

Settling the South China Sea Dispute

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1. Introduction

In July 2016, an arbitral tribunal under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) ruled against the maritime claims in the case of the *Philippines v. People's Republic of China*. This decision has not shown any effect, as China does not acknowledge the tribunal nor does it abide by its ruling, rendering the ruling non-enforceable. The decision some hoped might finally settle a part of the heavily intertwined conflict over exclusive economic zones, valuable hydrocarbons and natural gas, not to mention the \$5.3 trillion in total trade that passes through the South China Sea every year. Being the flashpoint of a plethora of conflicts, such as the 1974 clash between China and Vietnam, where the PRC seized the Paracels, killing more than 70 Vietnamese troops, it has attracted a great deal of international attention from actors without direct claims on the South China Sea, such as the United States of America and its Freedom of Navigation programme, which actively challenges territorial claims on the world's oceans and airspace. This, in reality, is reflected by the effort of the U.S. Navy to patrol near the artificial islands China has erected in the proximity of the Spratly archipelago, which commenced in October 2015. Even though the UN and UNCLOS provide a platform for negotiation of maritime disputes, China, in particular, prefers bilateral negotiations with other parties, which some involved parties criticise, as they believe China has an unfair advantage in negotiations due to its size and military might.

Among the arguments used by the People's Republic of China, there are claims of the Spratly Islands being used by Chinese fishermen as early as 200 BC. This is one of the reasons the PRC claims that it has a right to build artificial islands on the Paracel and Spratly island chains. Along with the rising tension as a result of maritime disputes, military spending of claimant nations has skyrocketed throughout the last decade, making up a +167% for the People's Republic of China and +170% for Vietnam since 2005. The United Nations Security Council (UNSC) must find a way for negotiations to enter a transparent and equal platform in order for a proper verdict to be achieved and for peace and economic prosperity to be retained throughout the full process.

2. Definition of Key Terms

UNCLOS

The United Nations Convention on the Law of the Sea is an international agreement which defines the universally accepted rights and responsibilities of a nation towards the use of oceans and their environment, use for business and the management and exploitation of marine resources.

The third iteration of the conference which took place between 1973 and 1982 and most importantly defined various areas in relation to a nation, such as: Internal waters, territorial waters, the contiguous zone, the exclusive economic zone, the continental shelf and archipelagic waters.¹

¹ *United Nations Convention on the Law of the Sea of 10 December 1982*. United Nations, 1982.

“Freedom of Navigation”

The U.S. Freedom of Navigation programme works to assert its navigation freedoms on a worldwide basis in accordance with the UNCLOS. It further challenges claims on maritime areas and airspace by other countries not supported by the Law of the Sea. This is achieved by utilising diplomatic and military methods and multilateral consultations with other governments. Please note that the U.S. has not ratified UNCLOS.

EEZ

An exclusive economic zone refers to an area of the sea prescribed by UNCLOS. The state has special rights over its EEZ, including the rights regarding the exploitation of maritime resources and energy production. According to UNCLOS, it measures at 200 nmi (370.4 km).

Res nullius

noun

res nul·li·us \, rāsənə' lēəs, rā' snulē-; , rēznə' līəs, rēz' nəlēəs

Latin

Meaning: Nobody's property

ASEAN

The Association of Southeast Asian Nations (ASEAN) was formed in 1967 in Bangkok with a base of operations in Jakarta. Among the important factors in the development of ASEAN was the Vietnam War and the perceived threat of communism, which moulded the regional organisation and encouraged closer cooperation. Its founding nations are Indonesia, Malaysia, the

Philippines, Singapore and Thailand. Laos, Cambodia, Vietnam and Brunei joined in the coming decades.²

It promotes intergovernmental cooperation and serves as a body through which individual member states integrate economically, through lifting tariffs, issuing work visas and creating a common market.³ Economic integration furthermore allows for the ability to negotiate as a bloc, thus having a bigger leverage and theoretically being able to benefit more.

ASEAN operates on a system of three pillars: The Political-Security Community, Economic Community and Socio-Cultural Community. Each pillar is to some extent autonomous and has its own independent goals it pursues.⁴

The relationship with both China (PRC), Taiwan (ROC) and the U.S. can be judged on the basis of each and every member, yet as both the U.S. and the PRC are major trading partners of ASEAN. In light of escalating conflicts between some members of ASEAN and the PRC, more military exercises have been carried out between the U.S. Navy and individual ASEAN members. Whether or not this will continue to be the case for the Philippines, which some sources claim is experiencing a "pivot" towards the PRC remains to be seen.

² ECCLESTON, Bernard, Michael DAWSON and Deborah J. MCNAMARA. *The Asia-Pacific Profile*. London: The Open University, 1998.

³ SIM, Edmund W. *Introduction to the ASEAN Economic Community*. London: Globe Business Publishing, 2008.

⁴ Association of Southeast Asian Nations (ASEAN). *U.S. Department of State: Diplomacy in Action* [online]. Washington, D.C., 2017 [cit. 2017-02-07]. Available at: <https://www.state.gov/p/eap/regional/asean/>

“Nine-dash line”

A generalisation used to describe the maritime claims of the ROC and subsequently the PRC. It notably encompasses the Spratly Islands, the Paracel Islands, the Macclesfield Bank and the Scarborough Shoal.

The Law on the Territorial Sea and the Contiguous Zone

A law passed in 1992 by China (PRC) that lays claim to the entirety of the South China Sea based on its historical right to the area dating back to the 21st century BCE. The method of territorial determination used does not necessarily comply with and is not necessarily justified by UNCLOS, which was signed a decade later.⁵

3. General Overview

With the emerging newly industrialised countries in Southeast Asia shaking off the proverbial shackles of colonialism and shifting the power centre of gravity further and further east, there is a newfound ability and willingness to contest and attempt to control what has become one of the most economically important regions of the world.

The earliest historical point referenced by a side is the 3rd century BC when the Han dynasty of China occupied islands in the South China Sea. Later, from the 2nd century AD until 1832, the Hindu Champa kingdoms that rebelled against the Han dynasty made their living mostly as seafarers and fishermen.

⁵ KIM, Hyun-Soo. The 1992 Chinese Territorial Sea Law in the Light of the UN Convention. *The International and Comparative Law Quarterly* [online]. 1994, (43), 10 [cit. 2017-02-07]. Available at: http://www.jstor.org/stable/pdf/761006.pdf?acceptTC=true&seq=1#page_scan_tab_contents

The owners of the South China Sea and its islands rapidly changed, even though Vietnam and Cambodia were both recognised as the protectorates of France under French Indochina. Japan gained control of the islands after its victory, and further gained control over the Korean peninsula and Taiwan. Japanese expansion hasn't fully stopped until its defeat in the Second World War, when it signed The Treaty of San Francisco, renouncing its claim to the Korean peninsula, Taiwan, the Spratlys and the Paracels and according to some claims, rendering them *res nullius*.

Later decades proved that the conflict wouldn't be purely because of strategic and territorial reasons, as the U.S.-Japan treaty was signed and a 1969 report of the UN Economic Commission for Asia and the Far East found evidence for substantial deposits of hydrocarbons in the seabed between Taiwan and Japan in the East China Sea, possibly extending further south. China (PCR) claimed the Paracel Islands in 1974, prompting the Vietnamese garrison to flee and triggering a diplomatic crisis in Sino-Vietnamese relations. A Chinese outpost on Woody Island was fitted with military installations and an airfield, which cemented its claims on the island and meant that military force was necessary to remove the claimant.

With the help of globalisation and ever-present rapid growth, China (PCR) has been able to reach out and contest its national interests far beyond its own coast. Many nations, including China and Vietnam, continue building on reefs and small islets and reclaim the seabed to construct both civilian and military installations on the islands. This has only escalated the tensions between claimant states. Other incidents, such as the Mischief Reef Incident, the Scarborough Shoal incident and the clash on the Johnson Reef showed the potential implications for world peace if the issue isn't solved, yet very few cases have gone through the UN and even fewer have made an impact. The topic of settling the South China Sea dispute will rely on the ability of

the delegates to favour international transparent negotiation through the platform provided by the UN and preventing conflict by any means necessary.

4. Major Parties Involved

The People's Republic of China

China claims "Indisputable sovereignty" over the islands in the South China Sea, notably the Spratlys and the Paracels. Furthermore, it claims jurisdiction over all relevant waters, including: the nine-dash line area, the Vietnamese coast, the Sea area north of Borneo, the South China Sea islands, the Sea area north of the Natuna Islands, the Sea area west of Palawan and Luzon and finally the Luzon Strait.⁶

To understand why China takes such a strict stance on territories it borders and potentially controls, we have to go back in time and see how state Chinese literature automatically treated Mongolia, Hong Kong and Macao as integral parts of China that have been estranged during "The Old Democratic Revolutionary Era" by imperialist activities.⁷ A strong stance on areas China has previously had a claim on or has now is a trademark stance that hasn't changed much throughout the decades. One of the main arguments used in the debate whether or not the territories in the South China Sea come from

⁶ Troubled waters in South China Sea. *The Straits Times* [online]. Singapore: Singapore Press Holdings Ltd. Co., 2016 [cit. 2017-02-07]. Available at: <http://graphics.straitstimes.com/STI/STIMEDIA/Interactives/2016/02/turf-wars-on-the-south-china-sea/index.html>

⁷ LO, Chi-Kin. *China's Policy Towards Territorial Disputes: The Case of the South China Sea Islands*. New York: Routledge, 1989.

the historical claims of the 3rd century BC, when the Han dynasty of China started occupying islands, including the Spratly Islands.⁸

One could trace one of the sources of the conflict to the 1952 San Francisco Treaty, which failed to come to a clear stipulation of the issue of the ownership of the Spratly Islands, when Japan lost its right to the islands as a result of the defeat in the Second World War. The 250,000 square kilometres of the South China Sea, which is potentially rich in hydrocarbons and natural gas, has since become a flashpoint for many conflicts since the mid-1970s, when a number of claimants, including China, have begun exercising their perceived right to their selective EEZs and collected resources from the seabed.⁹

The chaotic struggle to occupy islands after World War II got even more complicated after the eventual discovery of oil and natural gas, which is believed to be one of the main reasons for the endless battle of attrition.

According to the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea, parties undertake to exercise self-restraint in any activities that could cause conflict and/or escalate the disputes in the area. Even if such measures have already been negotiated, this didn't stop China, along with Malaysia, the Philippines and Vietnam have undertaken activities such as construction on the features they occupy and control the Spratly Islands.¹⁰ Finally, China, even though it is a signatory of UNCLOS, prefers bilateral negotiations with countries that lay claims on the disputed territory.

⁸ NORDQUIST, Myron H, John N. MOORE. *Security Flashpoints: Oil, Islands, Sea Access and Military Confrontation*. Leiden: Martinus Nijhoff Publishers, 1998.

⁹ South China Sea Territorial Disputes. *Peace Palace Library* [online]. Hague. 2016 [cit. 2017-02-07]. Available at: <https://www.peacepalacelibrary.nl/library-services/contact-information/>

¹⁰ South China Sea Territorial Disputes. *Peace Palace Library* [online]. Hague. 2016 [cit. 2017-02-07]. Available at: <https://www.peacepalacelibrary.nl/library-services/contact-information/>

Malaysia

Malaysia lays claim to a number of islands in the southern part of the Spratly archipelago, which is included in its 200 mile EEZ as defined by UNCLOS. It currently actively occupies 5 bodies, some of which have been reconstructed using land reclamation and equipped with an airstrip and a dive resort (Swallow Reef) reportedly to promote tourism.¹¹ In 2009, Malaysia and the Socialist Republic of Viet Nam jointly submitted to the Commission on the Limits of the Continental Shelf on the limits of the continental shelf.¹² As a basis of its claim, Malaysia sets forward the continental shelf principle, which would be in order and within the limits of Malaysia's EEZ defined in 1979.¹³ Furthermore, after Japan has renounced their sovereignty over the islands in the San Francisco Treaty, which came into force in 1952, the islands in question became *res nullius*, and were thus legally annexable according to Malaysia.¹⁴ Relative to other claimant nations, Malaysia maintains much friendlier relations with the PRC, as it has strong bilateral relations to begin with. This does not mean, however, that it doesn't guard its own claimed area of the South China Sea, as we can see that even though Malaysia and China maintain their relationship, there has been a gradual increase from the start of the decade to take a harder stance on what Malaysia claims are violations of its EEZ.^{15, 16}

¹¹ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

¹² *Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission: Joint submission by Malaysia and the Socialist Republic of Viet Nam*. United Nations Commission on the Limits of the Continental Shelf, 2011.

¹³ Marine Gazetteer Placedetails. *Marine Regions* [online]. 2005 [cit. 2017-02-07]. Available at: <http://www.marineregions.org/gazetteer.php?p=details&id=8483>

¹⁴ Marine Gazetteer Placedetails. *Marine Regions* [online]. 2005 [cit. 2017-02-07]. Available at: <http://www.marineregions.org/gazetteer.php?p=details&id=8483>

¹⁵ PARAMESWARAN, Prashanth. Malaysia's South China Sea Policy: Playing It Safe. In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2015 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2015/03/malaysias-south-china-sea-policy-playing-it-safe/>

¹⁶ PARAMESWARAN, Prashanth. How Is Malaysia Responding to China's South China Sea Intrusion? In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2015 [cit.

The Philippines

Military spending of the Philippines has increased dramatically in the past years¹⁷, showing a more aggressive stance towards what it calls “incursions” into its claimed territory, which includes the entirety of the Spratly archipelago¹⁸, which is known in the Philippines as “the Kalayaan island group”. It also, among others, lays claim to the Paracels and the Scarborough Shoal, leading to numerous standoffs with the PRC in the past.

One of the more recent conflicts is the so-called “Scarborough Shoal standoff.” The Scarborough Shoal is a landmass 220 km off the coast of the Philippines and 800 km off the coast of southeast Hong Kong. As an important shipping route for oil from the Middle East and a site with an abundance of marine resources, it has been the flashpoint of aggression between the PRC and the Philippines. An agreement was signed between the two nations that pledges to solve the issue by peaceful means. This hasn’t stopped Chinese (PRC) civilian fishing vessels from regularly entering the waters of the Scarborough Shoal and extracting resources, which prompted diplomatic protest towards Beijing, military action and in some instances apprehension of Chinese (PRC) fishermen, who were later turned over to the PRC embassy in the Philippines.¹⁹ In 2012, a faceoff between the two governments prompted the Philippines to take the dispute to an international tribunal under UNCLOS, which invalidated the “nine-dash line” claim by China (PRC) and ruled that the Philippines have sovereignty over the West

2017-02-07]. Available at: <http://thediplomat.com/2015/11/how-is-malaysia-responding-to-chinas-south-china-sea-intrusion/>

¹⁷ SIPRI Military Expenditure Database. *Stockholm International Peace Research Institute* [online]. Stockholm: SIPRI, 2017 [cit. 2017-02-07]. Available at: <https://www.sipri.org/databases/milex>

¹⁸ China’s Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

¹⁹ INQUIRER.NET. Scarborough shoal standoff: A timeline. In: *INQUIRER.net* [online]. Makati, 2012 [cit. 2017-02-07]. Available at: <https://globalnation.inquirer.net/36003/scarborough-shoal-standoff-a-historical-timeline>

Philippine Sea. Vietnam filed a statement in 2014 in support of the Philippines in this particular case.^{20, 21, 22}

Furthermore, a 1996 incident referred to as “The Mischief Reef Incident” was the first time China (PRC) actually engaged in a military confrontation with the Philippines. The battle between three Chinese (PRC) naval vessels and a Philippine navy gunboat. This triggered a crisis in Sino-Philippine relations and following the incident, the U.S. conducted joint training exercises with the Philippines. Later that year, China and the Philippines signed a non-binding code of conduct that pledged to resolve the situation in a peaceful manner.²³

Finally, even though the United States and the Philippines have a defence treaty, which is mutually applied (even though the Philippines aren’t a part of NATO), it does not extend to territorial claims and there has been a steady decline in military cooperation since the 1990’s, which could be explained by the closer relationship between the Philippines and other ASEAN nations that diversify military alliances and make sure any possible situation concerning military escalation in the South China Sea would be in the direct interest of the closest allies of the Philippines, rather than barely on the edge of their sphere of influence. This has been nothing but confirmed by the new Philippine head of state Rodrigo Duterte, and some

²⁰ *The South China Sea Arbitration Award*. In: . Hague: Permanent Court of Arbitration, 2016. Available at: <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>

²¹ INQUIRER.NET. Philippines wins arbitration case vs. China over South China Sea. In: *INQUIRER.net* [online]. Makati, 2012 [cit. 2017-02-07]. Available at: <https://globalnation.inquirer.net/140358/philippines-arbitration-decision-maritime-dispute-south-china-sea-arbitral-tribunal-unclos-itlos>

²² PHAM, Diep Ngoc a John BOUDREAU. South China Sea Tensions Flare as Vietnam Files Stance to Court. In: *Bloomberg* [online]. New York: Bloomberg L.P., 2014 [cit. 2017-02-07]. Available at: <https://web.archive.org/web/20141213103712/http://mobile.bloomberg.com/news/2014-12-12/south-china-sea-tensions-flare-as-vietnam-files-stance-to-court.html>

²³ China’s Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

sources suggest that the Duterte administration intends to make an economic and military pivot towards China, while taking a more critical stance of the United States.²⁴

Vietnam

Vietnam claims maritime jurisdiction over the Spratly Islands and the Paracels included in its 200 mile EEZ. Its position regarding its claims to the South China islands was first published in 1974, which were supported by several factors.²⁵

The Paracels, according to several maps and historical sources trace signs of Vietnamese presence to the 17th century, and it further hints at the potential control of the Nguyen family, which ruled Vietnam from 1802 to 1945. This claim is supported by French and British reports from the time²⁶, and is directly opposed by Chinese (PRC) claims of a similar kind, only concerning ancient Persian maps.

Vietnam has been especially vocal about its claims in the South China Sea. Its complicated relationship with China (PRC) escalated into several clashes, one of which resulted in an armed conflict over the Spratly archipelago in 1988, specifically on the Johnson Reef. The Chinese (PRC) navy sank three Vietnamese navy vessels, killing 74 sailors and severely complicating Sino-

²⁴ U.S.-Philippine Relations. *Global Security* [online]. Alexandria, 2016 [cit. 2017-02-07]. Available at: <http://www.globalsecurity.org/military/world/philippines/forrel-us.htm>

²⁵ PEDROZO, Raul. China versus Vietnam: An Analysis of the Competing Claims in the South China Sea. In: *CNA: Analysis & Solutions* [online]. Arlington: CNA, 2014 [cit. 2017-02-07]. Dostupné z: https://www.cna.org/cna_files/pdf/IOP-2014-U-008433.pdf

²⁶ PEDROZO, Raul. China versus Vietnam: An Analysis of the Competing Claims in the South China Sea. In: *CNA: Analysis & Solutions* [online]. Arlington: CNA, 2014 [cit. 2017-02-07]. Dostupné z: https://www.cna.org/cna_files/pdf/IOP-2014-U-008433.pdf

Vietnamese relations.²⁷ This rapid expansion could be potentially traced to the economic reforms taking place in the 1980s, which shifted the economic strong points of China towards coastal regions, which ramped up the value of hydrocarbons in the eyes of China (PRC) (Most notably today's Pearl River delta area.²⁸)

Vietnam has directly supported the 2009 submission of Malaysia to the UNCLOS tribunal, clarifying its claims on the South China Sea.²⁹

Taiwan (ROC)

The Kuomintang regime settled the island of Taiwan after the defeat by the communist revolution led by Mao Zedong in 1949. Its claims include the nine-dash line, which is to an extent very similar to the Chinese (PRC) claimed maritime areas, especially in the South China Sea.³⁰ It further includes the Spratlys, the Paracels, Macclesfield Bank and Pratas Island. It has effective control over Tungsha Island and Taiping in the Spratly Archipelago. As of 1997, Taiwan has had 1 helicopter pad, a radar station, a meteorological centre, a power plant and 112 troops garrisoned in the Spratlys. Taipei's policy towards the South China Sea disputes could be summarised as: "Willing to seek a peaceful resolution, particularly in the case of the Spratly Archipelago." Its policy guidelines towards the SCS includes such goals as safeguarding ROC sovereignty over the islands in the

²⁷ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuidee

²⁸ TIMELINE: China milestones since 1978. *Reuters* [online]. London: Reuters, 2008 [cit. 2017-02-07]. Available at: <http://www.reuters.com/article/us-china-reforms-chronology-sb-idUKTRE4B711V20081208>

²⁹ *Joint Submission to the Commission on the Limits of the Continental Shelf pursuant to Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea 1982 in respect of the southern part of the South China Sea*. United Nations, 2009.

³⁰

China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

South China Sea, strengthen development and management of the SCS, promote cooperation among the littoral states of the SCS and resolve disputes peacefully.³¹

Its relations with ASEAN have normalised, with Taiwan even issuing visa-free entry for citizens of Thailand and Brunei, yet it hasn't been recognised as "The Only China" by ASEAN in fear of antagonising relations with the PRC.³²

Even though Taiwan isn't officially a member of the U.N, it will be taking on the role of an observer in this session of the Security Council, as a powerful economic and military force in the region.

Taiping Island, which is occupied by a ROC military garrison, was one of the subjects of the landmark arbitral tribunal ruling in the *Republic of Philippines v. People's Republic of China* case, where the tribunal ultimately found that Taiping Island is, along with the rest of the Spratlys, an island, as it cannot sustain a human settlement without external help. This was received with great public outcry and the Presidential Office of Taiwan stated that it will consider the ruling non-binding.³³

³¹ LIN, Cheng-yi. Taiwan's South China Sea Policy. *Asian Survey* [online]. University of California Press, 1997, 37(4), 16 [cit. 2017-02-07]. Available at: http://www.jstor.org/stable/2645651?Search=yes&resultItemClick=true&searchText=Taiwan%27s&searchText=South&searchText=China&searchText=Sea&searchText=Policy&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3DTaiwan%2527s%2BSouth%2BChina%2BSea%2BPolicy%26wc%3Don%26acc%3Doff%26fc%3Doff%26amp%3D%26amp%3D%26amp%3D%26amp%3D%26group%3Dnone&seq=1#page_scan_tab_contents

³² PARAMESWARAN, Prashanth. Taiwan Woos ASEAN Tourists in Boost for New Southbound Policy. In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2016 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2016/07/taiwan-woos-asean-tourists-in-boost-for-new-southbound-policy/>

³³ TIEZZI, Shannon. Taiwan: South China Sea Ruling 'Completely Unacceptable'. In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2016 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2016/07/taiwan-south-china-sea-ruling-completely-unacceptable/>

Brunei

Brunei hasn't made official claims or confronted claims made by other nations, yet it lays claim to the Louisa Reef and Rifleman Bank. It doesn't currently have a military presence in the South China Sea, even though its EEZ overlaps with that of Malaysia and China (PRC and ROC).³⁴ In March 2003, Brunei took issue with Malaysia's claim to the Louisa Reef, which was resolved in a 2009 agreement, outlining the peaceful collaboration of resources in the area.

Brunei is dealing with sovereignty issues with China (PRC) bilaterally and not pursuing the international U.N platform. Brunei maintains a relatively stable relationship with China (PRC) due to its relative dependence on Brunei's vast reserve of hydrocarbons.

The Abode of Peace accurately reflects Brunei's position of non-aggression and peaceful discussion, along with stable relationships with the PRC.³⁵

The United States of America

The United States of America do not currently have a claim in the South China Sea, yet its involvement in the dispute has grown over the past few years, due to several reasons. With the Philippines and Japan being "Major non-NATO allies" of the United States and a mutual support treaty with both of the nations. The obligation of the U.S. to provide military support in case of an attack in the South China Sea region is a strong deterrent to prevent large-scale conflict. This is however paired with the U.S.-China Military

³⁴ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

³⁵ SANDS, Gary. Brunei, Silent Claimant in the South China Sea. In: *Foreign Policy Association* [online]. New York: Foreign Policy Association, 2016 [cit. 2017-02-07]. Available at: <http://foreignpolicyblogs.com/2016/04/28/brunei-silent-claimant-south-china-sea/>

Maritime Consultative Agreement³⁶, which aims to de-escalate potential conflicts using direct communication and promoting operation under international law for both the U.S. and China (PRC).³⁷

Even if the U.S. does consider the treaty as a codification of “customary international law”, it has not ratified it and has showed particular complaints towards part XI of the treaty, which deals with deep seabed portions and mining of metals within it. This makes the operations conducted in the South China Sea by the U.S. Navy and Air Force a frequent target of accusations of hypocrisy. For example with the 2015 operation conducted by USS Lassen near Subi Reef, which was met with Chinese (PRC) protest over violating its sovereignty.³⁸

The U.S. Freedom of Navigation programme works to assert its navigation freedoms on a worldwide basis in accordance with the aforementioned UNCLOS. It further challenges claims on maritime areas and airspace by other countries not supported by the Law of the Sea. This is achieved by utilising diplomatic and military methods and multilateral consultations with other governments.³⁹

Finally, there is a stark contrast between the way the Obama and Trump administrations regard the South China Sea dispute. As we only have unofficial reports of the stance of the Trump administration, we can only

³⁶ *Agreement Between the UNITED STATES OF AMERICA and the PEOPLE'S REPUBLIC OF CHINA on Establishing a Consultation Mechanism to Strengthen Military Maritime Safety*. Beijing, 1998. Available at: <https://fas.org/nuke/control/sea/text/us-china.pdf>

³⁷ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

³⁸ BO, By Hu. The Hypocrisy of US Freedom of Navigation Operations in the South China Sea. In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2015 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2015/11/the-hypocrisy-of-us-freedom-of-navigation-operations-in-the-south-china-sea/>

³⁹ Maritime Security and Navigation. *U.S. Department of State* [online]. Washington, D.C., 2017 [cit. 2017-02-07]. Available at: <https://www.state.gov/e/oes/ocns/opa/maritimesecurity/>

theorise. However, Steve Bannon, previously the head of a major news website and now the chief strategist at the White House has previously taken a strong stance on the involvement of the U.S. in the South China Sea.⁴⁰

5. Timeline of Key Events

3rd century BC - The **Han dynasty of China** started to occupy islands of the South China Sea, among these the **Spratly Islands** ('Spratlys'). Chinese dynasties remained in the region until modern times.⁴¹

2nd century AD-1832 - **Champa Kingdoms** - Sri Mara, the Champa leader, rebelled against the Han dynasty and founded a country for his people in current **Vietnamese territory**. Since that time, Champa people had operated in the region as sailors and traders. In 1832, they lost their territory in the war against the Vietnamese Emperor Minh Mạng.⁴²

19th century - **China** and **Vietnam** make their claims to the **Paracel Islands** ('Paracels').

1887-1954 - **French Indochina** - Since 1887 France has officially recognised its protectorate over **Vietnam** and **Cambodia** (which was later extended by **Laos**) when the peace convention between the French government and the Qing Empire was signed. It was agreed that China is the rightful owner of the **Paracels** and the **Spratlys**. The protectorate lasted until the signing of Geneva Accord in 1954.

⁴⁰ HAAS, Benjamin. Steve Bannon: 'We're going to war in the South China Sea .. no doubt'. In: *The Guardian* [online]. Hong Kong, 2017 [cit. 2017-02-07]. Available at: https://www.theguardian.com/us-news/2017/feb/02/steve-bannon-donald-trump-war-south-china-sea-no-doubt?CMP=share_btn_fb

⁴¹ NORDQUIST, Myron H, John N. MOORE. *Security Flashpoints: Oil, Islands, Sea Access and Military Confrontation*. Leiden: Martinus Nijhoff Publishers, 1998.

⁴² HIGHAM, C. *Early Mainland Southeast Asia*. Bangkok: River Books Co., Ltd., 2014.

1894-5 - Sino-Japanese War - The original purpose of the conflict between the **Qing dynasty** and **Japan** was the territory of Korean archipelago and its adjacent area. Freshly industrialised Japan celebrated a crushing victory and gained, apart from the Korean territory, **Taiwan**. It is disputed whether the islands of South China Sea formed a part of the post-war compensation process.

1898

- **Philippines** ceded from Spain to the U.S. after the Spanish-American War.⁴³
- **Guangzhouwan** (an island on the southern Chinese coast) was leased from China to France for 99 years as a strategic and commercial point. As a result of WWII, it was returned back in 1946. Currently, it serves as the headquarters of South Sea Fleet of the People's Liberation Army Navy.

1902-1907 - China sent naval forces to the **Paracels** twice. At first to inspect, and later to plan a resource exploitation programme and to establish an administration of the islands.

1917-1928 - Japan undertook its first exploitation missions to the Spratly Islands. Later on, they made their earliest claim to the **Paracels** and the **Spratlys**.⁴⁴ In the reaction, **China** labelled the Paracel Islands as its southernmost limits of its territory.

1930s

⁴³ HALSTEAD, M. *The Story of the Philippines*. Chicago: Our Possessions, 1898.

⁴⁴ KIVIMÄKI, Timo. *War Or Peace in the South China Sea?*. Copenhagen: NIAS Press, 2002, p. 9-10.

- In 1937, **China** sends its army on a confidential tour to the islands in order to bury backdated sovereignty markers on the islands.⁴⁵
- **France's** naval forces announced their presence in the region by claiming several islands. Their action was probably provoked mainly by Japanese expansion. They occupy the **Paracels** in 1938.^{46, 47}
- Following the invasion of China, **Japan** claims several islands in the region. They occupy the **Pratas Islands** in 1937 and invade the **Spratlys** and **Hainan Island** in 1938 (acc. Kivimäki, it was in 1939⁴⁸).⁴⁹ “Within the Japanese administrative system, the Spratlys depended on Taiwan and the Paracels on Hainan.”⁵⁰

1940s

- Following the end of WWII, the **U.S.** navy started to operate in the region. They assumed control of Japanese territory. This included the **Ryukyu** and **Senkaku Islands**. The U.S. control lasts until the end of the Korean War in 1952.⁵¹
- With the assistance of Allies, **China** accepted the Japanese surrender in **Taiwan** (1945), which included the **Paracels** and **Spratlys**, and declared the area a part of its territory.^{52, 53} In 1947 (or in 1948⁵⁴),

⁴⁵ BONNET, François-Xavier. Archeology and Patriotism: Long term Chinese strategies in the South China Sea. In: *Institute for Maritime and Ocean Affairs* [online]. Manila: Institute for Maritime and Ocean Affairs, 2015 [cit. 2017-02-07]. Available at: <http://www.imoa.ph/wp-content/uploads/2015/04/ARCHEOLOGY-AND-PATRIOTISM.pdf>

⁴⁶ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

⁴⁷ KIVIMÄKI, Timo. *War Or Peace in the South China Sea?*. Copenhagen: NIAS Press, 2002, p. 9-10.

⁴⁸ KIVIMÄKI, Timo. *War Or Peace in the South China Sea?*. Copenhagen: NIAS Press, 2002, p. 10.

⁴⁹ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

⁵⁰ KIVIMÄKI, Timo. *War Or Peace in the South China Sea?*. Copenhagen: NIAS Press, 2002, p. 10.

⁵¹ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

⁵² MORLEY, James W. and Masashi NISHIHARA. *Vietnam Joins the World*. New York: M. E. Sharpe, 1997, p. 124.

Chinese officials presented [the Location Map of the South China Sea Islands](#) (*Nan Hai Zhu Dao Wei Zhi Tu*) marking the area claimed by the state (the will change only once - in 1953).⁵⁵

- **France** protested against Chinese presence in the **Paracels** by unsuccessfully trying to oust its troops.⁵⁶

1951 - The Treaty of San Francisco - The end of WWII brought the **Japanese** renouncement of **Korea, Taiwan, Spratlys, and Paracels**. Nevertheless, they were granted with the **Ryukyu Islands** (which were effectively controlled by the U.S. army). The **Senkaku Islands** are still the subject of speculations because they were not explicitly mentioned in the treaty.

1953 - China removes the **Gulf of Tonkin** from its claimed area.⁵⁷

1954 - End of French Indochina - France loses the territories of the Indochinese Federation (Vietnam, Cambodia, and Laos). **Vietnam** (the south) also gained the territory of **Paracels** and **Spratlys**. Although, the communist North Vietnam officially recognised the islands as a part of Chinese territory and the Chinese troops, which were present on the islands.

⁵³ SEVERINO, Rodolfo C. *Where in the World is the Philippines?: Debating Its National Territory*. Singapore: ISEAS Publishing, 2011, p. 74.

⁵⁴ *Statement of the Government of the People's Republic of China on China's Territorial Sovereignty and Maritime Rights and Interests in the South China Sea*. Beijing: Ministry of Foreign Affairs of the People's Republic of China, 2016. Available at: http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1379493.shtml

⁵⁵ SEVERINO, Rodolfo C. *Where in the World is the Philippines?: Debating Its National Territory*. Singapore: ISEAS Publishing, 2011, p. 76.

⁵⁶ SEVERINO, Rodolfo C. *Where in the World is the Philippines?: Debating Its National Territory*. Singapore: ISEAS Publishing, 2011, p. 74.

⁵⁷ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

1956 - The first United Nations Conference on the Law of the Sea (**UNCLOS I**) took place in Geneva. The conference was the first of many over the following three decades.

1960s - **U.S.** signed a [security treaty](#) with **Japan** promising mutual cooperation in the case of an attack on Japanese territory by a third state. In spite of the fact that the **Senkaku Islands** were not a part of the treaty, both countries still recognise them as a part of Japanese territory. In 1969, the **UN Economic Commission** presents the findings of **oil deposits** under the waters of the islands. Consequently, **China** declares its sovereignty over them.⁵⁸

1970s

- **China** started its occupation of some of the islands of the **Paracels**. Later, the **U.S.** signed the **Okinawa Reversion Treaty** with **Japan** establishing an alliance and returning officially the **Ryukyu Islands** (together with **Senkaku Islands**) under their administration. From the U.S. point of view, the alliance and the bases on the islands were seen as crucial for peace in the Pacific. In response, **China** started to issue claims to the Senkaku Islands.⁵⁹ However, in 1972, the country [reestablishes its diplomatic relations](#) with Japan and later that year with the US. In 1974, after the U.S. departure from the Vietnam War, a conflict between China and Vietnam took place in the **Paracels** (known as the Battle of the Paracel Islands) resulting in the withdrawal of Vietnamese army to the south. Afterwards, Vietnam establishes a

⁵⁸ HARRISON, Selig S. Seabed Petroleum in Northeast Asia: Conflict or Cooperation? In: *Woodrow Wilson International Center for Scholars* [online]. Washington, D.C.: Woodrow Wilson International Center for Scholars, 2005 [cit. 2017-02-07]. Available at:

https://www.wilsoncenter.org/sites/default/files/Asia_petroleum.pdf

⁵⁹ MANYIN, Mark E. The Senkakus (Diaoyu/Diaoyutai) Dispute: U.S. Treaty Obligations. In: *Congressional Research Service* [online]. Washington, D.C.: Congressional Research Service, 2016 [cit. 2017-02-07]. Available at: <https://fas.org/sgp/crs/row/R42761.pdf>

garrison on the **Spratlys** and, after the unification of the country, it issues claims to the **Paracels** as well. However, the Chinese troops remain on the islands.

- In 1972, the **Philippines** announced official claims to a few islands in the **Spratly Archipelago** and incorporated the area into Palawan Province. Four years later, extensive oil deposits were found in the region and, later, the state-owned oil company started to exploit it. The oil is still being produced.⁶⁰

1980s

- The last conference of **UNCLOS III** took place in New York in 1982. As a result, the **United Nations Convention on the Law of the Sea** was finalised (however it would not come into force until 1994). The convention deals with the most crucial aspects of the South China Sea Dispute. Consequently, based on the document the **Philippines** announce another claim to the **Spratlys**.
- In 1988, a conflict between the **Chinese** and **Vietnamese** army took place in the **Spratlys**. In consequence, some Vietnamese ships were sunk and tens of soldiers were killed. The true cause of events is disputed.

1990s

- In 1992, the **Chinese** government passes **the Law on the Territorial Sea and the Contiguous Zone**, which defines the South China Sea claimed area as a rightful part of its territory.
- In 1996, there was a short confrontation between the **Chinese** and **Philippine** navy in the **Spratlys**. As a result, the U.S.-Philippine

⁶⁰ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

relation was refreshed and a joint military training took place. Later, the warring parties signed a peaceful code of conduct.⁶¹

- In 1998, the **U.S.** and **China** sign the first military agreement between the two countries - **the Military Maritime Consultative Agreement**. The agreement points out the importance of mutual understanding and the UNCLOS Convention. Nevertheless, it did not take more than three years to the countries to violate it in the **Hainan Island incident**, which resulted in further disputes between the two countries.
- In 1999, **Taiwan** announced claims to the South China Sea islands including the **Spratlys** and denounced Malaysian and Philippine activities in the region. This attitude led to Taiwanese cooperation with China in the international disputes.

2001 - Hainan Island Incident - Collision of a **Chinese** and a **U.S.** aircraft above the island, which led to another China-U.S. dispute. The Chinese Yulin Naval Base, which consists of several nuclear ballistic missile submarines, is currently located on the island. The presence of the ships in the region was repeatedly an object of the U.S. protests.

2002 - Declaration on the Conduct of Parties in the South China Sea - A multilateral agreement between **China** and the **ASEAN** countries on the code of conduct that defines the guidelines of the resolution of the South China Sea Dispute.

2005 - Another conflict took place near the Hainan Island. **China** was accused of firing upon **Vietnamese** civilian fishing vessels. At the same

⁶¹ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

time, China declared that it fired upon a number of Vietnamese pirate ships.⁶²

2009 - Malaysia and Vietnam submitted to the Commission on the Limits of the Continental Shelf an information about a newly extended limit of their continental shelf.⁶³ **China** protested against the submission considering it a violation of its territory.

2011 - China came into conflict several times with its neighbours in the region:

- with **Japan** in the region of the **Senkaku Islands**;
- with **Philippines** in the **Spratlys** and the **Palawan Island** (in response, the country, and later followed by the US, started to refer to the South China Sea as the West Philippine Sea⁶⁴);
- with **Vietnam** nearby the **Hainan Island**.

On the other hand, **Malaysia** considered China as a partner and blamed the **U.S.** of intentional coercion. Lastly, the **U.S.** administration stresses its strategic attention to the southern part of the Asia-Pacific region - firstly, through Obama's speech to the Australian parliament, and later in the Trans-Pacific Partnership (TPP) negotiations.

2012

- **Phillippines** and **China** got into conflict several times in the **Scarborough Shoal** for various reasons. Trade barriers between the

⁶² BRANIGAN, Tania. Vietnam and China trade accusations over sinking of Vietnamese fishing boat. In: *The Guardian* [online]. Beijing: The Guardian, 2014 [cit. 2017-02-07]. Available at: <https://www.theguardian.com/world/2014/may/27/vietnam-china-accusations-sinking-fishing-boat>

⁶³ *Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission: Joint submission by Malaysia and the Socialist Republic of Viet Nam*. United Nations Commission on the Limits of the Continental Shelf, 2011.

⁶⁴ HEYDARIAN, Javad. The West Philippine Sea? In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2011 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2011/12/the-west-philippine-sea/>

two economies were raised and a fishing ban in the region was implemented. Parties included in the incident include the **ASEAN**, the **UNCLOS** and the **US**.⁶⁵

- **Japan** called attention to the **Chinese** influence in the region and proposed further cooperation of democratic countries in order to “safeguard the maritime commons stretching from the Indian Ocean region to the Western Pacific.”⁶⁶ Furthermore, the Japanese government signed a contract with private landowner selling him the **Senkaku Islands**. In response, **China** significantly increased its patrol in the area.
- **Vietnam** passed a law demarcating its sea borders. The territory includes the **Spratlys** and **Paracels**. In reaction, China decided to establish the **Sansha** garrison as its administrative control center for the Spratlys, Paracels and Macclesfield Bank. The situation gave birth to a bilateral agreement between the two sides.
- **Taiwan** performed military exercises on **Taiping Island** naming it Chinese territory and labelling **Japan** as its enemy, which Japan negated.
- The **ASEAN** failed to issue a communiqué as the conclusion of its annual session, which took place in Cambodia. Some say it was due to the influence of Chinese presidency.

2013

- The **Japanese** PM Shinzo Abe started its actuating in the dispute by visiting its Southeast Asian counterparts - **Thailand** and **Indonesia**. Later on, Japan deepened its financial cooperation with the ASEAN and

⁶⁵ China's Maritime Disputes: A CFR InfoGuide Presentation. *Council on Foreign Relations* [online]. New York: Council on Foreign Relations, 2017 [cit. 2017-02-07]. Available at: http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/?cid=otr-marketing_use-china_sea_InfoGuide

⁶⁶ ABE, Shinzo. Asia's Democratic Security Diamond. In: *Project Syndicate* [online]. Prague: Project Syndicate, 2012 [cit. 2017-02-07]. Available at: <https://www.project-syndicate.org/commentary/a-strategic-alliance-for-japan-and-india-by-shinzo-abe?barrier=accessreg>

took part in the Trans-Pacific Partnership (TPP) negotiations alongside **Brunei, Malaysia, Singapore, and Vietnam.**

- **Philippines** initiates its arbitration against **Chinese** sovereignty claims to the **Spratlys** and **Scarborough Shoal** under the **UNCLOS**. China reacts by non-attendance in the process.
- **Japan** leaves its pacifist policy and invests in the armament equipment of other East Asian countries, such as **East Timor, Cambodia, and Philippines**, in order to counter **China's** rising power in the region.⁶⁷
- **Malaysia** expressed its sympathies with **China**.
- **China** announces creation of **the Aircraft Identification Rules for the East China Sea Air Defense Identification Zone** that implies necessity to submit all non-commercial flights planning to cross the area of the East China Sea and the **Senkaku Island**. Consequently, the **US** administration expresses its deep concern.

2014

- **China** started to make a practice of its fishing rule over the South China Sea. In consequence, few **Philippine** ships were expelled from the **Spratlys**.
- The **US** signs an enhanced defence pact (following the one from 1951) with **Philippines** extending the presence of its troops in the region and intensifying the joint training.⁶⁸ Nevertheless, Obama insisted that the treaty is not aimed against **China**.
- **Vietnamese** and **Chinese** vessels collide once again.

⁶⁷ FACKLER, Martin. Japan Is Flexing Its Military Muscle to Counter a Rising China. In: *The New York Times* [online]. New York: The New York Times, 2012 [cit. 2017-02-07]. Available at: <http://www.nytimes.com/2012/11/27/world/asia/japan-expands-its-regional-military-role.html?pagewanted=all>

⁶⁸ ALBERT, Eleanor. The U.S.-Philippines Defense Alliance. In: *Council on Foreign Affairs* [online]. New York: Council on Foreign Affairs, 2016 [cit. 2017-02-07]. Available at: <http://www.cfr.org/philippines/us-philippines-defense-alliance/p38101>

- The **US** ease an embargo put on the exportation of weapons to **Vietnam** expecting an expansion of Vietnamese maritime defence potential.⁶⁹
- **China's** and **Japan's** leaders meet to discuss crisis-management and peace settlement in the dispute following the publication of [four-point agreement](#).

2015

- The **UNCLOS** arbitration case **Philippines v. China** took place. The first asked the court to invalidate the “nine-dash line” claims of the later. The hearings were attended by observers from **Indonesia, Japan, Malaysia, Thailand, and Vietnam**.
- **Malaysia** protests against **China's** claims to an island, which they considered as a part of their territory.
- In reaction to the Chinese rising infrastructure development in the **Spratlys**, the **US** send a navy patrol to negotiate with **China** advocating freedom of navigation in the region and expressing its concern over the militarization in the dispute.⁷⁰

2016

- Satellite pictures showed that **China** had empowered its position in the **Paracels** developing the infrastructure and militarizing the islands. China denominated its activities as rightful.⁷¹ Furthermore, the

⁶⁹ GORDON, Michael R. U.S. Eases Embargo on Arms to Vietnam. In: *The New York Times* [online]. New York: The New York Times, 2014 [cit. 2017-02-07]. Available at: https://www.nytimes.com/2014/10/03/world/asia/us-eases-embargo-on-arms-to-vietnam.html?_r=1

⁷⁰ PANDA, Ankit. After Months of Waiting, US Finally Begins Freedom of Navigation Patrols Near China's Man-Made Islands. In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2015 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2015/10/after-months-of-waiting-us-finally-begins-freedom-of-navigation-patrols-near-chinas-man-made-islands/>

⁷¹ LEE, Victor R. Satellite Images: China Manufactures Land at New Sites in the Paracel Islands. In: *The Diplomat: Read The Diplomat, Know the Asia-Pacific* [online]. Tokyo: The Diplomat, 2016 [cit. 2017-02-07]. Available at: <http://thediplomat.com/2016/02/satellite-images-china-manufactures-land-at-new-sites-in-the-paracel-islands/>

country, as well as the **US**, intensified its maritime activity in the region.

- **Indonesia** held its largest air force military exercise in the region and expressed its intention to cooperate with **Malaysia** and **Philippines**.
- On July 12, the **Philippines v. China** arbitration rejected the Chinese “nine-dash line” claims pointing out that China violated its obligations as a member of UNCLOS.⁷² In response, China promptly refused the decision.⁷³
- **Philippines** expressed its intention to establish a constructive dialogue with **China** in order to ease the tension and boost economic links between the two countries.

2017

- The **US** president signed an executive order to withdraw from the **Trans-Pacific Partnership** (TPP).
- The **US** administration expressed its will to take part in a military confrontation with **China** in the South China Sea.

6. Appendices

- **United Nations: Law of the Sea**
- **the Location Map of the South China Sea Islands** (*Nan Hai Zhu Dao Wei Zhi Tu*, 1947/8)
- **The Treaty of San Francisco** (1951)
- **The US-Japan Security Treaty** (1960)

⁷² *The Tribunal Renders Its Award* [online]. Hague: Permanent Court of Arbitration, 2016 [cit. 2017-02-07]. Available at: <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>

⁷³ Full text of statement of China's Foreign Ministry on award of South China Sea arbitration initiated by Philippines. *Xinhua - English.news.cn* [online]. Beijing: Xinhuanet Corporation, 2016 [cit. 2017-02-07]. Available at: http://news.xinhuanet.com/english/2016-07/12/c_135507744.htm

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