

South China Sea Dispute: China's Role and Proposed Solutions

Dr. Mubeen Adnan & Fakhara Shahid

Abstract

South China Sea (SCS) is a part of Pacific Ocean and is the most strategic and important waterway in the world containing large deposits of hydrocarbons and fossil oil. Due to its unquestioned importance it has become bone of contention among many East Asian nations and China regarding its sovereignty and control of the territory. Two Islands Parcel and Spratly in the SCS are the flashpoints of the dispute because countries like, Philippine, China, Vietnam, Brunei and Malaysia are claiming their rights over some parts or sovereignty over all the above mentioned Islands. Primary concern of the dispute lies in U shaped nine- dashed demarcation line by China in the SCS. A decision of international court of Arbitration in "Philippines v. china arbitration case" showed that China U-shaped nine dash line demarcation is uneven with UNCLOS 1982. This verdict has been rejected by China on the grounds that it has no binding forces because China controls 90% area of the SCS through nine dashed line by having historical claim of the sea and this line was drawn in 1946 by the help of USA prior to the 1982 UNCLOS. China wants to solve the dispute bilaterally without any third party interference while due to the importance of the region many other actors are getting involved in to the dispute. A permanent and lasting solution of the dispute is a dire need of the time to solve the complex issue.

Keywords: South China Sea, Spratly Island, Paracel Island, UNCLOS, International law

Introduction

South China Sea (SCS) holds a strategic position for China, Vietnam, Philippines and Borneo in Pacific Ocean. On world atlas, South China Sea (SCS) lies on South of China, East and South of Vietnam and West of Philippines and looks similar to an arm of Western Pacific Ocean. Moreover, South China Sea (SCS) covers an area of 3,700,00 km² and connects with two important straits; Taiwan Strait and Luzon Strait. Likewise, South China Sea (SCS) touches East Coast of Malay Peninsula and Gulf of Thailand in South. However, 200 islets, rocks and reefs in the the South China Sea (SCS) aren't appropriate for human habitation. China and South Asian Nations claim full jurisdiction on South China Sea due to its strategic significance, richness in natural resources (including rich fishing areas, large gas and oil deposits). Resultantly diplomatic relations have strained and escalated political and military tensions in the area (Kiras, 1995).

In the words of Marvin Ott, a public scholar at Woodrow Wilson International Centre enlightens the significance of South China Sea as, "They [the trade routes] are not only major trade routes; they're, in fact, the world's most valuable trade routes ... these

*Authors are PhD Scholar and Assistant Professor, Department of Political Science, University of the Punjab, Lahore. Correspondence: mubeenadnan.polsc@polsc@pu.edu.pk

[are] the busiest trade routes in the world. In addition to that, they're strategic” (Ott, 2010). This research paper would examine the South China Sea dispute by addressing the following questions,

- Why despite the presence of the United Nation Convention on the Law of the Sea (UNCLOS) 1982 the South China Sea dispute is still continued?
- To which extent China’s claims of the South China Sea is consistent with the international law?
- On what legal grounds China justify its claim of the sovereignty over the South China Sea?
- What are the possible solutions to the South China Sea dispute?

South China Sea is considered as one of the most important and strategic waterway in the world, passage of military and commercial vessels, particularly large tankers made it strategically important. It is assumed that this area contains a wide deposit of hydrocarbon and fossil oil but these speculations are not yet proven. The Parcel Islands (“a group of islands, reefs, banks and other maritime features in the South China Sea”) and Spratly Islands (“a collection of more than 100 small islands and reefs in the South China Sea”) have become bone of contention as well as a hindrance in creating a multi security in the region. These Islands became flashpoint because countries like China, Vietnam, the Philippine, Malaysia, and Brunei claim parts or all the above mentioned Islands. All these countries claim part or all of these small chains of islands consisting of mainly rocks and reefs. South China Sea lies east of the Philippines, west of the Vietnam, north of Indonesia, Malaysia and Brunei and south of mainland China and Taiwan. (International hydrographic organization, 1953)

Initially little importance was given to the sovereignty of the South China Sea. The region came into lime light after its inspection by world oil companies in 1960s and 1970s. (Snyder, 1996) and the energy resources of this region become the source of dispute among the claiming countries. A study by Russian research institute of geology of foreign countries estimated in 1995 that almost 6 billion barrels of hydrocarbons might be possibly located in Spratly island area which is consisted of 70 % of the natural gas. “The second Persian Gulf,” a term used by China’s media for South China Sea and they claimed that 130 barrels of oil and natural gas and oil resources is equal to one trillion US dollar. (Snyder, 1996) Most of the oil companies of the world taking the risk to explore the potential yield in South China Sea and declared them commercially feasible. Conclusively due to the strategic waterway the South China Sea importance cannot be questioned.

Significance of South China Sea

The route of South China Sea is very important in term of combat as well as strategically. Valuable commodities from the West i.e. Europe, Middle East, and Africa and West Asia, South and South East Asia to Japan, China and Korea. Indian

South China Sea Dispute: China's Role and Proposed Solutions

Ocean and Pacific Ocean is also connected by this region, so it establishes major military route and sea routes of Asia, Africa and Europe. The strength of the sea route also estimated that it comprises 80% of Japan and 70% of the Taiwan oil and raw material routes (Saleem,1999). 25% of the world oil production also passes through these trade routes, so the control of the Spratly Islands can play a role to impact oil transports of all of the world because ownership will provide sovereignty over the near water and sea beds. South China Sea is also used as a transit route for operating for the United States and other countries navy and air forces bases in Asia, pacific, and Indian Ocean and between the Persian Gulf. So any conflict in this region can threaten the strategic interests of the U.S, Japan and other countries ultimately lead towards their involvement in the issue (Saleem, 1999). At its most basic level “South China Sea dispute is a contest between China and several South East Asian nations over territorial control in the South China Sea, which includes some of the most strategically important maritime territory on earth” (Fisher, 2016).

A map of the South China Sea is given below to understand its location.



Source: <https://www.nationsonline.org/oneworld/map/South-China-Sea-political-map.htm>

Dispute of the South China Sea

The South China Sea has not always been a tense geopolitical area, because at the end of World War II even a single island was not controlled and occupied by any country which is claiming it now. While after that fifty years were the period of escalation and

de-escalation in SCS. During the period of 1946 and 1947 China began the process of establishing itself in Woody, Paracel, and Spratly Island, while French and Vietnamese established themselves on Pattle Island (law of the sea, a policy primer, n.d.). In 1970s, Vietnam and China confronted over the islands of Paracel in the South China Sea. China managed to take over the islands after Vietnam lost and affirm a base there. However, the conflict over South China Sea took momentum in the year of 1992, when China passes a law that the entire sea belongs to China only. Since that time China is strengthening its hold on the sea by constantly exploiting its growing economic power, political status, military capabilities, and no less important, the weakness of the superpowers. China built dozen of buildings in the South China Sea by declaring that these building are civilian, but later on it revealed that these buildings were military bases (East Asian Culture, 2019).

Territorial Claim of Different Countries over South China Sea

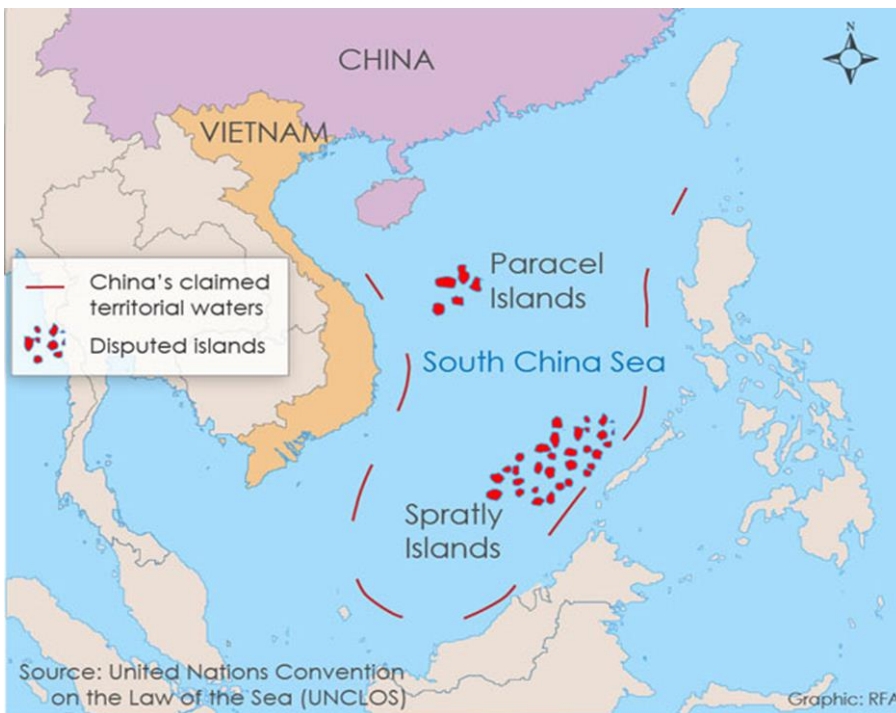
China

1. China has most rapidly growing economy, mercantile fleet and navy in the world. Recently, China has been spending trillions of dollar for upgrading its ship building industry. China controls 52 seaports and 16 inland river ports which adds a great deal of strength to its commercial and naval presence. Despite all these strengths China still faces challenges in its movement towards eastwards of the Pacific Ocean. Chinese faces many hurdles in its movement towards Indian Ocean and the movements are controlled at three straits; Singapore-Malaccam Lombok and Sunda due to presence of three archipelagoes. Moreover, navigation in the North-Eastern region is also controlled due to Japan's control over straits of Osumi, Tsushima and Tsugaru. Few naval experts assert that China is disadvantaged in the Asia Pacific region as most of the strategic points are controlled by Japan, Philippines, and Vietnam. Despite territorial disputes, China claims most part of South China Sea (Muhibat, 2015). China's historical claim of the South China Sea goes back to the Han and Ming Dynasties when exploration crew were sent to Spratlys Island at the beginning of 15th century. China officially claimed Paracel Island in 1876 and few years later it started expelling various research teams from Spratlys. However, in 1947 China released the first nine-dash map. Nine dash line is a U- shaped line including nine dashes and these dashes are demarcations of the areas claimed by China. The method of the demarcation of the South China Sea regions by China always remained under severe criticism regarding its explanation and understanding. Since 1996, China has agreed to resolve the baseline issues on Paracel Islands but China hasn't given any clarification on the map (Rowan, 2005). However, by 2009 China asserted its indisputable sovereignty over the islands and respective waters in South China Sea through a 'Note Verbale' given to United Nations Secretary General. But, international community has time and again questioned the validity of the China's nine-dash line. The total nine dashed line occupy 90% of the SCS surface (Muhibat, 2015). Some of the legislative documents issued by China claims that the Chinese

South China Sea Dispute: China's Role and Proposed Solutions

jurisdiction applies on the whole area within nine dashed line and not only to the exclusive economic zones (EEZ). In 2011 second Note Verbale was issued by China. Article 14 of China national legislation on the EEZ claims that China has historical right over the entire territory including EEZ (Muhibat, 2015).

International world and the actors involved in the conflict are highly hesitant towards the China historical right claim and considering it unwise step by China under UNCLOS. Excluding the Paracel islands the country has also occupied seven features in the Spratly island (Vuving, 2016). Reefs which are sunk and submerged should not be able to generate maritime claims under UNCLOS. In the conflicted waters of SCS many reefs are sunk and merged under the waters, and countries with China at apex is still building artificial isles. These small grounded places can help as distant supply base for navy and aircraft. Due to China's massive island building in the South China Sea, other claimant nations cannot anymore rely on protection based on the distance from mainland China (Doung, 2015). An image of nine dashed line is given below.



Source:

https://www.google.com/search?q=nine+dashed+line&source=lnms&tbm=isch&sa=X&ved=0ahUKEwjfnc3W8InjAhXKQUEAHcvvDogQ_AUIECgB&biw=1366&bih=657#imgrc=

Taiwan

Taiwan also claims jurisdiction rights on four islands in South China Sea namely, Spatly, Paracel, Macclesfield Bank and Pratas Island. Taiwan occupied whole of Spratly Achipelago but has presence of armed troops at Itu Aba only since early 1950s (Rowan, 2005). However, Taiwanese military presence has been repeatedly questioned since 1970s (Riegl, 2014). Both China and Taiwan claims historical right since disintegration of Taiwan from mainland China in 1949.

Vietnam

Vietnam has also resorted to use of hard power in South China Sea dispute. Vietnam's government consider its natural right of sovereignty over Spratly Island. Moreover, the Vietnamese consider Spratly Island to be an offshore part of their Khanh Hoa Province. Likewise, Vietnam also claims Paracel Island to be the part of Vietnam despite Chinese presence since 1976 (Rowan, 2005). Both China and Vietnam has been accused of building artificial platforms and airstrips in the region especially on the reefs to claim right of jurisdiction (Rowan, 2005).

Philippines

Meanwhile, Philippines have extended permanent control over 9 islands in South China Sea and it is speculated that Irving Reef is also regularly patrolled by Philippines navy (Vuving, 2016). Seeing the ambitions of China, Malaysia, Taiwan and Vietnam on South China Sea, Philippines considers to have legitimate sovereignty over Spratly islands (Rowan, 2005). Philippine's aspiration for sovereignty is strengthened through UNCLOS as the islands are located in the contiguous zone of mainland islands of Philippine. Of all the stakeholders, Philippines claims are supported by recent history as these islands were rediscovered by Philippines after WWII (Rowan, 2005). By 1947, the merchants of Philippines origin started setting up colonies on 8 major islands. Philippines observed jurisdiction over sea-bed, sub-soil, continental shelf and airspace on all eight islands according to 1978 Decree of President Ferdinand Marcos. (Elleman, 2013).

Malaysia

Unlike other countries in the South China Sea, Malaysia has no historical right claims. Malaysia exerts rights only on the basis of EEZ and extracts petroleum and natural gas from deep waters (Shicum, 2013; Roy, 2016). Presently, Malaysia has control on five reefs and its claim on six other reefs is also claimed by other countries. Malaysia has military presence on Swallow Reef, an artificial island in Spratly Islands. However, both China and Vietnam questions the Malaysian regulations on the island (Roach, 2014).

South China Sea Dispute: China's Role and Proposed Solutions

Brunei

Brunei is a minor actor in South China Sea dispute but 200 nautical miles of EEZ of Brunei crosses lines with EEZ of China, Malaysia, Taiwan and Philippines (Dolvin, 2014). Despite being a rich country, Brunei hasn't built any artificial structures nor used hard power on the disputed territory. However, Brunei has strong claims on Louisa Reef and Rifleman Bank (Rowan, 2005). Moreover, the claims of Brunei bring it to direct confrontation with China's nine-dash line (Roach, 2014).

Indonesia

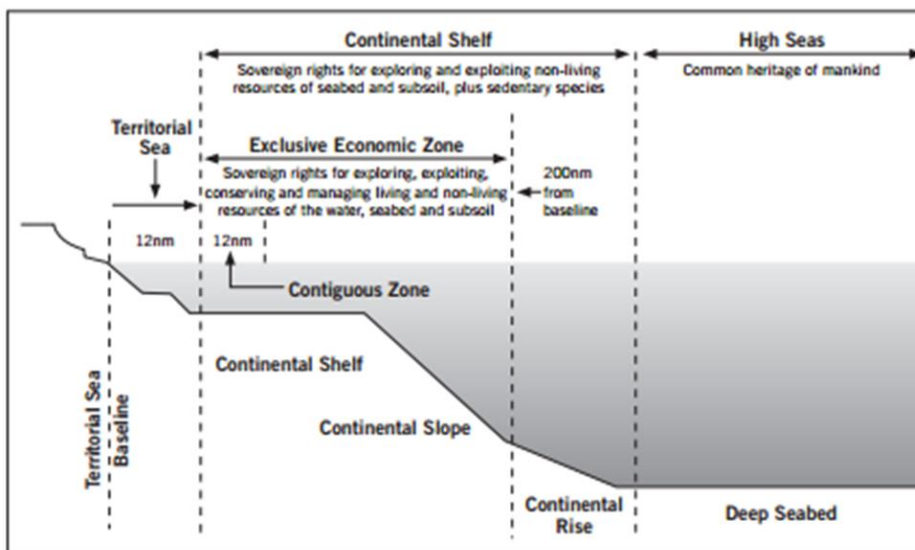
Although Indonesia has been a mediator but recently Indonesia has evolved as a 7th claimant in the South China Sea (SCS) dispute as it has overlapping maritime boundaries with both China and Vietnam (Hyer, 2015). Indonesia has alleged China with infringement on its EEZ by Chinese fishers since 2010. Indonesia has seen escalating tensions with China and Vietnam in the recent past (Elleman, 2013). However, Indonesia's 2003 agreement of peace with Vietnam and Malaysia on seabed boundaries in South China Sea is creating issues for China's nine-dash line (Elleman, 2013).

The United Nation Convention on the Law of the Sea (UNCLOS)

The United Nations convention on the law of the sea is an international agreement which defines the right and responsibilities of a nation towards the use of ocean and its environment. The third repetition of the conference which took place between 1973 and 1982 defined various areas in relation to a nation, such as: internal waters, territorial waters, the contiguous zone, the EEZ, the continental shelf and archipelagic waters (UNCLOS, 1982). There brief explanation is given below.

Exclusive Economic Zone (EEZ):

According to part v of the UNCLOS, the coastal states enjoy the jurisdictional rights on EEZ which lies beyond and adjacent to the state's territorial sea. Article 56 outlines the parameters for EEZ which extends the jurisdiction rights up to 200 nautical miles from the coastline. Similarly, article 56 outlines sovereign rights of the country having claims on EEZ. The sovereign rights include management of the living and nonliving resources including exploration, exploitations, mining, fishing, and conservation. Moreover, article 59 deals with resolution of conflicts over jurisdiction in EEZ based on equity, interests of involved countries and international peace and harmony. All the Coastal states have been given rights to regulate the operations in the EEZ according to their domestic laws. Henceforth, countries like Malaysia and Brunei got the opportunity to extend their maritime areas up to Southern Spratly Islands in the South China Sea (UNCLOS, 1982). There is a figure below to understand the laws of the sea for further elaboration:



Source:

https://www.google.com.pk/search?q=eez&source=lnms&tbm=isch&sa=X&ved=0ahUKewiv2_agkvLYAhXCcRQKHZxpChcQ_AUICigB&biw=1242&bih=602

Territorial waters:

In above diagram it has been shown that the territorial waters of any coastal state starts from base to 12nm onward. The 12nm of contiguous zone starts from where 12nm of territorial waters ends. It is very much clearly explained in the UNCLOS regarding the territorial waters, and contagious zones of the coastal states, which should not be exceeded from 12 nautical miles, and the same space can be used for air space of the country concerned (UNCLOS, 1982). According to the international law of the sea all the states enjoys the innocent passages for their activities in the territorial waters of any state on the grounds that passage is innocent in reality. If the passage is not innocent and used for suspicious activities than coastal state can block the passage of country violating the rule of innocent passage in order to secure peace and good (Amry, 2015).

Continental Shelf:

Continental shelf starts from where territorial waters end as shown in above figure. Continental shelf is a place where coastal states have rights to explore and exploit the nonliving resources of the sea bed and subsoil. Continental shelf is very important while describing the law of the seas. It should not be exceeded from 200 nautical miles according to the UNCLOS. Countries like Philippine, Brunei, and Malaysia claims the continental shelf in the South China Sea according to part VI of the convention. The breadth of the continental shelf is measured according to article 76 of the convention. "Continental shelf includes underwater portion of the country coastal

South China Sea Dispute: China's Role and Proposed Solutions

land mass, including the sea bed as well the subsoil of the shelf, while the deep ocean floor is not considered as part of the continental shelf. Continental shelf is similar to EEZ sovereign rights are dependent upon the coastal state jurisdiction where it can explore and exploit its natural resources" (UNCLOS, 1982).

The Archipelagic State:

A state comprises of different islands is known as Archipelagic state. UNCLOS under article 47 defines and explain the baseline from where an archipelagic state can draw its 12 nautical miles in the sea. It also describe that baseline of any archipelagic state should not be drawn from low tide elevation. It can be drawn from low tide elevation only on the grounds if a permanent structure built above the sea level which is concerned (Amry, 2015).

China and Third Party Adjudication

Bilateral negotiation is always favored by China for the settlement of the dispute rather than third party involvement (Pan, 2009; Miyoshi, 2012). In China, nationalism is very strong tool to understand and deal with domestic as well as external issues by the government.(Pan, 2012 p. 105). China would like to use international legal form i.e. ICJ and tribunals only when the Chinese national interests requires, until then Chinese involvement in any proceeding may be labeled as a harm to Chinese national sovereignty. China is making reservations and declarations while ratifying any international treaty. In 1996 China ratified the UNCLOS but after ten years, Beijing passed a declaration in 2006, according to article 298 of the Chinese declaration, international tribunals do not have jurisdiction regarding the Chinese claims in the South China Sea. Which means after the ratification of UNCLOS claimant's countries only had ten years till 2006 to approach any tribunal. China always wanted to build good and strong relations with its neighbors and thus in that way it do not expect that any neighboring country would like to bring a case against China at international legal forum. (Malczewska, 2015).

The Philippines verses China Arbitration

Philippine instituted a case for arbitration regarding South China Sea conflict against the China in January 22, 2013. China immediately refused to participate in this case by claiming that it has passed a declaration in 2006, according to which they can solve the issue bilaterally and no third party have any jurisdiction regarding the conflict. While at the same time it was become very clear, that this case would have implications for other claimant countries and would provide a road of interpretation under UNCLOS for the respective claims of each country involved (Storey, 2013; BBC, 2012). In this proceeding Philippines have an award by the tribunal that China's claims of the South China Sea either based on historical claims or U-shaped nine dashed line is uneven and illegal according to the UNCLOS. At the same time it is also very obvious that despite the ratification of the UNCLOS by the both countries, they do not have signed any declaration under article 287 to choose international

tribunals or ICJ to solve the conflicts if arises under Annex VII. So in such a case award of the tribunal do not have binding force (Rao, 2011; Boyle, 1997). In accordance with declaration of 2006 by China, it does not accept compulsory adjudication regarding interpretation and applications of the article 15, 74, and 83 of the UNCLOS regarding the boundaries of sea, dispute concerning military activities, activities relating to law enforcement, or to dispute regarding to the functions of security council which is assigned to it by the charter of UNO. In light of above mentioned facts it has become easy to understand that China is reluctant to welcome any legal solution or proceedings regarding the conflict. Due to this reason China turn off the notification of the proceedings by claiming that Philippines has chosen arbitration single handedly so it do not have any concern regarding Chinese claims of the sea. In this way China did not invoke the jurisdiction of the arbitral tribunal (Malczewska, 2015)

The South China Sea Ruling and China's International Law Dilemma

UNCLOS was in headlines due to the case brought by Philippines in the permanent court of arbitration against China. Court of arbitration had a vital historical decision that China's territorial claim of the sea is uneven and illegal according to the laws of the sea of international law. This decision was considered as great success of Philippines and a serious challenge to China position on the sea. But China easily rejected the verdict of the court of arbitration. Many international think tanks and scholars were considering the position of China in this case very weak but China's rejection of the proceeding and ruling put a challenge to international law also. It's proving that China is entering in a new phase regarding its relation with the international law, which surely nerves stretching for the scholars and international politics. (Kellogg, 2016).

Recent Developments in the Dispute

China's growing assertiveness in the South China Sea region in recent years has continued to raise concerns among a range of actors on several fronts to varying degree. These not only include the claimant states of the South China Sea like Malaysia, Vietnam, Brunei, Philippines and Taiwan but increased the concerns of the countries in wider region including United States. United states become major outside actor in the South China Sea dispute due to the effects on the regional stability and principles such as freedom of navigation. Along with this there is range of measures taken by other countries to manage the disputing situation in the South China Sea by developing their own military potentials, pursuing kinds of diplomatic accomodation with China, or joining other like minded countries to response China including through operations. In May 2019 a case was in point when United States, Japan, India, and Phillipines engaged in quadrilateral presence operations in the South China Sea. This engagement includes a range of operations like formation of excercises, communication drills, passenger transfers, and leadership exchange etc (Parameswaran, 2019).

South China Sea Dispute: China's Role and Proposed Solutions

According to Pakistan's Express News of June 24, 2019 the crisis in South China Sea got a new phase because Australia plans new base to combat Beijing's influences in the South China Sea and for this purpose they invited US marines to use their base to challenge China's growing influence in the Pacific. Anonymous Australian government officials confirmed the developments of a military base for the US which will also act as a commercial port. The move is likely to put China in high alerts as president Xi Jinping looks to expand China's influence in the region (Jaffer, 2019).

Proposed Solutions

As South China Sea dispute is highly complex in nature so it is very difficult or even impossible to solve the issue with a single approach to get permanent peace. Because this issue is closely related with the territorial control and sovereignty, so countries involved in the issue are hesitant to solve it through any approach due to which permanent peace in the region is vanishing time by time, but temporary peace can be attained according to the wills of the claimant countries. (Teacher, 2013). There are certain solutions of the South China Sea dispute given by different experts which are as following,

- Linh Tong in an article "Seeking A Solution to the South China Sea (SCS) Dispute" said that it is dire need of the time to recognize the fact that the SCS issue is very much asymmetric, therefore cannot be dealt with symmetric way. There is no denying of the fact that China is powerful country in the conflicting region while other claimant states of South East Asia are the smaller one so, it is impossible to treat every participant equally. Solution to the dispute would be proportionate. The realist school of thought would support China's higher position in solving the dispute (Tong, 2016).
- Joseph Siew while answering the question that "What are the solutions of the South China Sea conflict?" said that the only solution of SCS lies in the bilateral and multilateral talks eventually arriving at a code of conduct agreement, which is also suggested by China. The code of conduct agreement was delayed due to Philippines unilateral move to take the case in Permanent Court of Arbitration. China has historical claims like Vietnam and Philippines. China's nine dashed line was drawn with help from US in 1946, which was prior to the UNCLOS in 1982, so now only bilateral and multilateral solution is possible (Siew, 2018).
- A legal solution is always there to solve any issue in the international world, which can be attained through international court of justice according to the principles of international law. While solving the SCS conflict it cannot be ignored that due to the complexity of the conflict, international law needs to be updated according to the changing circumstances, and it is the responsibility of the international world to improve the law of the sea to cope with conflicting circumstances of the modern time (Chau, n.d.).

- A political solution to any conflict is always considered as long lasting by the scholars of political world which includes confidence building measures, promotion of harmony among the interests of the conflicting states, bilateral and multilateral negotiation, and focusing on the developmental activities among the states rather than focusing on conflictual activities. SCS conflict is also required to be solved by above mentioned strategy of mutual understandings rather than involving other states in the issue which may increase the severity of the issue.
- A regional solution of the dispute is also necessary. Involvements by the third parties like US has further escalated the issue. There is no denying fact that United States of America is a powerful country and always remain at the front to shape the international politics either by promoting peace or by making its hegemonic position alive in the world. It may have the power to solve the South China Sea conflict but the countries like Philippines showed little interest towards the role of United States in conflict solving approach. In fact they (Vietnam, Philippines) rejected the offer made by the US to solve the issue in the South China region on the grounds that US is only a troublemaker and want to increase its dominance and hegemonic position in the water region. (Shengli, 2017).
- After the traditional diplomatic and military options in the South China Sea the international community should encourage a resource development and scientific solution to the territorial disputes in the South China Sea region. Diplomacy with a focus on resource development and preservation, will present an immediate incentive for long term cooperation, confidence building and promise of future resource shares. Economic resource sharing can also prevent the escalation in the region (Dinic, 2017).

Conclusion

To sum up the above discussion it has become very clear that South China Sea dispute is highly asymmetric issue among different states having their own complex arguments regarding their right on the waters of the sea. Each claimant country is trying to increase its naval forces in order to increase their influence in the conflicting region of the South China Sea, due to lack of compromise, a new naval race has been started in the strategic region, which is providing an easier road to the external factor like USA to become part of the issue. It is a dire need of the time for the regional forces to understand the severity and sensitivity of the issue to avoid any future devastating escalation. Any violent conflict in the South China Sea would have dangerous impacts on the region as well as on the international world. There is no denying fact that players of the conflict should try to resolve the issue by political, legal or at any diplomatic grounds so that naval escalation and war in the region can be avoided.

South China Sea Dispute: China's Role and Proposed Solutions

References

- Amry, S. (2015). *An Analysis of the South China Sea Dispute: Focusing on the Assessment of the Impact of Possible Solutions on the Economies of the Region*. (Master's theses, City College of New York). Retrieved on March 13, 2018, from https://academicworks.cuny.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1338&context=cc_etds_theses
- ASEAN Nations fail to reach agreement on South China Sea (2012, July 13), *BBC News*. Retrieved on June 13, 2019, from <https://www.bbc.com/news/world-asia-18825148>
- Launey, D. C. (2012, July 19). Has Chinese power driven ASEAN nations apart?. *BBC News*. Retrieved on May 3, 2019, from <http://www.bbc.co.uk/news/world-asia-18897855>.
- Boyle, A. E. (1997). Dispute settlement and the Law of the Sea Convention: problems of fragmentation and jurisdiction. *International & Comparative Law Quarterly*. Retrieved on April 9, 2019, from https://www.research.ed.ac.uk/portal/files/10192978/BOYLE_A_Dispute_settlement_and_the_law.pdf
- Chau, K. (n.d). Resolving The South China Sea Dispute. *The regionalist institute for regional security*. Retrieved on July 12, 2019, from https://www.regionalsecurity.org.au/resources/Documents/K-CHAU_SCS-article_FINAL-Detailed-edits-250818.pdf
- Dinic, L. (2017). *Science and resource sharing: a solution for the south china sea?* Retrieved on July 12, 2019, from <https://www.chinausfocus.com/peace-security/science-and-resource-sharing-a-solution-for-the-south-china-sea>
- Dolven, B., Manyin, M. E., & Kan, S. A. (2014, May 14). *Maritime Territorial Disputes in East Asia: Issues for Congress*. Retrieved on April 2, 2017, from <https://fas.org/sgp/crs/row/R42930.pdf>
- Duong, H. (2015, June 15). *Massive Island-Building and International Law*. Retrieved on April 1, 2017, from <https://amti.csis.org/massive-island-building-and-international-law/>
- East Asian Culture (2019). *South China Sea dispute*. Retrieved on June 21, 2019, from <https://east-asian-cultures.com/south-china-sea-dispute-2019/>
- Elleman, B. A., Kotkin, S., & Schofield, C. H. (2013). *Beijing's power and China's borders: twenty neighbors in Asia*. Armonk, NY: M.E. Sharpe.
- Fisher, M. (2016). The South China Sea: Explaining the Dispute. *The New York Times*, 14. Retrieved on July 11, 2019 from <https://www.nytimes.com/2016/07/15/world/asia/south-china-sea-dispute-arbitration-explained.html>
- <https://www.nationsonline.org/oneworld/map/South-China-Sea-political-map.htm>
https://www.google.com.pk/search?q=eez&source=lnms&tbm=isch&sa=X&ved=0ahUKewiv2_agkvLYAhXCcRQKHZxpChcQ_AUICigB&biw=1242&bih=602

https://www.google.com/search?q=nine+dashed+line&source=lnms&tbm=isch&sa=X&ved=0ahUKEwjfnc3W8InjAhXKQUEAHcvvDogQ_AUIECgB&biw=1366&bih=657#imgrc=

Hyer, E. (2015). *Pragmatic Dragon: China's Grand Strategy and Boundary Settlements*. University of British Columbia Press.

International Hydrographic Organization. (1953). *Limits of oceans and seas* (No. 23). Retrieved on April 5, 2019 from <https://epic.awi.de/id/eprint/29772/1/IHO1953a.pdf>

Jaffer, K. (2019). South China Sea crisis: Australia plans new base to combat Beijing's influence. *Express*. Retrieved on June 27, 2019 from <https://www.express.co.uk/news/world/1144681/south-china-sea-australia-new-base-us-marines-beijing-influence-spt>

Kellogg, T. E. (2016). The South China Sea Ruling: China's International Law Dilemma. *The Diplomat*, 14. Retrieved June 27, 2019, from <https://thediplomat.com/2016/07/the-south-china-sea-ruling-chinas-international-law-dilemma/>

Kiras, J. (1995). The South China Sea: Issues of a Maritime Dispute. *Peacekeeping & International Relations*, 24(4), 3. Retrieved on May 22, 2019, from <https://search.proquest.com/openview/9ec8cf95af3c437d359fd1afdd081612/1?pq-origsite=gscholar&cbl=32034>

Law of the sea, a policy primer. (n.d.). Retrieved on June 22, 2019, from <https://sites.tufts.edu/lawofthesea/chapter-ten/>

Malczewska, K. (2015). Chinese Claim to the South China Sea under International Law. In *"On Their Own Paths. Japan and China Responses to the Global and Regional Challenges"*, eds. D. Mierzejewski, K. Zakowski, Łódź University Press, Łódź 2015;. Wydawnictwo Uniwersytetu Łódzkiego. Retrieved on March 21, 2019, from http://dspace.uni.lodz.pl/xmlui/bitstream/handle/11089/12510/6-067_080-Malczewska.pdf?sequence=1&isAllowed=y

Miyoshi, M. (2012). China's U-Shaped Line" Claim in the South China Sea: Any Validity Under International Law?. *Ocean Development & International Law*, 43(1), 1-17. Retrieved on July 7, 2019, from <https://www.tandfonline.com/doi/full/10.1080/00908320.2011.619374?scroll=top&needAccess=true>

Sukma, R., Muhibat, S. F., Alexandra, L. A., & Intan, R. (2015). The future of the seas in East Asia: forging a common maritime future for ASEAN and Japan. *Center for strategic and International Studies*. Retrieved on March 2, 2019, from <https://media.neliti.com/media/publications/211-EN-the-future-of-the-seas-in-east-asia-forging-a-common-maritime-future-for-asean-a.pdf>

Ott, M. (2010, October 18). What's At Stake In The South China Sea? Interview by Neal Conan on NPR Radio "Talk of the Nation". Retrieved on February 11, 2019, from <https://www.npr.org/templates/story/story.php?storyId=130650145>

Pan, J. (2009). *Toward a new framework for peaceful settlement of China's territorial and boundary disputes*. Martinus Nijhoff Publishers.

South China Sea Dispute: China's Role and Proposed Solutions

- Parameswaran, P. (2019). South China Sea unilateralism: between opportunities and limits. *The Diplomat*. Retrieved on June 27, 2019, from <https://thediplomat.com/2019/05/south-china-sea-unilateralism-between-opportunities-and-limits/>
- Rao, P. C. (2011). Law of the Sea, Settlement of Disputes. *Max Planck Encyclopedia of International Law*. Disponível em: Acesso em, 3. Retrieved on May 8, 2019, from <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e58>
- Riegl, M., Landovský, J., & Valko, I. (2014). *Strategic regions in 21st century power politics: zones of consensus and zones of conflict*. Newcastle upon Tyne: Cambridge Scholars Publ.
- Roach, A., & McDevitt, M. (2014). *Malaysia and Brunei: An Analysis of their Claims in the South China Sea* (Working paper). The CNA Corporation. Retrieved on August 2, 2019, from <http://www.worldinwar.eu/wp-content/uploads/2016/11/IOP-2014-U-008434.pdf>
- Rowan, J. (2005). The U.S.-Japan Security Alliance, ASEAN, and the South China Sea Dispute. *Asian Survey*, 45(3), 414-436. doi:10.1525/as.2005.45.3.414.
- Roy, N. (2016). *The South China Sea disputes: past, present, and future*. Lanham: Lexington Books. Retrieved on April 9, 2019, from [file:///C:/Users/DELL/Downloads/CS39_2_012%20\(1\).pdf](file:///C:/Users/DELL/Downloads/CS39_2_012%20(1).pdf)
- Saleem, O. (1999). The Spratly Islands Dispute: China Defines the New Millennium. *Am. U. Int'l L. Rev.*, 15, 527. Retrieved on June 7, 2019, from <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1269&context=auilr>
- Shengli, L. (2017). A regional solution needed for South China Sea. *Global Times*, Retrieved on July 12, 2019 from <http://www.globaltimes.cn/content/1076888.shtml>
- Wu, S. (2013). *Solving disputes for regional cooperation and development in the South China Sea: A Chinese perspective*. Elsevier.
- Siew, J. (2018). *What are the solutions of the South China Sea conflict?* Retrieved on July 12, 2019 from <https://www.quora.com/What-are-the-solutions-of-the-South-China-Sea-conflict>
- Snyder, S. (1996). *The South China Sea dispute: prospects for preventive diplomacy*. US Institute of Peace.
- Storey, I. (2013). Manila ups the ante in the South China Sea. *China Brief*, 13(3), 3-5. Retrieved on June 2, 2019 from <https://jamestown.org/program/manila-ups-the-ante-in-the-south-china-sea/>
- Teacher, Law. (November 2013). South China Sea Disputes and Resolution. Retrieved on June 27, 2019, from <https://www.lawteacher.net/free-law-essays/international-law/south-china-sea-disputes-and-resolution-international-law-essay-law-international-essay.php?vref=1>
- Tong, L. (2016). Seeking a Solution to the South China Sea Disputes. *The Diplomat*, 21. Retrieved on July 12, 2019

from <https://thediplomat.com/2016/07/seeking-a-solution-to-the-south-china-sea-disputes/>

United Nations Convention on the Law of the Sea (1982). United Nations Division for Oceans and Law of the Sea

United Nations Convention on the Law of the Sea (1982). Article 76. United Nations

United Nations Convention on the Law of the Sea (1982). United Nations.

Vuving, A. L. (2016, May 6). South China Sea: Who Occupies What in the Spratlys? *The Diplomat*. Retrieved on April 6, 2017, from

<http://thediplomat.com/2016/05/south-china-sea-who-claims-what-in-the-spratlys/>