could be transferred into diplomatic negotiations, which could then channel discussion with the respective governments. This functional cooperation could then be the groundwork for an eventual resolution for this issue, or at least give us incentives in order to avoid conflict which would raise the tensions. In July 1994, there was another workshop held where it was said that the dispute could be resolved and negotiated and thus there were ambassadors from claimant countries that were invited. This approach was opposed by the Chinese and thus there was an indirect proposition made that relied on functionalist assumptions. There were uninvolved nations also invited such as Japan and the United States. So what did this workshop achieve? Well, the member states have justified the time and expense of the workshop by claiming that they got to know the delegations better and know regarding their positions on the disputes better. Regardless of the workshop’s merits, it had failed to achieve its primary objective which thus again raises the questions about the efficacy of this approach to a resolution.

Possible Solutions

Recommending Economic Sanctions By 3rd Party Nations Like The United States

The US could impose sanctions on the Chinese companies that are operating illegally in other nation's exclusive economic zones. One of the most prominent targets for these sanctions would be the Chinese state-run companies that have vessels that illegally do fishing, conduct surveys, gas or oil exploration in the other nations' exclusive economic zones. These sanctions can also target Chinese marine scientific vessels that are affiliated with the Chinese coast guard or marine militia that operate in other nations'/claimant's exclusive economic zones without consent.

Increased Patrols By 3rd Party Nations Like The United States

The United States could also increase the frequency of patrols that they conduct to challenge or expel the fishing boats, or the oil and gas exploration vessels that have been operating without permission from the states in which they are operating.

Direct Support By 3rd Party Nations Like The United States

America can consider providing more direct support to its partner forces and allies. The US can use its own vessels in order to provide overwatch for the resupply efforts by the Philippines at the Second Thomas Shoal, and thus raising the bar for a Chinese escalation.

Multilateral Negotiations

Even though a few of these proposals were put forward quite some time back, these are one of the biggest potential solutions that can be implemented in order to help alleviate the situations in the South China Sea. Seeing as the massive amounts of overlapping claims in the South China Sea, bilateralism is simply not going to yield a long-lasting solution. China is not agreeing to such talks as it fears that it would lose over some of its claimed territories and thus not maximize the area that it has claimed. It would give China worse odds of getting whatever it claims in the South China Sea region. A way to make multilateral talks appealing would be to raise the cost of using force by establishing a multinational naval coalition that would ensure

freedom of navigation through the waters of the South China Sea.

Retraction Of Military Presence

A key factor which would undoubtedly ease negotiations for the disputes in the South China Sea would be to remove the military presence of not only China but other claimants as well from the waters of the South China Sea in order to facilitate the negotiations between member states without the smaller claimants feeling intimidated by their larger counterparts. As mentioned earlier the multinational naval coalition can keep the waters under watch until and in no shape, way or form be affiliated with any of the claimant countries to keep them from being of any influence in terms of control.

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