

South China Sea Dispute: Notes for UPSC

International Relations

This article discusses the South China Sea Dispute which has remained a cause of conflict among the various countries geopolitically located in the Indo-Pacific region.

The South China Sea is considered to be one of the busiest waterways in the world and is a significant gateway for trade and merchant shipping. The South China Sea disputes are maritime and island claims between different sovereign states in the region. The countries party to these disputes are China, Brunei, Taiwan, the Philippines, Vietnam and Malaysia.

The regions of contention are the Spratly Island, the Paracel Island, maritime boundaries in the Gulf of Tonkin and in other places. Waters near the Indonesian Natuna Islands are also disputed. The reason why these areas are disputed and of interest to the concerned nations is the acquisition of fishing areas around the two archipelagos; suspected crude oil and natural gas in different parts of the South China Sea; and the control of strategically important shipping lanes.

History of the South China Sea Territorial Dispute

At the height of World War II the imperial Japanese Army and Navy had used several islands for military reasons and stated that these islands were unclaimed, despite historical records that showed that France had controlled some of those islands before their colonial possessions fell into the hands of the Japanese. Upon the end of the war, the 1951 Treaty of San Francisco forced Imperial Japan into giving up any territory they had conquered during the course of the war. The People's Republic of China made various claims to the islands during the 1951 treaty negotiations.

Chinese claims in the South China sea are described in part by the nine-dash line. Originally an "eleven-dashed-line," this line was first indicated by the Kuomintang government of the Republic of China in 1947, for its claims to the South China Sea. When the Communist Party of China took over mainland China and formed the People's Republic of China in 1949, the line was adopted and revised to nine dashes/dots, as endorsed by Zhou Enlai. China's 1958 declaration described China's claims in the South China Sea islands based on the nine-dotted line map.

The legacy of the nine-dash line is viewed by some PRC government officials, and by the PRC military, as providing historical support for their claims to the South China Sea.

The Geneva Accords of 1954, which ended the First Indochina War, gave South Vietnam control of the Vietnamese territories south of the 17th Parallel, which included the islands in the Paracels and Spratlys. Two years later the North Vietnamese government claimed that the People's Republic of China is the lawful claimant of the islands, while South Vietnam took control of the Paracel Islands.

Countries Involved in The South China Sea Dispute

Modern International laws and proofs from history explain how the different territories are raising their concerns and claims on the Sea regions. Given below are the various claims raised by the different countries involved in the dispute:

1. China: The country claims that ancient history records show that China held control over the entire waterway and it was only during the modern era that the dispute began. China also raises legal concerns and rights over the Sea. However, China has not been successful in proving its claim over the region.
2. Vietnam: The country raises its claims based on inheritance grounds. It was only in the 1970s that Vietnam raised its claim after its relations with China deteriorated.
3. Malaysia: The country claims the feature in the southern Spratley falls inside the border of Malaysia's continent which makes their claim acceptable on legal grounds.
4. Indonesia: The country claims only the part of the sea which comes under its exclusive special economic zones.
5. Philippines: The country bases its claims on historical grounds. They only demand the part that comes under their exclusive economic zone.
6. Brunei: Its claims are based on EEZ as mentioned by the United Nations Convention on the Law of the Sea (UNCLOS).

The image below gives a visual representation of the parties involved in the South China Sea Dispute:



Causes of the South China Sea Dispute

The maritime disputes in the South China Sea impact a series of regional bilateral relations and continue to trouble ties between China and the Association of Southeast Asian Nations (ASEAN). There are various reasons that have led to the dispute regarding the South China Sea. Given below are the causes for the South China Sea Dispute:

1. The main cause of this dispute is the claim of different territories over the Sea and territorial demarcation of the sea.
2. The Sea is said to be a major source of natural resources for the different territories.
3. It is a source of about 10 percent of the country's fishery, which makes it an essential source of food for hundreds of people. This is also a major reason why people from different countries are claiming their right over the sea.
4. The islands and rocks have also been a cause of dispute. Country's claim their right over the different islands, which makes it tougher for countries to trade through this waterway as it may lead to seizing their trading ships.

5. There are exclusive economic zones (EEZ) and mostly in case of water bodies, these zones overlap for different territories.

Effects of the South China Sea Dispute

The South China Sea Dispute has adversely affected the territories involved in the dispute but along with them, other countries involved in trade with them are affected. It is one of the most vital trade routes and it is important to end the dispute over the South China Sea so that trade and economic activities of the country is not disrupted.

Also, the US is playing a very important role in mending the dispute because it has wide-ranging security commitments in East Asia and is allied with several of the countries bordering the South China Sea, such as the Philippines, Singapore and Vietnam. So any dispute among them will directly affect the US.

Role of India in South China Sea Dispute

Under the 'Look East' policy, India has been taking a higher position at the global high table- this was reflected in the joint statement issued in September 2014, by the Governments of U.S. and India when Indian PM Narendra Modi, travelled to U.S. The joint statement "urged the concerned parties to pursue resolution of their territorial and maritime disputes through all peaceful means, in accordance with universally recognized principles of international law, including the United Nations Convention on the Law of the Sea."

- The joint statement also, "affirmed the importance of safeguarding maritime security and ensuring freedom of navigation and overflight throughout the region, especially in the South China Sea."
- In the wake of the recent judgement by the Permanent Court of Arbitration, it is a good time for India to assert that it believes in global commons, and in freedom of navigation. India has rightfully not come out in 'open' support of the verdict from the tribunal, as any overt support to this verdict might run against India's ambitions of securing membership into the NSG- where China's support is needed.
- India has legitimate commercial interest in the South China Sea (SCS) region. But India follows the policy of not involving itself in the disputes between sovereign nations.
- India has been concerned about the security of its trade-flows and energy interests in the South China Sea. Vietnam has offered India seven oil blocks in its territory of the SCS- this move didn't get down well with China. India has signed energy deals with Brunei too.

Methods To Resolve The Dispute

Since the South China Sea Dispute has been affecting many territories, the concerned authorities need to come to a resolution to solve the dispute so that the economic growth of the countries is not affected.

China has put forward a bilateral negotiation point of view but it has not been accepted by the other countries. This is because the other countries believe that China because of its size may have an unsaid advantage in the distribution of the water body.

ASEAN has also been involved in solving the dispute but the decision has yet been taken. But resolving the dispute has become important because it is affecting the trade across the world and especially an issue for the US regarding security issues.