

John Shannon  
47105127  
BIOL 420  
Tutorial 13 (Policy Brief)

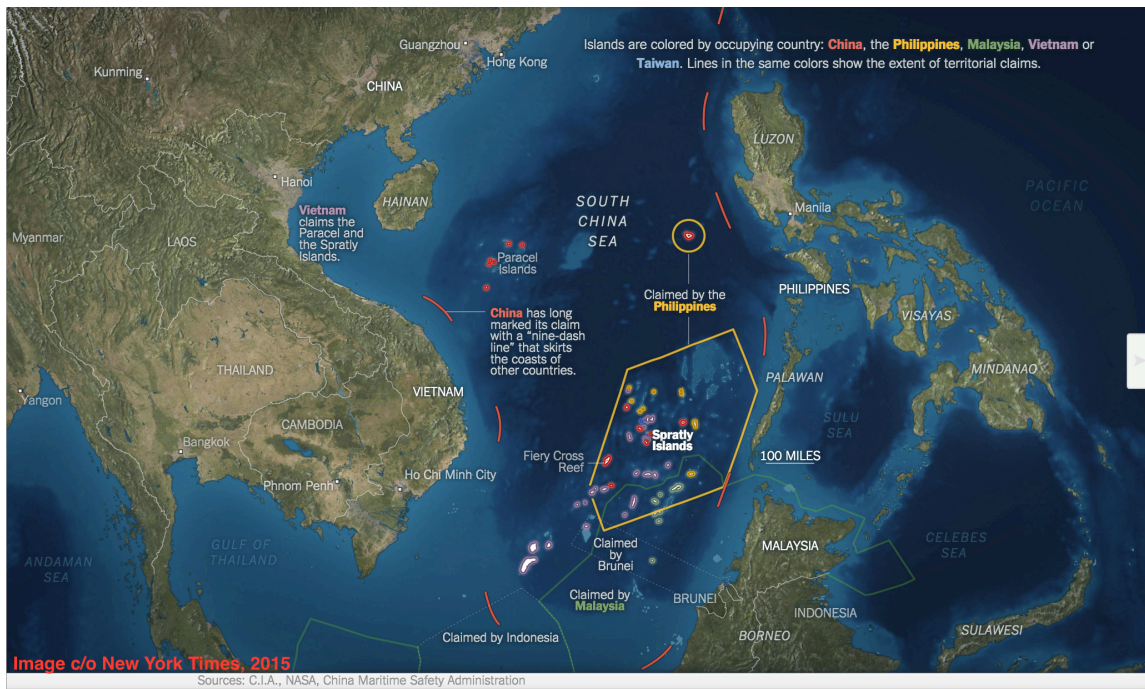
### **“Defusing the Territorial Dispute in the Spratly Islands”**

The South China Sea (SCS) is a global hotspot for both marine ecology and human economic activity. The region is rich in biodiversity: alongside numerous lucrative fisheries, the sea is also the home of over a third of coral reefs globally. The SCS is also one of the busiest commercial waterways in the world, annually witnessing more than half of the world’s merchant and fuel vessels. Some oil and gas extraction is also conducted, but the precise value of the oft-unexplored reserves remains unverified. In recent decades much political and military scrambling has centered on the unassuming Spratly archipelago, a disputed island chain in the SCS. This brief will focus on the circumstances surrounding such scrambling, as well as the need to defuse resulting international tension so as to preserve the potency of maritime law.

#### **The Problem**

In recent years there has been growing international concern regarding maritime boundaries in the SCS. The Spratly Islands in particular are contested by multiple states, including the Philippines, Vietnam, Malaysia, Brunei, and the People’s Republic of China. The United Nations Convention on the Law of the Sea (UNCLOS) claims that maritime states are entitled to regulate foreign activities in their coastal waters up to a 200-mile limit (known as exclusive economic zones, or EEZs). Although a signatory of UNCLOS, China has nonetheless pursued claims to the majority of the SCS (including the Spratlys) based on a dubious interpretation of the

continental shelf; these claims include territory within established EEZs such the Spratlys, which officially lie within existing EEZs. Vietnam and the Philippines are of particular interest in this case, given their own claims to the Spratlys as well as their increasing geopolitical alignment with the United States.



*The South China Sea and conflicting maritime boundary claims.*

## Responses

In 2013 the Philippines pursued legal action against Beijing's claims via The Hague. However Beijing largely disregarded the proceedings. Vietnam, also facing Chinese encroachment, expressed support for the Philippines' litigation. The United States backs both the Philippines and Vietnam's appeals- however since Washington has not ratified the UNCLOS, the Americans are unable to take direct legal action. Instead the US has focused on cultivating strategic partnerships in the region,

having signed maritime security agreements with both Vietnam and the Philippines in 2014.

China and the Philippines are both engaged in 'island-building' around the Spratlys so as to cement the legitimacy behind their respective claims. Both Beijing and Washington have also been busy irking one another with naval posturing all across the Pacific; naval exercises by all involved parties have also become more frequent in the SCS itself. Such militarization, alongside growing popular nationalistic agitation in the countries involved, suggests that the situation is escalating in potential severity.



*Specific territorial claims as manifested in individually occupied islands and reefs.*

## **Conclusion and Suggestions**

The implications of China successfully expanding its maritime bounds into neighboring states' EEZs would be disastrous for maritime law. Although imperfect, the UNCLOS provides some redress for smaller coastal nations against the encroachments of larger states. Washington's desire to preserve its own East Asian status quo may provide the check needed to help smaller coastal nations stand against China.

Nonetheless increasingly aggressive rhetoric, propounded by such officials as former US Secretary of State Hillary Clinton and current Secretary of Defense Ashton Carter, does hint at the unlikely chance that the US might (wittingly or not) trigger an unnecessary war. Such rhetoric must be acknowledged and condemned as only worsening the situation. Persistent multilateral negotiations and a diplomatically based reinforcement of international maritime law seem to be more effective solutions to safeguarding SCS coastal states' maritime sovereignty.

## **References**

"Agreement Between the Government of the Republic of the Philippines and the Government of the United States of America On Enhanced Defense Cooperation". April 28 2014. *The Official Gazette Online*.  
<http://www.gov.ph/2014/04/29/document-enhanced-defense-cooperation-agreement/>

Branigin, William. 2015. "China sends warships into Bering Sea as Obama concludes Alaska visit". *The Washington Post*.  
[https://www.washingtonpost.com/world/asia\\_pacific/china-sends-](https://www.washingtonpost.com/world/asia_pacific/china-sends-)

- [warships-into-bering-sea-as-obama-concludes-alaska-visit/2015/09/03/c4dc94f0-5240-11e5-8c19-0b6825aa4a3a\\_story.html](http://www.warships-into-bering-sea-as-obama-concludes-alaska-visit/2015/09/03/c4dc94f0-5240-11e5-8c19-0b6825aa4a3a_story.html)
- Clinton, Hillary. 2011. "America's Pacific Century". *Foreign Policy*.  
<http://foreignpolicy.com/2011/10/11/americas-pacific-century/>
- Fabinyi, Michael. 2015. "China and the South China Sea Resource Grab". *The Diplomat*. <http://thediplomat.com/2015/02/china-and-the-south-china-sea-resource-grab/>
- FAO (2014) Part 1: Review of world fisheries and aquaculture. In: *The state of the world fisheries and aquaculture (SOFIA) 2014*. 10-11,40, 62. c/o UBC Connect.
- Kaplan, Robert D. 2012. "The Vietnam Solution". *The Atlantic*.  
<http://www.theatlantic.com/magazine/archive/2012/06/the-vietnam-solution/308969/>
- Murray Hiebert, Phuong Nguyen, Gregory B. Poling. 2014. A New Era in US-Vietnam Relations. *Centre for Strategic and International Studies*. VI-VIII, 1-8.  
[http://csis.org/files/publication/140609\\_Hiebert\\_USVietnamRelations\\_Web.pdf](http://csis.org/files/publication/140609_Hiebert_USVietnamRelations_Web.pdf)
- O'Rourke, Ronald. 2010. "Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress". Congressional Research Service. 1-7. <https://www.fas.org/sgp/crs/row/R42784.pdf>
- Pauly, et al (2014). China's distant-water fisheries in the 21st century. *Fish and Fisheries* 15(3): 474-488. c/o UBC Connect.
- Phillips, Tom. 2015. "Beijing summons US ambassador over warships in South China Sea". *The Guardian*. <http://www.theguardian.com/world/2015/oct/27/us-warship-lassen-defies-beijing-sail-disputed-south-china-sea-islands>
- "Chapter XXI United Nations Convention on the Law of the Sea". December 10 1892. *United Nations Treaty Collection*.  
[https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg\\_no=XXI-6&chapter=21&Temp=mtdsg3&lang=en](https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&lang=en)
- Rosenberg, David. 1999 (updated 2015). "The South China Sea: Introduction". *The South China Sea* (website). <http://www.southchinasea.org/introduction/>
- Watkins, Derek. 2015. "What China has been building in the South China Sea". *The New York Times*.  
[http://www.nytimes.com/interactive/2015/07/30/world/asia/what-china-has-been-building-in-the-south-china-sea.html?\\_r=0](http://www.nytimes.com/interactive/2015/07/30/world/asia/what-china-has-been-building-in-the-south-china-sea.html?_r=0)

Waxman, Matthew. 2015. "Legal Posturing and Power Relations in the South China Sea". *Asia Maritime Transparency Initiative*. <http://amti.csis.org/legal-posturing-and-power-relations-in-the-south-china-sea/>

Zuesse, Eric. 2015. "U.S. Secretary of Defense Ashton Carter Implies Russia and China Are 'Enemies' of America. What Next?" *Center for Research on Globalization*. <http://www.globalresearch.ca/u-s-secretary-of-defense-ashton-carter-implies-russia-and-china-are-enemies-of-america-what-next/5487984>