



## South China Sea

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### Why in news?

- **Indian Ocean Conference (IOC)** Maldives' Male, US Ambassador to South Korea attacked China and disputed sovereignty Nansha Islands (Spratly Islands) Recently, at the in for illegally building artificial islands and militarising them in the South China Sea to which China responded by saying that it has over the and the adjacent waters of the sea.
- **China rejected a UN-backed international tribunal ruling** Additionally, and said that dispute of South China Sea is not up for negotiation to the visiting Philippine President.

### Indian Ocean Conference- IOC 2019

- India Foundation Government of Maldives S. Rajaratnam School of International Studies, Singapore in Male, Maldives. Organised by in association with and
- <sup>th</sup>4 edition "Securing the Indian Ocean Region: Traditional and Non-Traditional Challenges". It was the of IOC with the theme of
- **Marine Ecology, Terrorism and Navigational Security.** Main topics of discussion were-

### International Tribunal for the Law of the Sea (ITLOS)

- **the United Nations Convention on the Law of the Sea (UNCLOS), 16 November 1994.**
  - **Law of the Sea Convention** Law of the Sea Treaty international agreement third United Nations Conference on the Law of the Sea. UNCLOS, also known as or the is the that resulted out of the
  - It defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

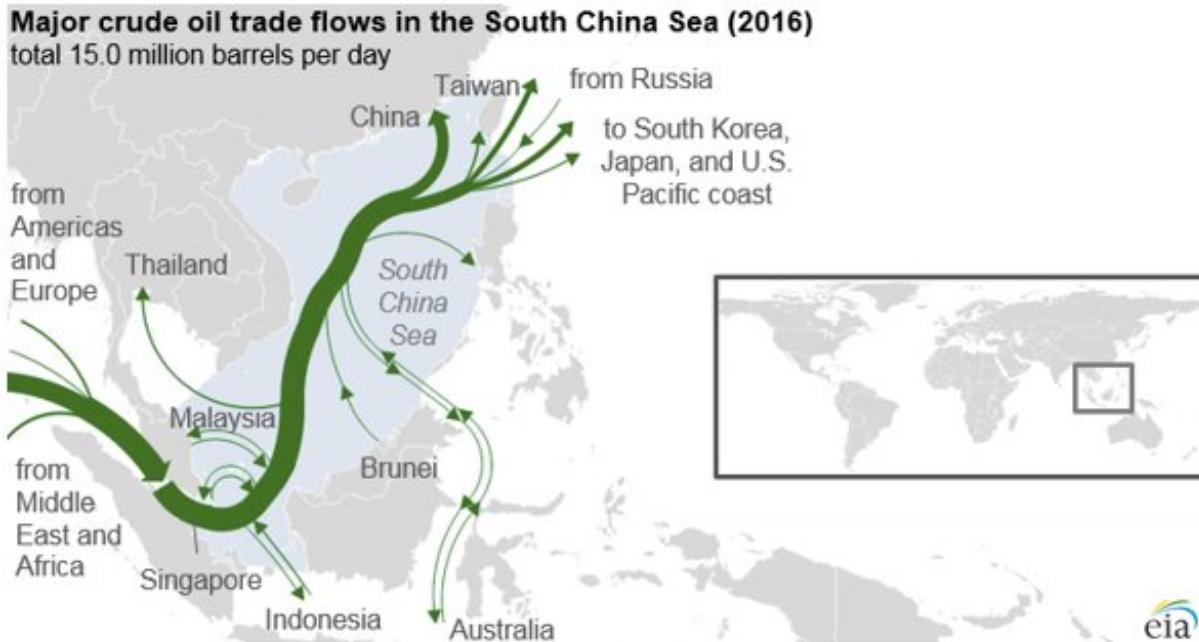
Came into existence following the entry into force of on

- **Hamburg, Germany.** Headquartered at
- **168**Currently members.
- **independent judicial body**An that maintains close links with the UN and both have entered various agreements concerning cooperation and relationship.
- **western Pacific Ocean****Southeast Asia.** South China Sea is an arm of in
- **south of China, east & south of Vietnam, west of the Philippines north of the island of Borneo.** It is and
- **Bordering states & territories****the People's Republic of China, the Republic of China (Taiwan), the Philippines, Malaysia, Brunei, Indonesia, Singapore and Vietnam.** (clockwise from north):
- **Taiwan Strait with the East China Sea****Luzon Strait with the Philippine Sea.** It is connected by and by
- **The Paracel Islands, the Spratly Islands and the Scarborough Shoal**It contains numerous shoals, reefs, atolls and islands. are the most important.

## What makes it so important?

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- **strategic importance****connecting link between the Indian Ocean and the Pacific Ocean. (Strait of Malacca)**This sea holds tremendous for its location as it is the
- **the United Nations Conference on Trade And Development (UNCTAD) one-third of the global shipping****geopolitical**According to passes through it, carrying trillions of trade which makes it a significant water body.



- **the Department of Environment and Natural Resources, Philippines,one-third of the entire world's marine biodiversity lucrative fisheries****food security**According to this sea has and contains providing to the Southeast Asian nations.

- **huge oil and gas reserves** South China Sea is believed to have beneath its seabed.

## United Nations Conference on Trade And Development (UNCTAD)

- **Permanent intergovernmental body** United Nations General Assembly in 1964. established by the
- **Geneva, Switzerland.** Headquartered in
- Part of the UN Secretariat and the United Nations Development Group.
- **trade, investment and development issues.** Main UN body dealing with

## Timeline

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- **1994 – The Convention on the Law of the Sea** “Law of the Sea Convention.” went into effect. The United States called this treaty the
- **1997 “Nine-dash Line”** – Beijing shared the first rendering of its extending roughly 1,118 miles from Hainan Island to waters off equatorial Borneo under China’s historical claim of having it in the past.
- **2002 – ASEAN Chinathe Declaration on the Conduct of Parties in the South China Sea.** and signed
- **2009 two diplomatic notes** – China issued that appear to claim a majority of the South China Sea.
- **2013 – The Philippines challenged China’s claimsarbitration case the Law of the Sea Convention.** of historic rights and other actions in an under
- **2016 – The Arbitration Tribunal ruled in favor of the Philippines** and rejected China’s maritime claims that go beyond the entitlements set out in the Convention.



### Nine Dash Line

- **covering the strategic Paracel and Spratly island chains.** Stretches hundreds of kilometers south and east of China's southerly Hainan Island,
- **citing 2,000 years of history** China claims it by when the two island chains were regarded as its integral parts.

### Issues Involved

- **built artificial islands with heavy military developments** China claims most of the contested sea, reaching almost to the Philippines shores and has on them which worries the neighbouring nations and it rejects the UN backed international tribunal ruling as well.
- **violates the principle of Exclusive Economic Zones (EEZ).** The nine dash line asserted by China

- **stalled negotiations** The between China and ASEAN made headway on Code of Conduct as four of the ASEAN nations also made territorial claims on the disputed waters which adds to the problem with already non-negotiable behaviour of China.

## Exclusive Economic Zones (EEZ)

- **recognized by the UN Conference on the Law of the Sea in 1976.** It is a formula based on compromise and was
- **200 nautical miles** It covers an area beyond and adjacent to the territorial sea: it can extend to a maximum of from the baselines.
- - **creation and use of artificial islands, installations and structures.**
  - **marine scientific research.**
  - **the protection and preservation of the marine environment.**

Activities allowed in EEZ are -

## Challenges

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- **negligence, denial sense of superiority overlooking international laws and regulations** China's behavior of and the while like the UN Convention on the Law of the Sea.
- **North Korea's provocative behaviour attracted US aircrafts** Along with China's bullying tactics, has in the already troubled waters. The growth of military vessels and planes in the area makes it more challenging to handle.
- **Undefined geographic scope disagreement over dispute settlement mechanisms; different approaches undefined legal status of the Code of Conduct (COC)** of the South China Sea; to conflict management (self-restraint, mutual trust, and confidence building); and the add to it.
- **different histories of distant, largely uninhabited archipelagos** The of the sea make the matter more complicated and multifaceted.

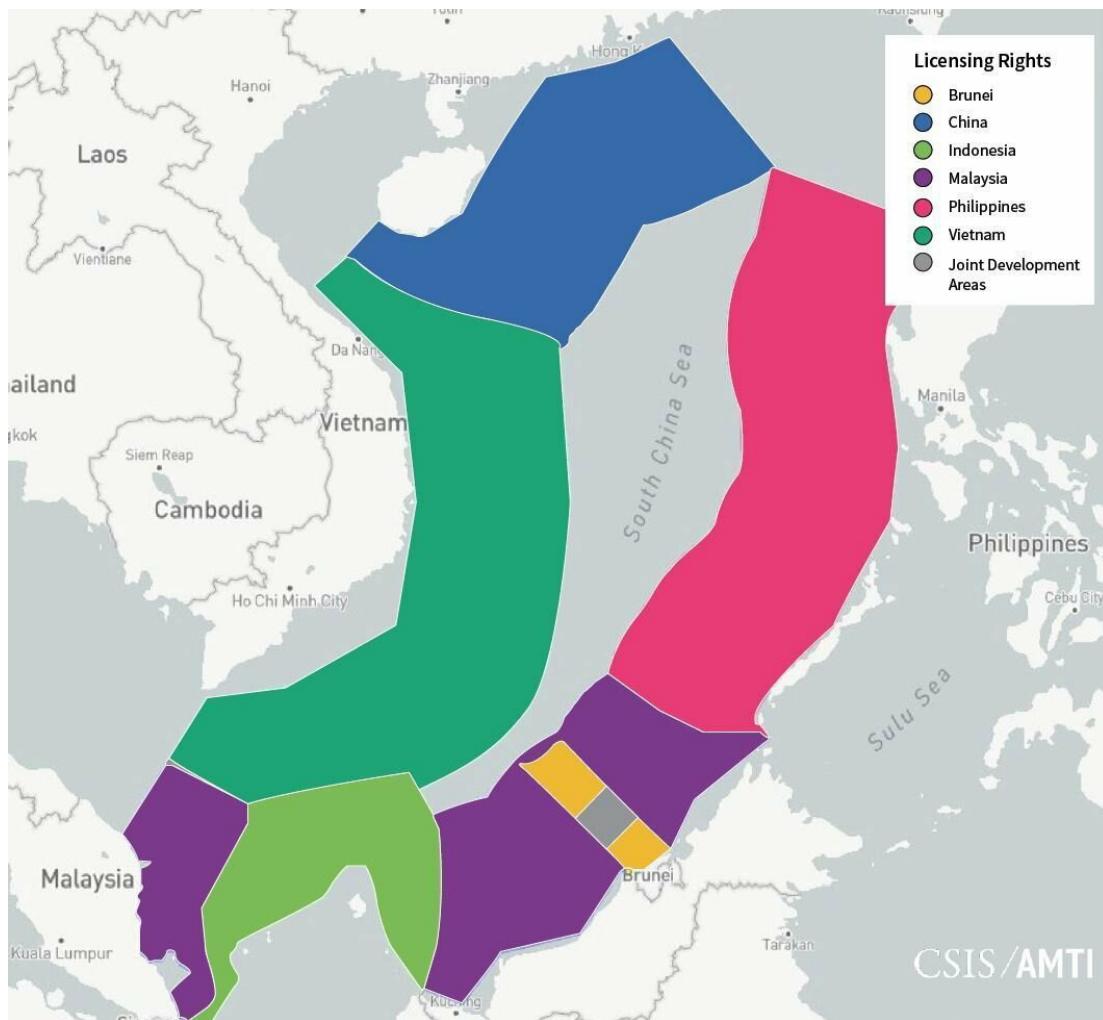
## Achievements

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- **Association of Southeast Asian Nations (ASEAN) and China engaged in discussions on a potential COC non-binding Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002. 2005, the first draft not adopted until 2011.** The members of to manage the South China Sea maritime and territorial disputes for a very long time and finally settled for a In of guidelines to implement the DOC was drawn up, but However, problems still linger so a plan for more robust policies is needed.
- **2017 adopted a bare-bone framework** After the consultations of 2016, in ASEAN and China for the COC.

## Declaration on the Conduct of Parties in the South China Sea (DOC), 2002

- **peaceful, friendly and harmonious enhancement of peace, stability, economic growth and prosperity** ASEAN and China agreed to promote a environment in the South China Sea for the in the region.
- **freedom of navigation and overflight above the South China Sea** It reaffirms respect for and commitment to the as provided for by the universally recognized principles of international law, including the UN Convention on the Law of the Sea.



## Suggestions

- **New arbitration processes** military dispute to border management joint development to bring necessary mediation, facilitation and binding resolution mechanism which can move the and to finally.
- **resolves the territorial disputes** pursuit of joint commercial activities, environmental protection, disaster relief and humanitarian perspective counter-piracy control. Adopting the concept of joint development zones, which and allows to and

- **peaceful means safeguarding maritime security, navigation and overflight rights and freedoms.** International disputes should be settled by in line with international laws on the principle of

## India's Stand on South China Sea Issue

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- **UNCLOS referring to the South China Sea after Philippines won the arbitration** In a Joint Strategic Vision for the Asia-Pacific and the Indian Ocean Region, India and the USA talked about ensuring freedom of navigation and resolving disputes according to but award in its favour in 2016, India has itself from the dispute.
- **not conducted defence cooperation, navigational patrols** New Delhi has any and with the claimant states in the South China Sea (only recently it conducted a naval exercise with Vietnam).
- **not a party to the maritime territorial disputes** **wants to preserve its "Wuhan Consensus"** After the recent development of affairs with Japan and Russia, it might appear that India wants to raise its strategic presence in the South China Sea but it is not so. Firstly, because India is in the region and does not want to interfere. Secondly, India with China, in which both nations respect each others' spheres of influence in their adjacent water bodies.

## Way Forward

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- **overarching authority** **Asia** Forming an like NATO or European Union (EU) with China as a member, in to settle grievances and specifically find solutions to Asian problems, might help resolve disputes like this.
- The sense of power of China needs to be checked so that it abides by the intergovernmental and international agreements and conventions.
- **Peaceful bilateral or multilateral talks and negotiations** can be used because aggression or war is not a solution to this or any problem at all.

For Mind Map