

Forum: Special Political and Decolonisation Committee

Issue: Assessing regional stability and sovereignty disputes in South China Sea

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TOPIC INTRODUCTION

The South China Sea is one of the largest areas of maritime conflict around the globe, as there are multiple countries that have laid claim to, or are involved in disputes over, the same areas of water. Of course, in addition to small landmass islands, the area is vital for a variety of reasons, including access to important shipping lanes, oil and gas reserves, and military positioning. All competing countries, namely the People's Republic of China (PRC), Taiwan, Philippines, Malaysia, Brunei and Indonesia, have some degree of competing claims.¹ China's "nine-dash line", a dotted line appearing on almost all maps published in China, that outlines approximately 90% of the South China Sea, which extends almost entirely through all of its neighbours' claim areas, is generally believed to violate most of the others' Exclusive Economic Zones (EEZ) claims.² Within their EEZs, which extend up to 200 nautical miles, Coastal states have exclusive rights to explore and exploit natural resources.

China's enormous claim of the South China Sea via its nine-dash line, which is solely based on historical grounds, has raised tensions with the countries' interest in the Sea, which leads to never ending disputes and competing claims. The problem also includes major global powers such as the United States of America (USA), who have taken a clear stance against China by conducting Freedom of navigation operations (FONOPs) to challenge China's maritime claims. The United States also has a mutual defense treaty with the Philippines, which makes them directly involved in the topic. Based on international law, the primary document used to define maritime boundaries between countries is the United Nations Convention on the Law of the Sea (UNCLOS), which provides for an EEZ of up to 200 nautical miles. Vietnam, Philippines, Malaysia, Brunei and Indonesia, all claim EEZs under UNCLOS. This sovereignty dispute is complicated since there are a lot of overlapping EEZs and countries are looking for a way to defend their rights and territories in the EEZs, which often results in not only diplomatic measures but also more firm

¹ Luthor, Jason. "Every Country That Claims the South China Sea." *WorldAtlas*, 3 May 2026, <https://www.worldatlas.com/geography/every-country-that-claims-the-south-china-sea.html>

² THE GEOSTRATA. "State Power and International Law: The Conflict Between the Nine-Dash Lines as a Chinese Strategic Maritime To." *The Geostrata*, 6 July 2026, <https://www.thegeostrata.com/post/state-power-and-international-law-the-conflict-between-the-nine-dash-lines-as-a-chinese-strategic>

tactics like militarization or detention of fishermen fishing in their waters and overall a very hostile situation.



Figure 1: Claims of the SCS³

DEFINITION OF KEY-TERMS

China's nine-dash line⁴

“The Nine-Dash Line is an image of a dotted line appearing on almost all maps published in China that outlines approximately 90% of the South China Sea. The Nine-Dash Line was first established by China’s government in 1947 and runs for approximately 2,000 km from the Chinese mainland almost to the coastlines of the Philippines, Malaysia and Vietnam.”

³ Insights, A. (2017, August 22). *Making Sense Of The South China Sea Dispute*. Forbes.

<https://www.forbes.com/sites/outofasia/2017/08/22/making-sense-of-the-south-china-sea-dispute>

⁴ Zhen, Liu. “What’s China’s “Nine-Dash Line” and Why Has It Created so Much Tension in the South China Sea?” South China Morning Post, South China Morning Post, 11 July 2016, www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so.

South China sea (SCS)⁵

“The SCS covers an area of approximately 3.5 million square kilometres and is bordered by China, Taiwan, The Philippines, Malaysia, Brunei, Indonesia and Vietnam. The area functions as a crucial route which enables global trade and fishing activities and the transportation of energy resources. In the Philippines it is known as West Philippine sea and in Vietnam as West sea.”

Exclusive Economic Zones (EEZs)⁶

“The EEZ, as defined by the 1982 UNCLOS, extends up to 200 nautical miles, 370 km, from a country's coast. Coastal states have exclusive rights to explore and exploit natural resources within their EEZ.”

Freedom of navigation operations (FONOPs)⁷

FONOPs are military and diplomatic actions taken by a country, in this case the United States, to challenge excessive maritime claims by other nations that are inconsistent with international law. Its purpose is to uphold open sea access. They rely on key concepts including international maritime law and territorial sea boundaries.

Gray zone tactics⁸

“The gray zone tactics describe actions by state or state-aligned actors that fall between routine maritime competition and open conflict. These behaviors are intentionally ambiguous, aggressive enough to shift control, intimidate rivals, or undermine norms, but calibrated to stay below the threshold that would trigger military escalation.”

BACKGROUND INFORMATION

Historical Background

The SCS has functioned as a maritime crossroad for more than 2000 years, because local communities used it for fishing and conducting trade. Chinese narratives which form the base of

⁵ LaFond, Eugene C. “South China Sea | Sea, Pacific Ocean.” Encyclopædia Britannica, 18 May 2018, <https://www.britannica.com/place/South-China-Sea>

⁶ Metych, Michele. “Exclusive Economic Zone | International Law.” 8 Nov. 2024. <https://www.britannica.com/topic/exclusive-economic-zone>

⁷ ---. “Freedom of Navigation in the South China Sea: A Practical Guide | Asia Maritime Transparency Initiative.” 25 Aug. 2017. <https://amti.csis.org/freedom-of-navigation-practical-guide/>

⁸ What is the Maritime Gray Zone? (2025, December 7). Windward. <https://windward.ai/glossary/what-is-the-maritime-gray-zone/>

present day territorial claims, describe how people discovered and exploited the land of the islands during the Han Dynasty which lasted from 206 BCE until 220 CE.⁹

The disputes over ownership of the South China Sea remained relatively dormant, until the 1970s when China began asserting its vast territorial claims after discovering potential oil and gas reserves in the sea.¹⁰ Through naval inspections, mapping, and flag-hoisting, China asserted sovereignty over specific island groups. The other involved states responded with not only diplomatic measures like dialogue or negotiations, but also militarization of islands¹¹. In 1974 China seized the Paracel Islands from South Vietnam and more than 65 Vietnamese soldiers were killed in the process.¹² China then took possession of Johnson Reef, part of the Spratly Islands, from Vietnam in 1988 and Mischief Reef, also part of the Spratlys, claimed by the Philippines, in 1994.¹³

Since the early 21st century, a campaign of “island building” by China has significantly increased the country’s presence in the South China Sea. China has built military infrastructure including naval bases and airstrips, on the reclaimed land. The Chinese also have sought to exercise their claims through nonmilitary means, for example, by sending massive fishing fleets into the EEZs of other countries.¹⁴ In 2014 China moved an oil rig into Vietnamese waters, sparking massive protests in Vietnam. Moreover, in attempting to block rivals’ efforts, most claimants have made arrests of foreign fishermen and sailors in waters they consider to be their own.¹⁵

In 2013 the Philippines attempted to solve the crisis through the International Criminal Court (ICC), taking China to the arbitral tribunal under the terms of UNCLOS. In 2016 the ICC ruled that the nine-dash line was invalid and that in areas of conflict between Chinese historical claims and UNCLOS boundaries, UNCLOS plays a more significant role and is the main deciding

⁹ “View of the Historical Evolution of Territorial Disputes in the South China Sea: From Ancient Narratives to Modern Geopolitical US-China Flashpoints.” Ahss.Org.Pk, 2026, <https://ojs.ahss.org.pk/journal/article/view/1182/1248>

¹⁰ Asia Maritime Transparency Initiative. (2016). *South China Sea Energy Exploration and Development*. Asia Maritime Transparency Initiative. <https://amti.csis.org/south-china-sea-energy-exploration-and-development>

¹¹ “Occupational Risk? Chinese Presence Surges at Scarborough Shoal | Asia Maritime Transparency Initiative.” *Asia Maritime Transparency Initiative*, 2 July 2026, <https://amti.csis.org/occupational-risk-chinese-presence-surges-at-scarborough-shoal/>

¹² ---. “When China Took Control of the Paracel Islands After Defeating South Vietnam (the US Did Not Lend Help to the South Vietnamese).” *The Aviation Geek Club*, 17 Oct. 2023, <https://theaviationgeekclub.com/when-china-took-control-of-the-paracel-islands-after-defeating-south-vietnam-the-us-did-not-lend-help-to-the-south-vietnamese/>

¹³ Kenny, Miles. “Territorial Disputes in the South China Sea | History, Maps, China, Vietnam, Taiwan, Philippines, Malaysia, & Facts | Britannica.” *Www.Britannica.Com*, Britannica, 28 Feb. 2024, <https://www.britannica.com/topic/territorial-disputes-in-the-South-China-Sea>

¹⁴ Lau, Jack. “South China Sea: Beijing Appears to Be Building Runway on Disputed Island Claimed by Vietnam.” *South China Morning Post*, 17 Aug. 2023, <https://www.scmp.com/news/china/diplomacy/article/3231431/south-china-sea-beijing-appears-be-building-runway-disputed-island-claimed-vietnam>

¹⁵ *Cooperative Maritime Law Enforcement and Overfishing in the South China Sea* | Center for International Maritime Security. <https://cimsec.org/cooperative-maritime-law-enforcement-and-overfishing-in-the-south-china-sea/>

factor.¹⁶ The court further ruled that China's island building, fishing practices, and interference with Philippine fishing in areas within the Philippines' EEZ were unlawful.¹⁷ The ruling was rejected by China, which refused to participate in the ICC proceedings. However, Taiwan and various other countries also rejected the court's decision. Supporters of the ruling included the United States, Japan and Australia. ASEAN members were largely split, and the organization failed to produce a unified statement.¹⁸

Recent Developments and Current situation

In the early 2020s, tensions intensified as maritime confrontations increased, especially between China and the Philippines, leading to joint naval drills, which are coordinated military training exercises between the Philippines and the United States in the South China Sea¹⁹. In August 2023 China revealed a revised map of its territory in the South China Sea, which claimed an even larger portion of the sea. A 10th dash was added to include the island of Taiwan and nearly the entirety of the Spratly Islands as Chinese territory²⁰. Several countries that aren't directly involved in the conflict such as the USA, the United Kingdom, Canada, Germany²¹ and more have rejected the map.

Tensions in the South China Sea remain highly elevated, driven primarily by ongoing territorial standoffs between China and the Philippines.²²

Other territorial claimants have responded to Chinese expansion through various means. Vietnam has also undertaken land reclamation and military buildups on island features²³.

¹⁶ Permanent Court of Arbitration. (2016). *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)*. Permanent Court of Arbitration. <https://pca-cpa.org/en/cases/7/>

¹⁷ Liu, Mengzhen. "The 2016 South China Sea Arbitration and the Limits of International Law." *The Diplomat*, 22 July 2025.

¹⁸ FP News Desk. "14 Nations Reject China's South China Sea Claims, Reaffirm 2016 Tribunal Ruling." *Firstpost*, 12 July 2026, <https://www.firstpost.com/world/14-nations-reject-chinas-south-china-sea-claims-reaffirm-2016-tribunal-ruling-14030846.html>

¹⁹ Campbell, C., Dolven, B., & Piekos, W. (2025). *China-Philippines Tensions in the South China Sea*. Congress.Gov. <https://www.congress.gov/crs-product/IF12550>

²⁰ Clayman, Troy. "China's New Map: The 10-Dash Line." 22 Dec. 2023

<https://www.bostonpoliticalreview.org/post/china-s-new-map-the-10-dash-line>

²¹ Jibiki, Koya. "Rejection of China's 'Nine-Dash Line' Spreads from Asia to Europe." 1 Dec. 2020.

<https://asia.nikkei.com/politics/international-relations/south-china-sea/rejection-of-china-s-nine-dash-line-spreads-from-asia-to-europe>

²² "Are China-Philippines Tensions Sinking the South China Sea Code of Conduct?" ThinkChina - Big Reads, Opinions & Columns on China, 2026, <https://www.thinkchina.sg/politics/are-china-philippines-tensions-sinking-south-china-sea-code-conduct>

²³ Noh Jung Min for RFA. "Satellite Pics Reveal Vietnamese Construction Boom in Disputed Spratly Chain." *Radio Free Asia*, 12 June 2026, <https://www.rfa.org/english/southchinasea/2026/06/08/vietnam-south-china-sea-spratly-island-construction/>

Indonesia and the Philippines have attempted to rally international support to prevent Chinese encroachment on their EEZs.²⁴

One of The Philippines' most relevant and important disputes with China is about the Second Thomas Shoal of the Spratly Islands, which lies within the Philippines' 200-mile EEZ. Chinese Coast Guard vessels began to employ different tactics to disturb Philippine resupply missions in 2023, leading to heightened clashes. Collisions have become increasingly common, and the Chinese Coast Guard has used a military-grade laser and repeatedly fired water cannons against Philippine ships.²⁵

In March 2024, U.S. Secretary of Defense Lloyd Austin confirmed that the United States' mutual defense treaty with the Philippines extended to both countries' armed forces, public vessels, and aircraft in the South China Sea.²⁶ This clearly shows how involved the USA is in this case and how willing it is to support the Philippines against China.

There also have been several incidents in the region including confrontations between Vietnam's fishing vessels and China's coast guard ships²⁷, as well as the construction of Chinese People's Liberation Army (PLA) installations and the development of artificial islands and airfields within the disputed territory.²⁸

Claims and interests of claimants states

People's republic of China (PRC):

China's claims of most of the South China Sea and all major islands are based on long-term historic rule of the islands. Therefore China seeks full development of the waters including fish, oil and gas and control over many of the world's primary shipping routes. China claims sovereignty over everything in the Nine-Dash Line, justifying its claims by citing "historic maritime rights," meaning Chinese fishermen have been fishing in this area for hundreds of years²⁹. The

²⁴ ---. "Philippines, Vietnam Upgrade Diplomatic Partnership Amid Maritime Tensions With China." The Diplomat, June 2026 <https://thediplomat.com/2026/06/philippines-vietnam-upgrade-diplomatic-partnership-amid-maritime-tensions-with-china/>

²⁵ Center for Preventive Action. "Territorial Disputes in the South China Sea." Global Conflict Tracker, Council on Foreign Relations, 17 Sept. 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

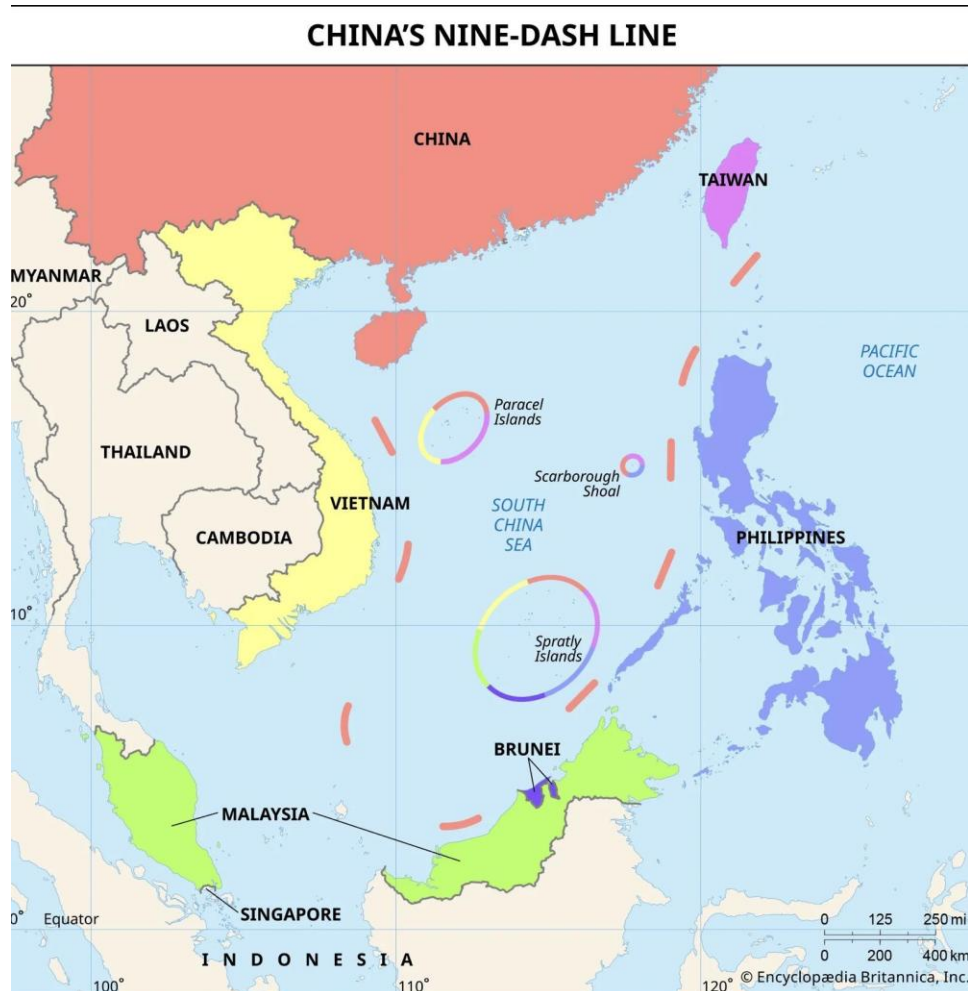
²⁶ "Readout of Secretary of Defense Lloyd J. Austin III's Call with Philippine Secretary of Na." U.S. Department of War, 2025, <https://www.war.gov/News/Releases/Release/Article/3719906/readout-of-secretary-of-defense-lloyd-j-austin-iiis-call-with-philippine-secret/>

²⁷ "Vietnam Boat Sinks After Collision with Chinese Vessel." BBC News, 27 May 2014, <http://www.bbc.com/news/world-asia-27583564>

²⁸ Asia Maritime Transparency Initiative. "China Island Tracker." *Asia Maritime Transparency Initiative*, 2025, <https://amti.csis.org/island-tracker/china/>

²⁹ Zhou, Xiaoyu. "China's Position on the South China Sea Issue: From Maintaining Stability to Protecting Rights." *Международные Отношения*, no. 1, Jan. 2024, pp. 101–112, https://www.aurora-journals.com/library_read_article.php?id=70153

problem with this is that, under international law, there is no legal foundation for China's assertions. In July 2016, the Permanent Court of Arbitration ruled against the Nine-Dash Line, which means China's "historic rights" claim was not valid. China denies the ruling and has continued to build military bases on islands in the Nine-Dash Line³⁰. The SCS is very important for China from a strategic point of view, not only because of the economic side and the shipping transits, but also for the militaristic point of view, since it could be a platform to project power onto the other South-Asian member states.³¹



³⁰ "How China Sees the South China Sea." 23 Oct. 2025. <https://australiainstitute.org.au/report/how-china-sees-the-south-china-sea/>

³¹ Truong Thuy, Tran. "Recent Developments in the South China Sea: Implications for Regional Security and Cooperation." CSIS, Center for Strategic and International Studies, 30 Jan. 2025, <https://www.csis.org/analysis/recent-developments-south-china-sea-implications-regional-security-and-cooperation>

Figure 2: The South China Sea and China's Nine-Dash-Line³²

Republic of China (ROC) (Taiwan)

Taiwan often isn't seen as a state involved due to its limited international recognition. However, its forces occupy the largest island in the region, Taiping island in the Spratlys islands, and has arguably held its claim over the region for the longest out of surrounding states³³. Taiwan bases its rights on discovery, historical usage, and being the first to re-establish presence in the Spratly Islands immediately following the Japanese withdrawal after World War II. Both the ROC and PRC claim that the SCS is Chinese territory, and so when promoting Chinese claims against other Asian nations the two governments tend to agree with each other and have cooperated in the past against other claimants.³⁴ However, in recent years, Taiwan has delicately shifted its stance to align more closely with modern international norms.³⁵ This includes a more diplomatic approach and the support of dialogue for solving the disputes while viewing the sea as a shared resource.

Vietnam

Has written records, like dutch and portuguese maps showing its historic rule over the Paracel and Spratly Islands since the 17th century, and therefore lays claim to them both based upon that³⁶. Vietnam asserts that UNCLOS is the sole legal basis for defining maritime zones. Its continental shelf and 200-nautical-mile EEZ are calculated entirely from its mainland coast³⁷, meaning that Vietnam bases its claims on legitimate grounds, meaning UNCLOS and EEZs.

Philippines:

The Philippines' claims in the SCS are mainly based on international law, specifically UNCLOS³⁸. In July 2016, the Permanent court of Arbitration ruled overwhelmingly in the Philippines' favor, declaring that major features within the area are within the Philippine EEZ and

³² ---. "Territorial Disputes in the South China Sea | History, Maps, China, Vietnam, Taiwan, Philippines, Malaysia, & Facts | Britannica." *Www.Britannica.Com*, Britannica, 28 Feb. 2024, <https://www.britannica.com/topic/territorial-disputes-in-the-south-china-sea>

³³ Global Taiwan Institute. "Stuck Between a Rock and a Hard Place: Taiwan's Predicament in the South China Sea Disputes | Global Taiwan Institute." *Global Taiwan Institute*, 13 Aug. 2025, <https://globaltaiwan.org/2025/08/stuck-between-a-rock-and-a-hard-place/>

³⁴ "South China Sea Issue." Ministry of Foreign Affairs, Republic of China (Taiwan), <https://en.mofa.gov.tw/theme.aspx?n=1462&s=40&sms=294>

³⁵ "Taiwan's South China Sea Policy Evolution." Asia Maritime Transparency Initiative, 12 Apr. 2018, <https://amti.csis.org/taiwan-scs-policy-evolution/>

³⁶ Geopolitical Monitor. "South China Sea Dispute: Vietnam." Geopolitical Monitor, 12 Sept. 2025, <https://www.geopoliticalmonitor.com/south-china-sea-dispute-vietnam/>

³⁷ "Vietnam's Note Verbale on the South China Sea." *Asia Maritime Transparency Initiative*, 5 May 2020, <https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/>

³⁸ ---. "Territorial Disputes in the South China Sea." Global Conflict Tracker, Council on Foreign Relations, 17 Sept. 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

that China's "nine-dash line" historical claims have no basis under international law³⁹. Other than that it lays claim to a portion of the Spratly Islands as they are much closer to the Philippines than China. Scarborough Shoal is approximately 160 km away from the Philippines, whereas it is approximately 800 km away from China⁴⁰. It also seeks maritime rights based upon its claim to that area and surrounding resources.

Malaysia

Malaysia also bases its claim about the SCS on UNCLOS and on its right to its EEZ,⁴¹ even though there is overlap with the nine-dash line. Also Malaysia claims and physically occupies atolls in the Spratly Islands, such as Swallow Reef, where it has built an airstrip to strengthen its legal foothold in the region⁴². Malaysia disagrees also with Philippines claims, since The Philippines has a long-standing historical claim to parts of Sabah, which Malaysia categorically rejects, asserting that Sabah's status as part of Malaysia is final and recognized by the United Nations.⁴³ These claims exist because of a 1878 agreement between the two member states, where the Philippines gave the area to Malaysia, but while the Philippines viewed it as a temporary agreement, Malaysia sees it as a permanent cession.⁴⁴

Brunei

Brunei also claims that it has EEZ maritime rights under UNCLOS through the rights to its waters or seas. It's after only a small number of features that overlap not only with China's claims, but also with Taiwan's and the Philippines⁴⁵. Brunei also counts as the newest claimant to the area. It relies almost entirely on oil and gas exports for its economy and asserts these claims to protect its vital offshore energy resources and natural continental shelf.⁴⁶ It is the only claimant state that does not maintain a military presence or physically occupy any of the islands in the

³⁹ "Cases | PCA-CPA." Pca-Cpa.Org, 2016, <https://pca-cpa.org/ar/cases/7/>

⁴⁰ Rosen, Mark. *Unlimited Distribution Cleared for Public Release a CNA Occasional Paper Philippine Claims in the South China Sea: A Legal Analysis with a Foreword by CNA Senior Fellow Michael McDevitt*. 2014. <https://www.cna.org/reports/2014/iop-2014-u-008435.pdf>

⁴¹ Geopolitical Monitor. "South China Sea Dispute: Malaysia." *Geopolitical Monitor*, 19 June 2018, <https://www.geopoliticalmonitor.com/south-china-sea-dispute-malaysia/>

⁴² Storey, Ian. *Malaysia and the South China Sea Dispute: Policy Continuity Amid Domestic Political Change*. 20 Mar. 2020. https://www.iseas.edu.sg/wp-content/uploads/2020/02/ISEAS_Perspective_2020_18.pdf

⁴³ Tan, Olivia. "Malaysia-Philippines Diverge on China in South China Sea - Asia Times." *Asia Times*, 24 July 2024, <https://asiatimes.com/2024/07/malaysia-philippines-diverge-on-china-in-south-china-sea/>

⁴⁴ Kirby Araullo (Historian). (2022). *Who Really Owns Sabah? Philippines vs. Malaysia (Part 1)* [Video]. YouTube. <https://www.youtube.com/watch?v=M5SaBKXhVOM>

⁴⁵ Zhen, Liu. "What's China's 'Nine-Dash Line' and Why Has It Created so Much Tension in the South China Sea?" *South China Morning Post*, South China Morning Post, 11 July 2016, <https://www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so>

⁴⁶ Núñez, View all posts by Dr Jorge E. "Territorial Disputes: South China Sea (Part 9) [Post 124]." *Dr Jorge's World*, 23 July 2020, <https://drjorge.world/2020/07/23/territorial-disputes-south-china-sea-part-9-post-124-2/>

region.⁴⁷ It primarily relies on diplomatic hedging and appeasement and has not escalated its claims, largely to preserve favorable economic and investment ties with China.⁴⁸

Indonesia

Indonesia is not a claimant state regarding territorial islands in the SCS, but it asserts sovereign rights over the waters off the Natuna Islands, which is also an important part of the SCS with a lot of different resources. This region, which Indonesia renamed the North Natuna Sea, falls within Jakarta's EEZ as defined by UNCLOS⁴⁹. China claims historic rights to these waters based on its expansive "nine-dash line," which overlaps with Indonesia's recognized 200-nautical-mile EEZ⁵⁰, leading to regular incursions by the China Coast Guard and illegal fishing.⁵¹

⁴⁷ Espeña, Joshua, and Anne Uy. "Brunei, ASEAN and the South China Sea | Lowy Institute." *Www.Lowyinstitute.Org*, 3 Aug. 2020, <https://www.lowyinstitute.org/the-interpreter/brunei-asean-south-china-sea>

⁴⁸ Nishta Borua. "Brunei: SCS Dispute and Economic Diplomacy with China - Defence Research and Studies." *Defence Research and Studies*, 13 Sept. 2024, <https://dras.in/brunei-scs-dispute-and-economic-diplomacy-with-china/>

⁴⁹ Saha, Premesha. "Indonesia's 'Soft Balancing' Against China." *Orfonline.Org*, OBSERVER RESEARCH FOUNDATION (ORF), 30 May 2018, <https://www.orfonline.org/expert-speak/41210-indonesia-soft-balancing-against-china>

⁵⁰ Strangio, Sebastian. "Did Indonesia Just Capitulate to China on the South China Sea?" *The Diplomat.Com*, The Diplomat, 12 Nov. 2024, <https://thediplomat.com/2024/11/did-indonesia-just-capitulate-to-china-on-the-south-china-sea/>

⁵¹ "Indonesia's South China Sea Policy Needs More Than Legalism." *East Asia Forum*, 13 May 2025, <https://eastasiaforum.org/2025/05/13/indonesias-south-china-sea-policy-needs-more-than-legalism/>

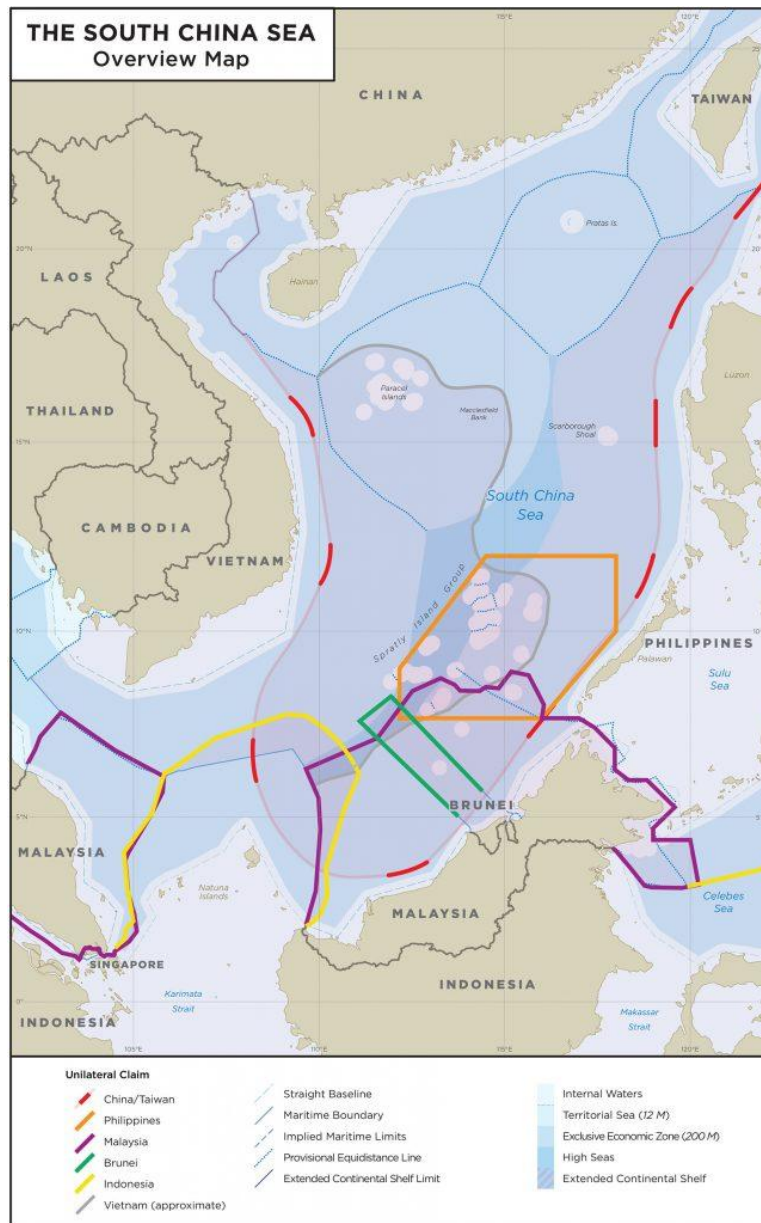


Figure 3: Picture showing all the countries EEZ's and China's nine-dash-line overlap⁵²

⁵² Team, IMA Research. "Understanding the South China Sea." Sovereign Limits, 26 Jan. 2021, <https://sovereignlimits.com/blog/understanding-the-south-china-sea>

Reasons of Tension

Strategic Importance of the SCS

The sea lanes act as a lifeline for East Asian energy imports, moving vast quantities of crude oil and liquefied natural gas (LNG) from the Persian Gulf and Africa, since the Strait of Malacca is the shortest sea route. Furthermore, it holds an estimated 105 billion barrels of hydrocarbon reserves, thus whoever controls and achieves sovereignty over the islands, reefs and waters of the SCS, will have access to these huge energy reserves. Moreover it is full of valuable fishing grounds, meaning it provides vital food security through lucrative fishing industries⁵³.

It acts as a major maritime chokepoint, where around a third of all global shipping transits pass through.⁵⁴ Militarily, it provides vital access connecting the Indian and Pacific oceans. The strategic location of the SCS also allows nations to project air and naval power far beyond their mainland borders.⁵⁵ For example, from China's point of view the SCS could work as a buffer-zone for the Chinese mainland, by creating a military barrier, from which it could challenge any future threat, like trade blockages, that won't be achieved without the dominance of the SCS.

Extreme measures

Recently and in the previous years there have been a lot of extreme measures and actions taken by a lot of countries, mainly China. Since each country is trying to protect its sovereignty over the regions in the South China Sea, by implementing their right of their EEZs, a lot of disputes, due to the overlaying zones, arise.

Especially because of China's firm stance over the islands, which includes the building of artificial islands on disputed reefs and the addition of military facilities, like radars, airstrips and barracks, and because of the reaction of the claimant states, like the Philippines, the tensions are high. Furthermore the use of China's "gray-zone" tactics, like using coast guards and fishing boats instead of the navy to disturb other countries' EEZs, often lead to disputes especially between Vietnam and the Philippines.⁵⁶

⁵³ STRATEGIC ANALYSIS a Strategic Analysis of the South China Sea Territorial Issues.
https://www.mod.go.jp/msdf/navcol/assets/pdf/topic049_02.pdf

⁵⁴ Srishti Chhaya. "The \$5.3 Trillion Question: How South China Sea Tensions Are Rewriting Global Trade Rules | Atlas Institute for International Affairs." 4 July 2025. <https://atlasinstitute.org/the-5-3-trillion-question-how-south-china-sea-tensions-are-rewriting-global-trade-rules/>

⁵⁵ ---. "Territorial Disputes in the South China Sea." Global Conflict Tracker, Council on Foreign Relations, 17 Sept. 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

⁵⁶ Matamis, Joaquin. "Militarized Commons: How Territorial Competition Is Weaponizing Fisheries and Destroying the South China Sea • Stimson Center." Stimson Center, 8 Sept. 2025, <https://www.stimson.org/2025/territorial-competition-weaponizing-fisheries-south-china-sea/>

An example for such an event is the 2021–2024 China-Philippines Water Cannon & Ramming Clashes⁵⁷. This is a series of violent confrontations between Chinese Coast Guard and Philippine vessels at Second Thomas Shoal (Scarborough Shoal). In 2024 Chinese ships rammed Philippine vessels, used water cannons, and even punctured rubber boats with knives. Filipino sailors reported injuries from these attacks. China also deployed military-grade lasers against Philippine ships. This also shows that China is using "gray-zone tactics" to avoid actually starting open war.⁵⁸ Nowadays the Tensions still high, while Philippines is pivoting back to the US for support, and both sides keep doing joint military exercises

The importance of the SCS, in combination with the straight-forward policies that the involved countries follow and the refusal of China to accept the 2016 UNCLOS arbitration rule against the nine dash line, lead to extreme tension and disputes.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED⁵⁹

China

China is the central driver of SCS tensions, asserting claims over large areas within the "nine-dash line". It has built and militarized artificial islands on features in the Spratly and Paracel Islands, with airstrips, radars and missile systems. Its main strategic interest is not only access to fisheries and hydrocarbons to support food and energy security, but also secure sea lanes for trade and energy imports and routes critical to China's export-led economy. Also, for China, the SCS is important because of the strategic depth and military advantage. China also plans on using the SCS as a buffer and a platform to project power into Southeast Asia⁶⁰. China's extensive claims and proactive tactics raise the risk of clashes with Southeast Asian claimants and foreign navies. This pushes regional states to search for external security countries, like the US, which increases great-power rivalry. It still promotes bilateral negotiations and a slow, limited Code of

⁵⁷ Ratcliffe, Rebecca. "Confrontations in South China Sea Surge, Raising Fears a Miscalculation Could Lead to Conflict." The Guardian, 12 July 2024, www.theguardian.com/world/article/2024/jul/12/south-china-sea-conflict-philippines-coast-guard.

⁵⁸ Lariosa, Aaron-Matthew. "China Coast Guard Attacks Philippine Ships Near Scarborough Shoal, Say Officials." 1 May 2024. <https://news.usni.org/2024/04/30/china-coast-guard-attacks-philippine-ships-near-scarborough-shoal-say-officials>

⁵⁹ "IW:LEARN | Documents -> Legal Frameworks -> South China Sea." *Iwlearn.net*, iwlearn.net/documents/legal-frameworks/south-china-sea

⁶⁰ Truong Thuy, Tran. "Recent Developments in the South China Sea: Implications for Regional Security and Cooperation." CSIS, Center for Strategic and International Studies, 30 Jan. 2025, <https://www.csis.org/analysis/recent-developments-south-china-sea-implications-regional-security-and-cooperation>

Conduct with ASEAN, while maintaining and occasionally escalating presence around contested features.⁶¹

The Philippines

The Philippines is one of the most active challengers of Chinese behavior, especially around Second Thomas Shoal, Scarborough Shoal, and waters within its EEZ. Philippine resistance exposes Chinese firm tactics and prompts external players to deepen involvement, which can both deter escalation and increase great-power competition. Its approach helps reinforce international law and norms, but frequent confrontations at sea keep the SCS as a dangerous area with active disputes.⁶² Its main interests are the protection of its EEZ for fisheries and future energy development and safeguarding coastal communities and food security tied to SCS fisheries. Currently it expands security cooperation with the US and partners while still participating in ASEAN-China diplomacy on a Code of Conduct.⁶³

Vietnam

With subtle persistence Vietnam strengthens maritime law-enforcement and naval capabilities to assert rights without direct confrontation when possible. It wants to maintain a balance between deterring China and maintaining economic ties, while diversifying partnerships with other major powers. Vietnam invests in maritime enforcement and monitoring, including coast guard modernization, and the building of artificial islands and fisheries protection. Even though Vietnam's actions are based on the defense of their EEZs, it has led to extreme militarization and has added even more to the disputed climate. Lastly it advocates for respect for UNCLOS and supports ASEAN efforts to shape a binding, enforceable SCS Code of Conduct, while negotiating directly with China on practical issues.⁶⁴

Malaysia

Malaysia is a less persistent claimant that controls several features in the southern Spratlys and faces Chinese activity within its EEZ. Its interest is to protect offshore energy projects, oil and gas fields, that are central to Malaysia's revenue and energy security. It also wants to maintain stable ties with both China and Western partners. In general it wishes for the preservation of a relatively low-tension maritime environment to support trade and domestic

⁶¹ BBC. "What Is the South China Sea Dispute?" *BBC News*, 7 July 2023, <https://www.bbc.com/news/world-asia-pacific-13748349>

⁶² Short, John. Southeast Asian Nations Look to Hedge Their Way Out of Troubled Waters in the South China Sea. 18 June 2025, <https://theconversation.com/southeast-asian-nations-look-to-hedge-their-way-out-of-troubled-waters-in-the-south-china-sea-257092>

⁶³ *Stirring up the South China SEA (II): Regional Responses*. 2012. <https://www.crisisgroup.org/sites/default/files/229-stirring-up-the-south-china-sea-ii-regional-responses.pdf>

⁶⁴ Short, John. Southeast Asian Nations Look to Hedge Their Way Out of Troubled Waters in the South China Sea. 18 June 2025, <https://theconversation.com/southeast-asian-nations-look-to-hedge-their-way-out-of-troubled-waters-in-the-south-china-sea-257092>

economic priorities. Now it is rejecting excessive maritime claims and reinforcing its EEZ rights under UNCLOS and is participating in ASEAN–China discussions on a SCS Code of Conduct while continuing practical cooperation with external partners on maritime security and capacity-building.⁶⁵

United States of America (USA)

The USA is not a claimant state in the South China Sea (SCS) disputes, but its involvement is driven by treaty obligations and the preservation of global trade routes.⁶⁶ The USA signed a mutual defense treaty with the Philippines in 1952, which resulted in the USA frequently backing the Philippines against Chinese Coast Guard and maritime militia aggression.⁶⁷ Also, the US Navy conducts routine FONOPs to challenge what it deems excessive maritime claims, asserting the right of vessels and to transit through international waters.⁶⁸ As a major external actor, the USA has often expressed its stance against China's illegitimate claims, and even though the US aren't directly involved their impact on the disputes is still big, since they are one of the strongest member states that back up and support the opposition of China, namely The Philippines.

ASEAN (Association of southeast Asian Nations)⁶⁹

ASEAN is an international group of 10 Southeast Asian countries including Indonesia, Malaysia, Philippines, Singapore, Thailand, Vietnam, and newer members like Cambodia, Laos, Myanmar, and Brunei. It was founded in 1967 to help the region grow economically and keep peace. ASEAN's main goals are economic growth, regional stability, and promoting peace and security. In the South China Sea dispute ASEAN is not only divided, but also ineffectual. Some members, including Vietnam and Philippines, are states that strongly oppose certain Chinese maritime claims of China, while others, such as Cambodia, are allies with China often because of economic reasons. Therefore different national interests have made it difficult for ASEAN to adopt a unified position. However it is still trying to tackle the issue peacefully and diplomatically, even when it's very complicated and hard.

⁶⁵ Truong Thuy, Tran. "Recent Developments in the South China Sea: Implications for Regional Security and Cooperation." CSIS, Center for Strategic and International Studies, 30 Jan. 2025,

<https://www.csis.org/analysis/recent-developments-south-china-sea-implications-regional-security-and-cooperation>

⁶⁶ Pompeo, Michael. "U.S. Position on Maritime Claims in the South China Sea." United States Department of State, 13 July 2020, <https://2017-2021.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea/>

⁶⁷ U.S. Embassy Singapore. "U.S. Support for the Philippines in the South China Sea - U.S. Embassy in Singapore." U.S. Embassy in Singapore, 20 Aug. 2024, <https://sg.usembassy.gov/u-s-support-for-the-philippines-in-the-south-china-sea-7/>

⁶⁸ Marek, Jon. "US-China International Law Disputes in the South China Sea." Air University (AU), 9 July 2021, <https://www.airuniversity.af.edu/Wild-Blue-Yonder/Articles/Article-Display/Article/2685294/us-china-international-law-disputes-in-the-south-china-sea/>

⁶⁹ "Founding and Purpose of ASEAN | Britannica." *Www.britannica.com*, www.britannica.com/summary/ASEAN.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENTS ⁷⁰
1947	The Republic of China issues a map with an eleven-dash U-shaped line covering most of the South China Sea, seen by Beijing as the basis of today's "nine-dash line" claim. ⁷¹
1949	After the Chinese Communist Party takes power, Beijing modifies the map, removing two dashes in the Gulf of Tonkin and turning it into the nine-dash line that appears in later official documents. ⁷²
27 August 1952	USA and the Philippines sign a mutual defense treaty
1956-1970	Individual claimants, including the Philippines and South Vietnam, begin occupying some features in the Spratly Islands, issuing domestic laws and decrees asserting sovereignty.
19-20 January 1974	China seizes control of the Paracel Islands from South Vietnam in a brief naval battle. This marks a major turning point, as China gains full control over the Paracels and solidifies its forward presence.
30 April 1982	UNCLOS is adopted, creating key concepts like exclusive economic zones (EEZs, up to 200 nautical miles).
8 May 1984	The Philippines ratifies UNCLOS ⁷³
14 March 1988	The Johnson South Reef skirmish between China and Vietnam in the Spratly Islands results in Chinese control of several reefs and dozens of Vietnamese casualties

⁷⁰ ---. "Territorial Disputes in the South China Sea | History, Maps, China, Vietnam, Taiwan, Philippines, Malaysia, & Facts | Britannica." Wwww.Britannica.Com, Britannica, 28 Feb. 2024, <https://www.britannica.com/topic/territorial-disputes-in-the-South-China-Sea>

⁷¹ ---. "A Timeline of What Happened in the South China Sea Dispute." *Business Insider*,
<https://www.businessinsider.com/ap-timeline-the-china-philippines-south-china-sea-dispute-2016-7>

⁷² ---. "A Timeline of What Happened in the South China Sea Dispute." *Business Insider*,
<https://www.businessinsider.com/ap-timeline-the-china-philippines-south-china-sea-dispute-2016-7>

⁷³ ---. "A Timeline of What Happened in the South China Sea Dispute." *Business Insider*,
<https://www.businessinsider.com/ap-timeline-the-china-philippines-south-china-sea-dispute-2016-7>

1990s	Multiple claimants like China, Vietnam, the Philippines, Malaysia, and Brunei occupy more SCS features and issue overlapping EEZ and continental shelf claims, increasing friction.
25 February 1992	China passes a domestic law asserting sovereignty over the Paracels, Spratlys, and other islands and rocks in the South China Sea, formalizing its claims in national legislation.
16 November 1994	UNCLOS enters into force globally after enough states ratify. From this point on, it became the main legal framework for maritime disputes, including those in the SCS.
January-February 1995	China occupies Mischief Reef (near the Philippines), building structures on stilts and triggering strong protests from the Philippines and concern in ASEAN.
4 November 2002	China and ASEAN sign the Declaration on the Conduct of Parties in the South China Sea (DOC), pledging restraint, peaceful dispute resolution, and cooperation, but without a binding enforcement mechanism.
2 March 2011	A Philippine survey vessel at Reed Bank reports harassment by Chinese patrol boats,
8 April 2012	Scarborough Shoal standoff, where a Philippine warship attempts to detain Chinese fishermen ⁷⁴
January 2013	The Philippines initiated a case under UNCLOS at the Permanent Court of Arbitration (PCA) in The Hague, challenging the legality of China's nine-dash line and some activities in the SCS. ⁷⁵

⁷⁴ ---. "Territorial Disputes in the South China Sea." *Global Conflict Tracker*, Council on Foreign Relations, 17 Sept. 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

2014-15	China undertakes large-scale land reclamation at several Spratly features, constructing artificial islands with harbors, radars, and airstrips
12 July 2016	PCA award, which China rejects as "null and void," while the Philippines and many other states treat it as a major legal benchmark for the SCS.
2017-19	Incidents involving coast guard and fishing vessels (e.g., collisions and ramming incidents) occur between China and Vietnam and between China and the Philippines, often near the Paracels or Spratlys.
2020-23	The United States and other extra-regional navies like Japan, Australia, UK step up freedom-of-navigation operations (FONOPs) and joint sails near contested features.
2024-now	Vietnam, Malaysia, the Philippines, and Indonesia increasingly use law enforcement vessels and coast guards to assert their own EEZ rights and detain foreign fishing boats, spotlighting the clash between law-of-the-sea rules and expansive historical claims, so tensions remain high and unresolved.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

⁷⁵ ---. "Territorial Disputes in the South China Sea." Global Conflict Tracker, Council on Foreign Relations, 17 Sept. 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

UNCLOS (United Nations Convention on the Law of the Sea)⁷⁶

The United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982 and in effect since 1994, is the principal regulation for the oceans. Under rules established by the UNCLOS all nations are entitled to an Exclusive Economic Zone (EEZ) extending 200 nautical miles from their coastline. Within their EEZ, states have exclusive control and access to natural resources (fish, oil, gas, and mining) in the waters and seabed. All of the nations bordering the South China Sea (Malaysia, Brunei, Indonesia, Vietnam, and the Philippines) make claims to resources within the South China Sea based upon their EEZs under UNCLOS and assert that China's Nine-Dash Line intersects their valid EEZs. UNCLOS is very important for this case, since it is the main legal framework on which the claimant states base their claims on. The EEZ rule is a key factor to the disputes since Member States often complain about the violation of their EEZs and that many times they can't exercise their rights, like fishing, that are guaranteed with the EEZ, because of the disputes. The violations Member States face in their EEZs lead to less diplomatic reactions that include not only militarization but also defensive attacks and detainments of fishermen, which over all creates a hostile environment in this region.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

2002 ASEAN-China Declaration on the Conduct of Parties (DOC).⁷⁷

The ASEAN DOC is the first diplomatic framework, created in order to settle sovereignty disputes in the region of South China Sea. The countries involved, such as China, Philippines and Vietnam had to commit to settle disputes peacefully and to exercise self-restraint from complicating activities, such as militarization, island building or detaining of fishermen. Another important point of the DOC was to respect each nation's right of freedom of navigation, while at the same time working for a future code of conduct. The problem, however, was that this framework isn't legally binding, which means that China and other countries have violated it repeatedly, without having faced any consequences, even though it was aimed at decreasing tensions and promoting dialogue.

⁷⁶Curtis. "The United Nations Convention on the Law of the Sea (UNCLOS)." Curtis, Mallet-Prevost, Colt & Mosle LLP, www.curtis.com/glossary/public-international-law/unclos.

⁷⁷ASEAN. "Declaration on the Conduct of Parties in the South China Sea." ASEAN, 14 May 2012, asean.org/declaration-on-the-conduct-of-parties-in-the-south-china-sea-2/.

Freedom of navigation operations (FONOPs)⁷⁸

FONOPs are specific military and diplomatic actions taken to challenge excessive maritime claims by coastal nations and uphold international laws on freedom of navigation.

The USA conducts FONOPs to challenge what they view as excessive maritime claims and reinforce international law norms, using the 2016 arbitral ruling as a legal backdrop. Those operations ensure that international waters remain open and accessible for global trade, military operations, and transit. One specific example is the 4th one that happened on October 21st, 2016 and was meant to challenge China's excessive straight baselines claims on the Paracel islands. More specifically the US Navy went through the straight baselines to challenge the recognition of them. Baselines are important since they are the point from which the EEZ counts. China was using the straight baseline claim to indirectly expand their territorial waters and with the FONOP the USA proved that this is not based on legal grounds⁷⁹. However, FONOPs fail to tackle the issue efficiently since the problem is not the accessibility to the waters as foreign states, but the sovereignty claims and the overlays of EEZs. Even if they are still important since they assure accessibility in the waters and help in the prevention of unlawful precedent. This means that they can not help in tackling the root of the problem by just making sure the waters are accessible to everyone. To efficiently tackle the problem the clear borders and EEZs have to be determined.



Figure 4: USA's 4th FONOP⁸⁰

⁷⁸ Freund, Eleanor. *Freedom of Navigation in the South China Sea a Practical Guide*.

2017. https://www.belfercenter.org/sites/default/files/pantheon_files/files/publication/SCS%20Report%20-%20web.pdf

⁷⁹ ---. "Freedom of Navigation in the South China Sea: A Practical Guide | Asia Maritime Transparency Initiative." 25 Aug. 2017. <https://amti.csis.org/freedom-of-navigation-practical-guide/>

⁸⁰ ---. "Freedom of Navigation in the South China Sea: A Practical Guide | Asia Maritime Transparency Initiative." 25 Aug. 2017. <https://amti.csis.org/freedom-of-navigation-practical-guide/>

2013-2016 UNCLOS Arbitration⁸¹

On July 12, 2016, the Permanent Court of Arbitration (PCA) in the Netherlands ruled in favor of the Philippines against China regarding the South China Sea issue. More specifically, the court's ruling stated that the nine-dash line China claims to its territorial waters is invalid and illegal. It also stated that the Chinese government also hindered the rights of the Philippines by preventing Filipino fishermen from accessing Scarborough Shoal. Moreover, it deems China's efforts to build artificial islands in the South China Sea illegal. This ruling found that the other countries' claims that are based on UNCLOS matter more than China's historical claims, meaning that China's claims, actions and nine-dash line is not only invalid but illegal and that the Philippines and the other involved member states have every right to defend their sovereignty over their EEZs in the SCS. China's reaction was to call the verdict "null and void" and not abide by it⁸². There is no legal way to force China to accept the court's decision, however the PCA's ruling is very important and counts as the biggest achievement for any country against Chinese territorial claims. It cannot be enforced due to China having veto power over any Security Council resolution concerning the ruling, meaning that no resolution can pass without China's agreement.

POSSIBLE SOLUTIONS

Code of Conduct (COC)

One possible solution would be for China and ASEAN to work on a legally binding Code of Conduct that could include specific rules on crisis management, environmental protection, and operational restraint. Even though a similar solution has been discussed since 2017, the current intent is to manage tensions and prevent incidents at sea, though sovereignty itself is excluded from the negotiations. This would be a good idea for managing the problem of disputes and harassment and to efficiently promote dialogue and diplomacy. However, it has to be legally binding and with clear enforcement mechanisms, and even then it will only tackle the problem of fights and disagreements and not the actual problem of sovereignty. That's why a legally binding COC that includes clear maritime rights for each country is needed.

Multilateral resource-sharing agreement

With the creation of a multilateral resource-sharing agreement for oil, gas, fisheries and other valuable natural resources can help make diplomacy stronger. This works as a compromise for all member states. Having joint development zones or shared EEZ management where claims overlap, can strengthen the feeling of sovereignty while at the same time ensuring justice and

⁸¹ U.S.-China Economic and Security Review Commission. "South China Sea Arbitration Ruling: What Happened and What's Next?" *Www.uscc.gov*, 12 July 2016, www.uscc.gov/research/south-china-sea-arbitration-ruling-what-happened-and-whats-next

⁸² "Video." *Facebook.Com*, 2026, <https://www.facebook.com/100091873519711/videos/china-reiterates-that-the-award-of-the-2016-south-china-sea-arbitration-is-null-/1508514533877310/>

legitimacy. However in order to ensure a fair agreement, there have to be clear boundaries and rules and for it to be legally binding. Countries should agree on the amounts of things being shared and where the access is allowed for other member states in their EEZs. This would only work if all countries are able to agree and find common ground and at the same time stay loyal to the agreement. For example Malaysia-Vietnam already have a similar agreement.

International monitoring

International monitoring by the UN or ASEAN-determined observers to document gray-zone incidents is also a very important point in order to ensure true safety and that all member states are committed to the agreements. The international monitoring has to be conducted in order to assure safety and to eliminate the hostile environment that currently exists. For example, there could exist a UN-body with the purpose of checking and making sure that the rules are followed by every member state. Having peace zones with no military deployment is also a very important way to ensure safety between simple citizens like fishermen, who aren't actively involved and yet still face the consequences. However, this only tackles one aspect of the entire problem and without proper execution this might fail.

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