MERIDIAN MUN 2021

UNGA-DISEC

BACKGROUND GUIDE

Assessing impact on International Peace and Security due to South China Sea issue

DISARMAMENT AND INTERNATIONAL SECURITY COMMITTEE

Letter from executive Board

Greetings Delegate!
Firstly welcome to the Disarmament and Security Council (DISEC) being simulated here, at the Meridian Model UN 2021! We look forward to meeting you and having some quality debate.

This is a background guide prepared by the Executive Board to aid you in your preparation for this MUN. This background guide is only to provide to you a basic idea of the agenda. Please do not use this as your only source of study. We *highly recommend* you to ***conduct your own detailed research*** for more insights on the topic.

On a last note, MUN does mean quality debate, meeting new people and learning new things, but above all, MUN means to have fun. So make sure that you enjoy the whole process of preparing and participating in the MUN.

Please feel free to contact us if you have any doubts :))

Regards,
Chairperson (Dilreet Thakur) [781-489-4077]
Vice-Chairperson (Prabhas Adabala) [957-364-5275]

A few aspects that delegates should keep in mind while preparing:

Procedure: The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. The committee will follow the UNA-USA Rules of Procedure. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of agenda will be the main priority. So, delegates are advised not to restrict their statements due to hesitation regarding procedure.

Foreign Policy: Following the foreign policy of one's country is the most important aspect of a Model UN Conference. This is what essentially differentiates a Model UN from other debating formats. To violate one's foreign policy without adequate reason is one of the worst mistakes a delegate can make.

Role of the Executive Board: The Executive Board is appointed to facilitate debate. The committee shall decide the direction and flow of debate. The delegates are the ones who constitute the committee and hence must be uninhibited while presenting their opinions/stance on any issue. However, the Executive Board may put forward questions and/or ask for clarifications at all points of time to further debate and test participants.

Proof / Evidence in Council

Evidence or proof is acceptable from sources:

1. News Sources:

A. REUTERS – Any article which clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council.

B. State operated News Agencies – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, they can be denied by any other country in the council. Some examples are, RIA Novosti (Russia), IRNA (Iran), BBC (United Kingdom) and Xinhua News Agency and CCTV (P.R. China)

Government Reports: These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information.

Examples are,

A. Government Websites like the State Department of the United States of America or the Ministry of Defence of the Russian Federation

B. Ministry of Foreign Affairs of various nations like India, People's Republic of China, France, Russian Federation

C. Permanent Representatives to the United Nations – Reports and other documents
D. Multilateral Organizations like the NATO, ASEAN, OPEC, etc.

UN Reports: All UN Reports are considered are credible information or evidence for the Executive Board of the Security Council.

A. UN Bodies: Like the UNSC, GA, HRC etc.

B. UN Affiliated bodies like the International Atomic Energy Agency, World Bank, International Monetary Fund, International Committee of the Red Cross, etc.
C. Treaty Based Bodies like the Antarctic Treaty System, the International Criminal Court

Under no circumstances will sources like Wikipedia, Human Rights Watch or newspapers like the Guardian, Times of India, etc. be accepted as PROOF; but may be used for better understanding of any issue and even be brought up in debate, if the information given in such sources is in line with the beliefs of a Government.

UNGA - DISARMAMENT AND INTERNATIONAL SECURITY COMMITTEE (DISEC): MANDATE

The General Assembly is the main deliberative, policymaking and representative organ of the United Nations. Decisions on important matters like those on peace and security, admission of new members and budgetary matters require a two-thirds majority. Decisions on other questions are by a simple majority. The subsidiary organs of the General Assembly are divided into categories: Boards, Commissions, Committees, Councils and Panels, and Working Groups and others. After discussing the items on the agenda, seeking where possible to harmonize the various approaches of States, the subsidiary organs present their recommendations, usually in the form of draft resolutions and decisions, to a plenary meeting of the Assembly for its consideration. Each Member State may be represented by one person on each Main Committee and on any other committee that may be established upon which all Member States have the right to be represented. Member States may also assign advisers, technical advisers, experts or persons of similar status to these committees. One of the 6 main committees is the Disarmament and International Security Committee.

First Committee

The First Committee deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime. It considers all disarmament and international security matters within the scope of the UN Charter or relating to the powers and functions of any other organ of the United Nations; the general principles of cooperation in the maintenance of international peace and security, as well as principles governing disarmament and the regulation of armaments; promotion of cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments. The Committee works in close

cooperation with the United Nations Disarmament Commission and the Geneva-based Conference on Disarmament. It is the only Main Committee of the General Assembly entitled to verbatim records coverage.

The Disarmament and International Security Committee (DISEC) is the First Committee of the United Nations General Assembly (GA). It includes all nations that are United Nations Member States. DISEC deals with issues regarding the promotion, establishment, and subsequent maintenance of global peace while simultaneously working to prevent weapons proliferation. Under the UN Charter, all member states and observers of the United Nations are automatically part of the first committee of the General Assembly, and have an equal vote.

Documents drafted by this committee require a simple majority to be passed. Like the other committees of the United Nations General Assembly, DISEC is unable to impose sanctions, authorize armed intervention, or pass binding resolutions. With the increase of weapons and growing security threats, DISEC continues to grow in importance and becomes a significant part of resolving international crises. DISEC cannot require that countries take a specific action. However, the committee can make recommendations to the Security Council about what should be done on specific issues.

[i] http://www.un.org/en/ga/first/index.shtml

Chapter IV of the Charter of United Nations Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make

recommendations with regard to such principles to the Members or to the Security Council.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by the state which is not a Member of the United Nations in accordance with Article 35, paragraph 2.

Article 13

The General Assembly shall initiate studies and make recommendations for the purpose of :

a. Promoting international cooperation in the political field and encouraging the progressive development of international law and its codification.

b. Promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 14

The General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from violations of the provisions of the present charter setting forth the Purposes and Principles of the United Nations.

AGENDA: ASSESSING IMPACT ON INTERNATIONAL PEACE AND SECURITY DUE TO SOUTH CHINA SEA ISSUE

SOUTH AND EAST CHINA SEA

The *South China Sea* is a marginal sea that is part of the Pacific Ocean, encompassing an area from the Karimata and Malacca Straits to the Strait of Taiwan of around 3,500,000 square kilometres (1,400,000 sq. mi). The area's importance largely results from one-third of the world's shipping sailing through its waters and that it is believed to hold huge oil and gas reserves beneath its seabed.

It is located:

•south of mainland China, including the island of Taiwan, in the east;

•east of Vietnam and Cambodia;

•west of the Philippines;

•east of the Malay peninsula and Sumatra, up to the Strait of Malacca in the west and north of the Bangka–Belitung Islands and Borneo.

The minute South China Sea Islands, collectively an archipelago, number in the hundreds. The sea and its mostly uninhabited islands are subject to competing claims of sovereignty by several countries. These claims are also reflected in the variety of names used for the islands and the sea. States and territories with borders on the sea (clockwise from north) include: the People's Republic of China (including Macau and Hong Kong), the Republic of China (Taiwan), the Philippines, Malaysia, Brunei, Indonesia, Singapore, and Vietnam. Major rivers that flow into the South China Sea include the Pearl, Min, Jiulong, Red, Mekong, Rajang, Pahang, Pampanga, and Pasig Rivers.

The *East China Sea* is a marginal sea east of China. The East China Sea is a part of the Pacific Ocean and covers an area of roughly 1,249,000 square kilometers (482,000 sq mi). To the east lie the Japanese islands of Kyushu and the Ryukyu

Islands, to the south lies the South China Sea, and to the west by the Asian continent. The sea connects with the Sea of Japan through the Korea Strait and opens to the north into the Yellow Sea. The sovereign states which border the sea include South Korea, Japan, the Republic of China (Taiwan) and the People's Republic of China. In the nineteenth century, the sea was known as Mer de Corée (Sea of Korea).

The South China Sea contains over 250 small islands, atolls, cays, shoals, reefs, and sandbars, most of which have no indigenous people, many of which are naturally under water at high tide, and some of which are permanently submerged. The main islands are:

- The Spratly Islands
- The Paracel Islands
- The Pratas Islands
- The Macclesfield Bank
- The Scarborough Shoal

THE GEO-POLITICAL CONTEXT OF SOUTH CHINA SEA

There are numerous islands, islets, rocks and reefs, and banks which are scattered in the SCS. However, no exact number of these features is available since many of these features are not always above sea level.

According to a Taiwan-sponsored survey conducted between 1946 and 1947, the SCS contains 127 inhabited islets, shoals, coral reefs, banks, cay and rocks. Other research states that there are more than 200 islets, rocks and reefs in this area. Nevertheless, it is generally agreed that most of these features are not suitable for

human habitation but they are of vital economic, strategic, political and legal importance.

The South China Sea is an extremely significant body of water in a geopolitical sense. It is the second most used sea lane in the world, while in terms of world annual merchant fleet tonnage over 50% passes through the Strait of Malacca, the Sunda Strait, and the Lombok Strait. Over 1.6 million m^3 (10 million barrels) of crude oil a day are shipped through the Strait of Malacca, where there are regular reports of piracy, but much less frequently than before the mid-20th century.

The region has proven oil reserves of around 1.2 km^3 (7.7 billion barrels), with an estimate of 4.5 km^3 (28 billion barrels) in total. Natural gas reserves are estimated to total around 7,500 km^3 (266 trillion cubic feet). A 2013 report by the U.S. Energy Information Administration raised the total estimated oil reserves to 11 billion barrels. In 2014 China began to drill for oil in waters disputed with Vietnam. According to studies made by the Department of Environment and Natural Resources, Philippines, this body of water holds one third of the entire world's marine biodiversity, thereby making it a very important area for the ecosystem. However the fish stocks in the area are depleted, and countries are using fishing bans as a means of asserting their sovereignty claims. In Southeast Asia, fish and fishery products traditionally have been major source of protein. Fish and the fishing industry remain an important economic activity since most of the States bordering the SCS are developing countries in which the agricultural economic sector still accounts for a considerable part of their national economies. The fisheries industry plays an important role in securing sources of food and income for the States in the region. Statistics showed that in the mid-1990 the value of the annual fish catch was possibly worth over US $ 3 billion. It is estimated that roughly 70% of the South East Asia population are coastal dwellers, representing approximately 270 million people, nearly 5% of the world population. The SCS provides 25% of the protein needs for 500 million people and 80% of the Philippine diet. The SCS ranks the fourth among the world’s 19 fishing zones in

terms of total annual marine production with a catch of over 8 million metric tons (live weight) of marine fish: this represents about 10% of the total world catch and 23% of the total catch in Asia. With respect to non-living resources, the SCS is widely known for its rich oil and gas reservoirs and oil and gas have been discovered in most parts of the SCS. The discovery of oil and gas reservoirs in the West Pacific has made Indonesia one of the world's leading oil exporting states. The combination of onshore and offshore petroleum has given Brunei the highest per capita gross national production in the region. For the other States, the revenue from oil and gas activities has also contributed considerably to their national economies. Therefore, offshore petroleum development is now given priority by the States in the SCS region. Since the end of the Cold War, the world has witnessed certain Southeast Asian economies surpass global growth rate.

Accordingly, these high rates of economic growth naturally lead to a corresponding increased consumption resource. In the context of globally increased demand for oil and gas resources and the instability and shortage of the oil and gas supplying resources due the political turmoil in the Gulf, it is clear that the SCS is expected to accommodate the need for oil and gas resources for the States in the region thus amplifying the potential for conflicting claims. There are conflicting numbers of the oil and gas potential in the Spratly islands area because of the lack of full assessments. According to the 1995 assessment made by the Russia's Research Institute of Geology of Foreign Countries, the Spratly Islands area might contain 6 billion barrels of oil equivalent, of which 70% would be natural gas. The Chinese media called the SCS "the second Persian Gulf," estimating oil resources near the Spratly islands to range from 105 billion barrels to 213 billion barrels.

The South China Sea contains significant proved and probable oil reserves, and countries in the region are eager to extract these. Particularly large quantities lie in

the EEZs of Vietnam, Malaysia, and the Philippines. The East China Sea is also home to a gas field, but the extent of its reserves is unknown.

Spratly Islands

The Spratly Islands are a disputed group of 14 islands, islets and cays and more than 100 reefs, sometimes grouped in submerged old atolls, in the South China Sea. The islands have no indigenous inhabitants, but offer rich fishing grounds and may contain significant oil and natural gas reserves. and as such are important to the claimants in their attempts to establish international boundaries. Natural resources include fish and guano, as well as the possible potential of oil and natural gas reserves. Economic activity has included commercial fishing, shipping, guano mining, and more recently, tourism. The Spratlys are located near several primary shipping lanes. In 1987, the People's Republic of China installed a small military structure on Fiery Cross Reef on the pretext to build an oceanic observation station and install a tide gauge for the Global Sea Level Observing System. After a deadly skirmish with the Vietnamese Navy, China installed some military structures on more reefs in the vicinity of the Philippines and Vietnamese occupied islands and this had led to escalating tensions between these countries and China over the status and "ownership" of reefs.

Paracel Islands

The Paracel Islands, also known as Xisha in Chinese and Hoàng Sa in Vietnamese, is a group of islands, reefs, banks and other maritime features in the South China Sea. It is controlled (and occupied) by the People's Republic of China, and also claimed by Taiwan (Republic of China) and Vietnam. The archipelago includes about 130 small coral islands and reefs, most grouped into the northeast Amphitrite Group or the western Crescent Group. They are distributed over a maritime area of around 15,000 square kilometres (5,800 sq. mi), with a land area of approximately 7.75 square kilometres (2.99 sq mi). The archipelago is

approximately equidistant from the coastlines of China (PRC) and Vietnam; and approximately one- third of the way from central Vietnam to the northern Philippines. The PRC is investing "millions" in infrastructure and development to support its territorial claims over the archipelago, and as a result there has been, and continues to be, a lot of construction activity. In recent years Woody Island has acquired an upgraded airport, an upgraded sea port, and a city hall. A primary school for children of construction workers and troops stationed there is planned. There is a limited supply of fresh water on the islands. In 2012, it was reported that China (PRC) planned to build a solar-energy-powered desalination plant on the islands. Both wind and solar powered facilities exist to supply electricity on the islands.

Pratas Islands

The Pratas Islands, also known as the Dongsha Islands, are an atoll in the north of the South China Sea consisting of three islets about 340 kilometers (211 mi) southeast of Hong Kong. Excluding their associated EEZ and territorial waters, the islets comprise about 240 ha (590 acres), including 64 ha (160 acres) of lagoon area. The People's Republic of China claims the islands, but the Republic of China (ROC) controls them and has declared them a national park. The main island of the group—Pratas Island—is the largest of the South China Sea Islands.

The Macclesfield Bank

Macclesfield Bank is an elongated sunken atoll of underwater reefs and shoals in the South China Sea. It lies east of the Paracel Islands, southwest of the Pratas Islands and north of the Spratly Islands. Its length exceeds 130 km (81 mi) southwest-northeast, with a maximal width of more than 70 km (43 mi). With an ocean area of 6,448 km2 (2,490 sq mi) within the outer rim of the reef, although completely submerged without any emergent cays or islets, it is one of the largest atolls of the world. The Macclesfield Bank is part of what the PRC calls the

Zhongsha Islands, which includes a number of geographically separate submarine features, and also refers to a county-level administrative division.

Scarborough Shoal

It is a disputed territory claimed by the People's Republic of China, Republic of China (Taiwan), and the Philippines. The shoal's status is often discussed in conjunction with other territorial disputes in the South China Sea such as those involving the Spratly Islands and the Paracel Islands. Since the 2012 Scarborough Shoal standoff, access to the territory has been restricted by the People's Republic of China. The shoal and its surrounding area are rich fishing grounds – the atoll's lagoon provides some protection for fishing boats during inclement weather. There are thick layers of guano lying on the rocks in the area. Several diving excursions and amateur radio operations, DX-peditions (1994, 1995, 1997 and 2007), have been carried out in the area.

BACKGROUND OF DISPUTE (HISTORY)

For the European colonial powers, South China Sea was primarily a sailing route from the

Straits of Malacca to China, Korea and Japan. They saw it as a 'far eastern' thoroughfare. With the Japanese occupation of Taiwan in 1985 and US annexation of the Philippines in 1898, the South China Sea became a contested area between British, French, American and Japanese navies. France's prime purpose while claiming the Spratlys and Paracels in 1930 was to keep them out of Japanese hands. In 1942, a submarine base in Itu Aba supported the Japanese invasion of the Philippines. For three years from 1942-1945, the South China Sea was a Japanese lake. When the naval powers displayed an interest in the Paracels and Spratlys, the main purpose was strategic and related to the rivalry with each other. However,

Britain established that Spratlys were of little strategic value. However, maritime delimitation of the South China Sea only became a concern in the post-colonial era with the emergence in the 1970's of the principle of the 200 nautical mile Exclusive Economic Zone.

The defeat of Japan in the Second World War paved the way for decolonization and multiple claims to sovereignty in the Spratlys islands. The US navy gained a naval hegemony, but never developed an interest in maritime delimitation or possession of islands. It had its bases in Okinawa and Subic Bay and was itself both a decolonized and decolonizing power. Thus it left the rivalry for islands a 'maritime territory' to the local states. In the post war period, all the local states surrounding the sea made conflicting claims to sovereignty and took measures to sustain them: The Republic of China, The People's Republic of China, Vietnam, Philippines, Brunei and Malaysia. Decolonization, national unification, oil discoveries and the principle of a 200 Nautical mile EEZ provided the impetus for a scramble to occupy reefs and islands. A nationalist rhetoric was developed to mobilize support for maritime irredentism. In the Chinese rhetoric, South China Sea had always been Chinese maritime territory, for the Vietnamese it was their Eastern Sea, while the Filipinos claimed the bulk of the Spratlys islands had been a no man's land until they made it their Freedomland.

From the mid-20th century, the concept of 'Far East' gave way to the concept of 'southeast Asia', which transformed the South China Sea from a thoroughfare within the Far eastern region to a crossroads of two distinct regions: Southeast and Northeast Asia. During the period when the Soviet Navy made its presence felt, Vietnam, Cambodia and Laos formed a closed, hostile buffer zone between the two regions. In the second half of the 1990's with the inclusion of three Indo Chinese states and Burma (Myanmar) In ASEAN, Indochina instead became a link both in economic and political terms. Economically of course, the South China Sea with its major shipping lanes, had always been a link between China and Southeast

Asian countries, as well as between India and the Pacific Ocean. Politically however, the dispute between maritime delimitation and sovereignty to islands continues to form an obstacle to regional integration.

Southeast Asians tended to see the Chinese U shaped line as a thorn in their flesh and a challenge to the whole idea of a Southeast Asian region. If a 'Chinese sea' was allowed in the middle of the region, then China would itself be a Southeast Asian power. The intensifying dispute over maritime boundaries also made it difficult for the countries around the South China Sea to address the increasingly serious challenge from over-fishing and threats to the environment.

TERRITORIAL CLAIMS- TYPES OF DISPUTES

The South China Sea disputes involve both island and maritime claims among several sovereign states within the region, namely Brunei, the People's Republic of China, the Republic of China, Malaysia, the Philippines, and Vietnam. Non-claimants want the South China Sea to remain as international waters, with the United States conducting "freedom of navigation" operations.

There are disputes concerning both the Spratly and the Paracel islands, as well as maritime, areas near to sea, boundaries in the Gulf of Tonkin and elsewhere. There is a further dispute in the waters near the Indonesian Natuna Islands. The interests of different nations include acquiring fishing areas around the two archipelagos; the potential exploitation of crude oil and natural gas under the waters of various parts of the South China Sea, and the strategic control of important shipping lanes.

There have been two factors that constitute the maritime boundary disputes in the SCS: (i) the progressive development and codification of the law of the sea which prompted states in the region to unilaterally claim their maritime areas; (ii) the geographical circumstances in the region does not allow coastal States to establish maritime jurisdiction to the maximum possible extent as recognized by the law of

the sea without overlapping with others. Therefore, the following areas in the SCS were identified by Ramses Amer as overlapping maritime areas among countries in the region that need to be delimited between and among States concerned:

- In the north western part of the SCS, the Philippines and Taiwan have overlapping claims to the exclusive economic zone and the continental shelf areas to the north of the Philippines and to the South of Taiwan.
- In the Gulf of Tonkin, Vietnam and the People's Republic of China have overlapping claims to the exclusive economic zone and continental shelf.

Brunei and Malaysia have overlapping claims to the exclusive economic zone and continental shelf areas off the coast of Brunei and Sarawak.

-The nine-dash line area claimed by the Republic of China, later People's Republic of China which covers most of the South China sea and overlaps Exclusive Economic Zone claims of Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam. Singapore has reiterated that it is not a claimant state in the South China Sea dispute and therefore allows Singapore to play a neutral role in being a constructive conduit for dialogue among the claimant states.

- Vietnam's exclusive economic zone and continental shelf claim to the south and southeast of its coast overlap with Indonesia's continental shelf claims to the north of the Natuna Islands.

-Indonesia and Malaysia have overlapping claims to EEZ and continental shelf areas in an zone to the east of Peninsular Malaysia and to the west and north of Anambas islands, as well as to the east-northeast of the Natuna Islands and to the Northwest of Kalimantan (Indonesian part of Boneo) and to the west of Sarawak.

-Vietnam and Thailand, Vietnam and Malaysia and Vietnam, Malaysia and Thailand respectively have overlapping continental shelves and exclusive economic zones overlapping in the Gulf of Thailand.

-Another zone of overlapping claims to EEZ and continental shelf areas can be found to the southwest of Vietnam, to the east-northeast of the east coast of Peninsular Malaysia and to the southeast of the coast of Thailand. The claims of Malaysia, Thailand and Vietnam overlap in one area. In other areas, bilateral claims overlap between Malaysia and Thailand, Malaysia and Vietnam and Between Thailand and Vietnam respectively. There also existed a tripartite overlapping of continental shelf and EEZ among Vietnam, Thailand and Malaysia in this area.

-There are overlapping claims to EEZ and continental shelf areas in the Gulf of Thailand off the coast of Cambodia, Thailand and Vietnam. Cambodia, Thailand and Vietnam overlap in one area. In other areas bilateral claims overlap between Cambodia and Thailand, Cambodia and Vietnam and between Vietnam and Thailand respectively.

Area of dispute	Brunei	Cambodia	China	Indonesia	Malaysia	Philippines	Singapore	Taiwan	Vietnam
The nine-dash line area	✔		✔	✔	✔	✔		✔	✔
Vietnamese coast	✔	✔	✔		✔	✔		✔	✔
Sea area north of Borneo	✔		✔		✔	✔		✔	✔
South China Sea Islands	✔		✔		✔	✔		✔	✔
Sea area north of the Natuna Islands		✔	✔	✔	✔			✔	✔
Sea area west of Palawan and Luzon	✔		✔		✔	✔		✔	✔
Sabah area				✔	✔	✔			
Luzon Strait			✔			✔		✔	
Pedra Branca area					✔		✔		

POTENTIAL OF SOUTH CHINA SEA

One of the reasons as to why the South China Sea is a zone of contention is because of the rich resource base that it contains. The area may be rich in oil and natural gas deposits; however, the estimates are highly varied. The Ministry of Geological Resources and Mining of the People's Republic of China estimate that the South China Sea may contain 17.7 billion tons of crude oil (compared to Kuwait with 13 billion tons). In the years following the announcement by the ministry, the claims regarding the South China Sea islands intensified. However, other sources claim that the proven reserve of oil in the South China Sea may only be 7.5 billion barrels, or about 1.1 billion tons. According to the US Energy Information Administration (EIA)'s profile of the South China Sea region, a US Geological Survey estimate puts the region's discovered and undiscovered oil reserves at 11 billion barrels, as opposed to a Chinese figure of 125 billion barrels. The same EIA report also points to the wide variety of natural gas resource estimations, ranging from 190 trillion cubic feet to 500 trillion cubic feet, likely located in the contested Reed Bank".

The South China Sea is dubbed by China as the "second Persian Sea." The state-owned China Offshore Exploration Corp. planned to spend 200 billion RMB (US$30 billion) in the next 20 years to exploit oil in the region, with the estimated production of 25 million metric tons of crude oil and natural gas per annum, at a depth of 2000 meters within the next five years.

The Philippines began exploring the areas west of Palawan for oil in 1970. Exploration in the area began in Reed Bank/Tablemount. In 1976, gas was discovered following the drilling of a well. However, China's complaints halted the exploration.

On 27 March 1984, the first Philippine oil company discovered an oil field off Palawan, which is an island province bordering the South China Sea and the Sulu Sea. These oil fields supply 15% of annual oil consumption in the Philippines.

The nine-dotted line was originally an "eleven-dotted-line," first indicated by the then Kuomintang government of the Republic of China in 1947, for its claims to the South China Sea. After, 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 as endorsed by Zhou Enlai. The legacy of the nine-dotted line is viewed by some Chinese government officials, and by the Chinese military, as providing historical support for their claims to the South China Sea.

In the 1970s, however, the Philippines, Malaysia and other countries began referring to the Spratly Islands as included in their own territory. On 11 June 1978, President Ferdinand Marcos of the Philippines issued Presidential decree No. 1596, declaring the Spratly Islands (referred to therein as the Kalayaan Island Group) as Philippine territory.

The abundant fishing opportunities within the region are another motivation for the claim. In 1988, the South China Sea is believed to have accounted for 8% of world fishing catches, a figure that has grown since then. There have been many clashes in the Philippines with foreign fishing vessels (including China) in disputed areas. China believes that the value in fishing and oil from the sea has risen to a trillion dollars.

The area is also one of the busiest shipping routes in the world. In the 1980s, at least 270 merchant ships used the route each day. Currently, more than half the tonnage of oil transported by sea passes through it, a figure rising steadily with the growth of Chinese consumption of oil. This traffic is three times greater than that passing through the Suez Canal and five times more than the Panama Canal.

As of 1996, Vietnam, the Philippines, Brunei, Malaysia and other countries asserted claims within the Chinese nine-dotted line. The United Nations Convention on the

Law of the Sea, which came into effect on 16 November 1994, resulted in more intense territorial disputes between the parties.

As of 2012, all of the Paracel Islands are under Chinese control.

Eight of the Spratly Islands are under Chinese control; Vietnamese troops control the greatest number of Spratly islands, 29. Eight islands are controlled by the Philippines, five by Malaysia, two by Brunei and one by Taiwan. In 2012 the Indian Ambassador to Vietnam, while expressing concern over rising tension in the area, said that 50 per cent of its trade passes through the area and called for peaceful resolution of the disputes in accordance with international law.

On March 17, 2016, in accordance with Memorandum Circular No. 94 s. 2016, President Aquino created the National Task Force for the West Philippine Sea, to secure the State's sovereignty and national territory and preserve marine wealth in its waters and exclusive economic zone, reserving use and enjoyment of the West Philippine Sea exclusively for Filipino citizens.

CHINA'S CLAIM

China claims by far the largest portion of territory - an area defined by the "nine dash line" which stretches hundreds of miles south and east from its most southerly province of Hainan. Beijing says its right to the area goes back centuries to when the Paracel and Spratly island chains were regarded as integral parts of the 16 Chinese nations, and in 1947 it issued a map detailing its claims. It showed the two island groups falling entirely within its territory. Those claims are mirrored by Taiwan. Vietnam hotly disputes China's historical account, saying China had never claimed sovereignty over the islands before the 1940s. Vietnam says it has actively ruled over both the Paracels and the Spratlys since the 17Th Century - and has the documents to prove it.

"We are strongly committed to safeguarding the country's sovereignty and security and defending our territorial integrity"- Xi Jingping

Power Projection

In recent years, China has undertaken drastic efforts to dredge and reclaim thousands of square feet in the South China Sea. Its construction of artificial islands and infrastructure, such as runways, support buildings, loading piers, and possible satellite communication antennas, has prompted its neighbors and the United States to question whether they are strictly for civilian purposes, as claimed by the government. China's land development has profound security implications. The potential to deploy aircraft, missiles, and missile defense systems to any of its constructed islands vastly boosts China's power projection, extending its operational range south and east by as much as 1,000 kilometers (620 miles). The map below illustrates a hypothetical power projection if Chinese military capabilities were established at Subi Reef.

China's Island Building

China's highest rate of island development activity is taking place on the Paracel and Spratly Island chains. Beijing has reclaimed more than 2,900 acres (PDF) since December 2013, more land than all other claimants combined in the past forty years, according to a U.S. Defense Department report. Satellite imagery has shown unprecedented activity from China on Subi Reef and Fiery Cross Reef in the Spratlys, including the possible construction of helipads, airstrips, piers, and radar and surveillance structures. In addition to China, the Spratlys are claimed by Malaysia, the Philippines, Vietnam, and Taiwan. Experts say that China's artificial island building and infrastructure construction are increasing its potential power projection capabilities in the region.

The most serious trouble in recent decades has flared between Vietnam and China, and there have also been stand-offs between the Philippines and China:

1. In 1974 the Chinese seized the Paracels from Vietnam, killing more than 70 Vietnamese troops.
2. In 1988 the two sides clashed in the Spratlys, with Vietnam again coming off worse, losing about 60 sailors.
3. In early 2012, China and the Philippines engaged in a lengthy maritime standoff, accusing each other of intrusions in the Scarborough Shoal.
4. In July 2012 China angered Vietnam and the Philippines when it formally created Sansha city, an administrative body with its headquarters in the Paracels, which it says, overseas Chinese territory in the South China Sea.
5. Unverified claims that the Chinese navy sabotaged two Vietnamese exploration operations in late 2012 led to large anti-China protests on Vietnam's streets.
6. In January 2013, Manila said it was taking China to a UN tribunal under the auspices of the UN Convention on the Laws of the Sea, to challenge its claims.
7. In May 2014, the introduction by China of a drilling rig into waters near the Paracel Islands led to multiple collisions between Vietnamese and Chinese ships.
8. In April 2015, satellite images showed China building an airstrip on reclaimed land in the Spratlys.
9. In October 2015, the US sailed a guided-missile destroyer within 12-nautical miles of the artificial islands - the first in a series of actions planned to assert freedom of navigation in the region. China warned that the US should "not act blindly or make trouble out of nothing".

I. DEVELOPMENT OF LAW OF SEAS

It is important to note that the rules and principles for the settlement of disputes in the law of the sea is an inalienable part of the process of codification and progressive development of the law of the sea. The League of Nations convened in 1930 the Hague Conference for codifying the law of the sea in which, for the first time, 48 countries examined legal questions of the territorial sea and the contiguous zone and related issues. With regard to the settlement of disputes at the Conference, according to Gerard J. Tanja, although the topic of the delimitation of territorial sea was hardly addressed at the Conference, it seemed that the preference for the adoption of a median line rule was obvious. After the failure of the 1930 Hague Conference, the political environment of the world was not conducive for the countries to continue their attempts to form the rules governing the ocean and sea issues. Since World War II, the demand for the natural resources was so high, the ocean was beginning to be perceived to be amenable to a widening range of human activity driven from platform as well as technology.

The discovery of offshore hydrocarbons in the seabed and subsoil and the means to exploit these resources, led to increasing claims of exclusive control over widers of areas of seas adjacent to coastal states. In this context, the First UNCLOS was held in 1958 under the auspices of the United Nations to codify the law of the sea. As the results of the Conferences, four conventions on the law of the Sea and an Optional Protocol on the Settlement of Dispute were adopted. These legal instruments served as a legal framework governing the uses of the seas and oceans and related issues. The Geneva Conventions on the law of the sea had contributed significantly to the settlement of disputes in the law of the sea through establishing rules and principles applicable to the delimitation of territorial sea and the continental shelf.

Douglas M. Johnson and Mark J. Valencia had figured out the several important elements that the First UNCLOS had contributed to the ocean boundary delimitation practices in the 1960s. They include:

(i) recognition coastal state's jurisdiction on the continental shelf and its resources, consequently leads to the delimitation of the continental shelf between States concerned; and

(ii) establishment of criteria for the delimitation of the territorial sea and continental shelf between opposite and adjacent States. However, the Geneva Conventions on the law of the sea also contained a lot of uncertainties, such as the breadth of the territorial sea and definition of the continental shelf. The easily abused definition of the continental shelf had created confusion in States practice and encouraged States to take the advantage of the language of the convention to claim their continental to the fullest possible extent. In 1960, the Second UNCLOS failed to solve the issues that had not been achieved at the First UNCLOS.

Furthermore, by the mid-1960s, a need for a new legal order for the oceans was well perceived by both the great powers and the coastal States, and the four Geneva Conventions on the Law of the sea were being rapidly overtaken by state practice. Additionally, the newly independent nations that were born as result of the movement of decolonization in the 1960s also sought to reform those parts of international law in whose formation they did not participate, which they perceived to be detrimental to their interests. Increased interests in the seas as a source of food had led to the development of distant water fishing fleets. Coastal states become very anxious to protect these resources and developing states consider their geographical advantage as an opportunity to achieve economic development. Moreover, on 1 November 1967, Malta's Ambassador to the United Nations, Arvid Pardo, pronounced a historic speech before the United Nation General Assembly in which he called for "an effective international regime over the seabed and the ocean floor beyond a clearly defined national jurisdiction" and the recognition of seabed and ocean floor outside the limits of the national jurisdiction as "common heritage of mankind". The General Assembly adopted Pardo's proposal and allocated it to the agenda of the United Nations First Committee.

The First Committee supported the establishment of the Ad hoc Seabed Committee whose task was to study the peaceful uses of the seabed and ocean floor beyond national jurisdiction. At the suggestion of the Seabed Committee, in 1970 the General Assembly adopted the Declaration of Principles governing the Deep Ocean Floor and the Resolution on the Convening of the Third Law of the Sea Conference. The LOS Convention was the result of the tremendous efforts to achieve "a new and generally acceptable convention on the Law of the sea" made by the States participating in the Third United Nations Conference on the Law of the Sea.

Comprising 320 Articles and 9 annexes, the LOS Convention has a quite comprehensive objective:

It establishes a legal order for the seas and oceans, including the deep seabed and subsoil thereof. Such legal order, explained by the Wolfrum, "is meant to promote the peaceful uses of the seas and oceans by providing the balance between the different forms of usages and by coordinating the various rights and interests of States parties". The LOS Convention indeed provides a broad legal framework determining the legal status of all oceans spaces and governing the legal regime of all major uses of the sea and their natural resources. Considered as the most important development in the settlement of international disputes since the adoption of the United Nations Charter and the Statute of the International Court of Justice, the settlement of dispute mechanism in the LOS Convention has been constructed to safeguard the agreed package of compromises against destruction through unilateral and conflicting interpretation. Furthermore, the settlement of dispute mechanisms in the LOS Convention is aimed at contributing to the maintenance and strengthening of international peace and security through the reaffirmation of the obligation of the States parties to solve their disputes arising from the convention by peaceful means in conformity with international law and justice.

II. The content of the settlement of disputes mechanism in the Law of the Sea Convention

Settlement of disputes mechanism in the LOS Convention is recognized as being both simple and complex and can be approached from different perspectives:

From the **structural perspective**, the settlement of disputes system in Part XV can be divided into three parts: the first section deals with voluntary procedure; the second with compulsory procedures entailing a binding decision; and the third part sets out the limitations and optional exceptions to the compulsory procedures. Besides that, the provisions for the settlement of deep seabed mining disputes are found in the Part XI of the LOS Convention while the provisions for the delimitation of maritime areas can be found in Article 15, 74 and 83.

From the subject-matter **jurisdiction perspective**, the settlement of disputes mechanism can be categorized into disputes pertaining to the delimitation of maritime boundaries; disputes concerning the exercise of rights and duties of coastal States and other international actors in maritime zones of national jurisdiction and disputes relating to the activities in the Area.

From a **ratione-materiae jurisdiction perspective**, the settlement of disputes mechanism can be classified as disputes arising between and among States themselves, and disputes involving the participation of international organizations, corporations and individuals. Another way to classify disputes in the LOS Convention is that disputes may be brought to the compulsory third party dispute settlement and disputes may be excluded or exempted from this mechanism. The system of dispute settlement in the LOS Convention was built on the basis of the fundamental principle in international law that the parties to the dispute would be able to freely select by agreement any dispute settlement procedure they desire.

The principle of free choice of means for the resolution of dispute was a manifestation of the principle of equality of state under international law to which all States, regardless of their differences in terms of geographical size, population,

military power, economic strength, development stage, socio-political regime, are free from any pressure from other States in choosing the method for the settlement of their disputes emanating from the LOS Convention. Article 279 of the LOS Convention states: "States parties shall settle any dispute between them concerning the interpretation and application of this convention by peaceful means in accordance with Article 2, para.3 of the Charter of the United Nations". As provided in Article 33 of the Charter of the United Nations, international disputes are typically settled, subject to the free choice of States, through either negotiation (informal bilateral process) or through recourse to the third party (formal) procedures. The third party procedures produce different results, ranging from binding to non binding decisions, depending on the types of the third party mechanism chosen. Traditionally, third party procedures can be classified into adjudicative and non-adjudicative procedures. The adjudicative third party procedures always lead to binding results and take the form of arbitration and tribunals. On the other hand, the non-adjudicative procedures' results are not binding to the parties and may take the form of good offices, mediation, enquiry, fact finding, conciliation. Under the LOS Convention, both informal and formal procedures are available to States parties.

According to J.G Merrills, it has double effects: firstly, it extends the obligation contained in the Charter to non-member States of the United Nations if they become parties to the LOS Convention; secondly, it confirms that disputes relating to the LOS Convention must be settled in accordance with justice. Besides the general obligation to peacefully settle disputes as enumerated in Article 279 of the LOS Convention, the States parties may agree "at any time" to solve their dispute by "any peaceful means of their own choice". This possibility allows State parties to become the "complete master" of how their disputes are settled. When the States parties have chosen the dispute settlement methods or procedures that they preferred, their choice will prevail over the procedures provided in the Convention. This emphasis on the parties' autonomy is of course consistent with

general practice and is not controversial. The LOS Convention also imposed upon States parties, who are parties to a dispute, the obligation to exchange views. Under Article 283, the States parties are required to proceed expeditiously to exchange views regarding settlement of dispute by negotiation or other peaceful means as well as in cases no settlement of dispute was reached or the circumstances require consultation regarding the manner of implementing the settlement. Under this scheme, any dispute concerning the interpretation and application of the LOS Convention shall, where no settlement has been reached by recourse to negotiation or other mechanisms contemplated in section 1, be submitted at the request of any party to the dispute to the court or tribunal having jurisdiction under this section. This meant that by becoming a party to the convention, a state becomes bound by the compulsory procedure laid down in Part XV and cannot "escape" from legal obligation to have its dispute solved by a third party, subject to the conditions provided for in the LOS Convention. With regard to the free choice of procedures for compulsory settlement under Part XV, when signing, ratifying or acceding to the LOS Convention or at any time thereafter, a state party could declare its acceptance of one or more of the following:

(i) The International Tribunal for the Law of the Sea;

(ii) The International Court of Justice;

(iii) An arbitral tribunal; and

(iv) A special arbitral tribunal.

A written declaration indicating their preferred choice of compulsory mechanism can be made by States parties at any time and revoked or modified on three month's notice. If a State fails to declare the preference or if the state party institutes a proceeding and the respondent state party has not chosen the same forum, arbitration will be used. In addition, a State's failure to appoint an arbitrator will not prevent the constitution of an arbitral tribunal and a State's nonappearance before the tribunal will not prevent the tribunal from reaching a decision. The compulsory jurisdiction scheme in the 1982 Convention was seen as a success of

the Third UNCLOS because it was the first time not only the developed countries, but also the developing countries and the countries of Eastern Europe and Russia, were able to codify a dispute settlement mechanism. The wide acceptance of this mechanism of compulsory settlement was due to "many negotiators at UNCLOS III thought that compulsory dispute settlement mechanisms could help cement the compromises embodied in the Law of the Sea Convention". During the course of negotiation at the Third UNCLOS, views on the settlement of disputes in the LOS Convention by the third party were very divergent: many developing States and a few States (such as France) would not accept the International Court of Justice, but some would accept a differently constituted specialist tribunal for the law of the sea, while the Soviet block continued to oppose any form of judicial settlement but would accept arbitration. Finally, to break the deadlock, the so-called "Montreux formula", proposed by Professor Willem Riphagen of the Netherlands was adopted and embodied in Article 287. In short, the dispute settlement system in the LOS Convention is a positive development in the settlement of international disputes in which all disputes arising from the LOS Convention, to some extent, would be resolved by international institutions in conformity with international law and justice through the compulsory procedures. On the other hand, rights to control and retain full autonomy over the process of dispute settlement of some "sensitive" disputes are also recognized and guaranteed.

III. The relation between the LOS Convention and the Spratly islands dispute

It is necessary to understand the nature of the relationship between the LOS Convention and the SCS dispute in order to precisely elaborate the roles that the LOS Convention may or may not have on the SCS dispute as well as the possibility of utilizing the settlement of dispute mechanism to the SCS dispute.

Firstly, and as explained above, the maritime boundary dispute in the SCS dispute was principally driven by the substantial expansion of national jurisdiction over the seas since the mid-20th century, while the causes of the sovereignty dispute over Spratly islands were numerous, including, but not limited to, the historic, legal, economic, geopolitical, etc, reasons. Thus, it is incorrect to blame the LOS Convention as a cause of the sovereignty dispute over islands in general, and for the Spratlys islands in particular, since all disputes concerning the islands existed long before the Third UNCLOS was convened.

However, as a matter of fact, the dispute over the ownership of the islands has been prompted and intensified by the adoption of the LOS Convention as it allows the islands to be treated as landmass territory thus possessing a maritime space of its own. The SCS countries, therefore, encountered serious conflicts of interests arising from the ownership as well as the legal status of the islands in dispute since the islands could serve as legal base points for the disputants to project claims of exclusive jurisdiction over water and resources in the SCS.

The LOS Convention, therefore, has also motivated claimant States to put a higher priority on protecting their claimed sovereignty over offshore islands and their rights to marine resources.

Secondly, different views exist on whether the dispute settlement mechanism under the LOS Convention can be applied to sovereignty disputes over the Spratly islands. Article 293 of the LOS Convention authorizes a court or tribunal "having jurisdiction" to seize the dispute arising from the interpretation and application of the LOS Convention to apply the LOS Convention and other rules of international law not incompatible with the convention. David Whiting, therefore, argues that according to Article 293, if the court, under the part XV of the LOS Convention, is asked to consider a case of territorial disputes, "previously existing international law is to be taken into account". He then referred to the customary international law applicable to territorial disputes as the courts based their decisions on the cases

relating the island disputes which are: the island of Palmas case, the Cliperton islands case and the Legal status of Eastern Greenland case. On the other hand, Robert W. Smith insisted that the provisions in the LOS Convention could not be applied to the sovereignty dispute at all because the Convention itself does not contain any provisions relating to the resolution of disputes over territory, islands, or other types of territory.

Furthermore, while the LOS Convention creates several bodies for adjudicating disputes and a Commission to oversee claims to continental shelves beyond 200 miles, there is nothing in the body of the LOS Convention which addresses sovereignty issues.

This view seemed to be supported by Park Hee Kwon as he observes that the LOS Convention rules out the application of the LOS Convention's dispute settlement mechanism in disputes related to sovereignty.

The LOS Convention, indeed, does not deal with disputes over the sovereignty of islands, nevertheless, and to some extent, it can be seen as one of the factors that led to the intensification of sovereignty claims over the islands. The LOS Convention instead addresses mainly the relationship between States with regard to the use of seas and oceans through the establishment of maritime jurisdiction zones and the exercise of State jurisdiction in these zones. In fact, during the negotiation at the Third UNCLOS, a drafted article concerning sovereignty disputes over islands was deleted from the draft of the LOS Convention.

The application of the LOS Convention is premised on the assumption that a particular State has undisputed title over the territory from which the maritime zone is claimed.

(i) Due to its capacity to generate a maritime space, the disputes involving an island can be classified into: dispute over the sovereignty of the island itself; and dispute over the effect that the island may have on the delimitation of the adjacent maritime space. However, these two issues are, by their nature, totally different from one another. The maritime dispute issue is understood as a dispute regarding

the delimitation of maritime spaces over which the coastal State would carry out its national jurisdiction; whilst the territorial dispute was defined as a legal dispute of a nature between two or more international persons over the attribution of territory. In practice, when a question of sovereignty over an island is solved bilaterally or by a third party mechanism, the issue of maritime boundary of that island is usually solved as a part of the same resolution. In other words, the resolution of a dispute over sovereignty of an island is a prerequisite for the settlement of the maritime boundary of the island.

Thirdly, the provisions of the Vienna Convention on the Law of Treaties of 1969 stipulates that, when a State becomes a full party to an international legal instrument, it is entitled to all the rights and must perform all the obligations specified therein. The State party may not invoke provisions of its internal law as justification for its failure to perform a treaty.

The LOS Convention also obliges States parties to fulfill the obligations provided for in the Convention in good faith and to exercise rights, jurisdiction and freedom in a manner "which do not constitute an abuse of rights".

As most of the States in the SCS region so far have ratified and become parties to the LOS Convention, they are required to interpret and apply the provisions of the Convention "in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose". Such an obligation would have a great effect on the SCS dispute, in particular on the Spratly islands whose legal status as islands or rocks is not clearly defined among disputants.

IV. Rules applicable to the delimitation of maritime boundary

Having an overlapping maritime boundary claim resolved is a prerequisite condition for a coastal State to exercise its national jurisdiction over maritime space in conformity with the law of the sea. If the overlapping areas can not be solved, the possibility of conducting exploration and exploitation of marine resources, both living and nonliving, in the overlapping areas is very limited. Thus, in case of overlapping maritime boundary claims, the States concerned should attempt to resolve the delimitation issue through either negotiation or by third party mechanisms. The methods and principles applicable to the delimitation of the territorial sea, the exclusive economic zone and the continental shelf are stipulated in Article 15, 74 and 83 of the LOS Convention. It is recognized that Article 15 of the LOS Convention repeats, almost verbatim, the substance of the 1958 Convention on the Territorial Sea and Contiguous Zone.

Under Article 15 of the LOS Convention, the Combined equidistance-special circumstance principle was perceived as applicable rules for the delimitation of territorial sea. Article 74 and 83 of the LOS Convention do not indicate what substantive rules of delimitation law should be applied in the delimitation of the exclusive economic zone and continental shelf. The regime prescribed thus permits States parties to adopt a more flexible approach to the delimitation of their continental shelf and the exclusive economic zone, all the while respecting the principle of "equitable solution" and "on the basis of international law". The most common method used in the delimitation of the continental shelf and the exclusive economic zone is to firstly determine a provisional equidistance line, then consider whether there are any special circumstances or relevant factors requiring this initial line to be adjusted with a view to achieving equitable results. Under States practice as well as jurisprudence developed by the ICJ and other international tribunals with respect to the delimitation of maritime boundaries, the special circumstances are

those which might modify the result produced by an unqualified application of the equidistance principle.

PHILIPPINES VS CHINA

Philippines v. China is a pending arbitration case unilaterally brought by the Philippines concerning certain issues in the South China Sea including the legality of China's "nine-dotted line" claim over the South China Sea under the United Nations Convention on the Law of the Sea (UNCLOS). On 19 February 2013, China officially refused to participate in the arbitration because, according to China, its 2006 declaration under article 298[5] covers the disputes brought by the Philippines and that this case concerns sovereignty, thus it deems the arbitral tribunal formed for the case has no jurisdiction over the issue. On 7 December 2014, a position paper was published by China to elaborate its position. On October 29, 2015, the Permanent Court of Arbitration (PCA) ruled that it has jurisdiction over the case, taking up seven of the 15 submissions made by Manila. The dispute has been affected by the fact that, after Japan renounced all claims to the Spratly Islands and other conquered islands and territories in the Treaty of San Francisco and Treaty of Peace with the Republic of China (Taiwan) signed on September 8, 1951, it did not indicate successor states since China was not invited to the treaty talks held in San Francisco. In reaction to that, on 15 August, the Chinese government issued the Declaration on the Draft Peace Treaty with Japan by the US and the UK and on the San Francisco Conference by the then Foreign Minister Zhou Enlai, reiterating China's sovereignty over the archipelagos in the South China Sea, including the Spratly Islands, and protesting about the absence of any provisions in the draft on who shall take over the South China Sea islands following Japan's renouncement of all rights, title and claim to them. It reiterated that "the Chinese government of the day had taken over those islands" and that the PRC's rightful sovereignty "shall remain intact".

On 28 April 1952, the United States presided over the signing of the Treaty of Peace between Japan and the Republic of China. Article 2 of the document provided that "It is recognized that under Article 2 of the Treaty of Peace which Japan signed at the city of San Francisco on 8 September 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands."

Historically, the Philippine boundary has been defined by its 3 treaties, Treaty of Paris (1898), Treaty of Washington (1900) and "Convention regarding the boundary between the Philippine Archipelago and the State of North Borneo". The South China Sea archipelagos were not part of those treaties. The Philippines bases its claim on its geographical proximity to the Spratly Islands, even though its claim bears no weight on sovereignty ownership because sovereignty of islands is established by legal relations rather than geographical proximity.

In May 1956, the dispute escalated after Filipino national Tomas Cloma and his followers settled on the islands and declared the territory as "Freedomland", now known as Kalayaan for himself and later requested to make the territory a protectorate of the Philippines. Tomas Cloma even stole the China (ROC)'s national flag from the Taiping Island. In July 1956, he apologized officially for his act and he surrendered the flag he stole to the China's embassy in Manila. On Oct 2ND 1956, he wrote a letter and ensured he would not make further training voyages or landings in the territorial waters of China (ROC).

Philippine troops were sent to three of the islands in 1968,[17] when the Philippines under President Ferdinand Marcos In the 1970s, some countries began to invade and occupy islands and reefs in the Spratleys. The Spratlys was placed under the jurisdiction of the province of Palawan in 1978.

The People's Republic of China claims it is entitled to the Paracel and Spratly Islands because they were seen as integral parts of the Ming dynasty. China and

Taiwan have these same territorial claims. The Republic of China (Taiwan) took control of the largest island - Taiping Island - in the group since 1946.

Vietnam states that the islands have belonged to it since the 17Th century, using historical documents of ownership as evidence. Hanoi began to occupy the westernmost islands during this period.

In the early 1970s, Malaysia joined the dispute by claiming the islands nearest to it Brunei also extended its exclusive economic zone, claiming Louisa Reef.

Section 2 of Part XV of the Convention

China made a declaration in accordance with the UN Convention on the Law of the Sea in 2006 not to accept any of the procedures provided for in section 2 of Part XV of the Convention.

Many countries including the United Kingdom, Australia, Italy, France, Canada, and Spain made similar declarations to reject any of the procedures provided for in sections 2 of Part XV of the Convention with respect to the different categories of disputes.

Award on Jurisdiction and Admissibility

On October 29, 2015, the PCA published a document Award on Jurisdiction and Admissibility for the case. The PCA found that the Tribunal has jurisdiction to consider the following seven

Philippines' Submissions. The number is the Philippines' Submissions number. PCA reserved consideration of its jurisdiction to rule on No. 1, 2, 5, 8, 9, 12, and 14.

- No.3 Philippines' position that Scarborough Shoal is a rock under Article 121(3).

- No.4 Philippines' position that Mischief Reef, Second Thomas Shoal, and Subi Reef are low tide elevations that do not generate entitlement to maritime zones.
- No.6 Whether Gaven Reef and McKennan Reef (including Hughes Reef) are low-tide elevations "that do not generate any maritime entitlements of their own".
- No.7 Whether Johnson Reef, Cuarteron Reef, and Fiery Cross Reef do or do not generate an entitlement to an exclusive economic zone or continental shelf.
- No.10 "premised on [the] fact that China has unlawfully prevented Philippine fishermen from carrying out traditional fishing activities within the territorial sea of Scarborough Shoal."
- No.11 "China's failure to protect and preserve the marine environment at these two shoals [Scarborough Shoal and Second Thomas Shoal]."
- No.13 Philippines' protest against China's "purported law enforcement activities as violating the Convention on the International Regulations for the Prevention of Collisions at Sea and also violating UNCLOS".

The Tribunal stated in the Award that there are disputes in all of the 15 submissions from the Philippines, but for submissions such as No.3, No.4, No.6 and No.7, no known claims from the Philippines prior to the initiation of arbitration, and China was not aware or oppose such claims prior to the initiation of arbitration. The Tribunal did not follow the rules and practice of international law in determining the existence of disputes. Chinese Society of International Law states that the PCA was trying to hide its incapability to prove that maritime entitlements of the nine features constitute the disputes.

For Submission No.8 to No.14, the Tribunal held the view that lawfulness of China's activities in the South China Sea is not related to sovereignty. It's suggested

that it's impossible to judge legality if sovereignty is ignored since maritime zones are results of exercise of sovereignty.

Countries involved

The court case involves the Philippines and China.

Philippine stance

The Philippines is contending that the "nine-dotted line" claim by China is invalid because it violates the UNCLOS agreements about exclusive economic zones and territorial seas. It says that because most of the features in the South China Sea, such as most of the Spratly Islands, cannot sustain life, they cannot be given their own continental shelf as defined in the convention.

Chinese stance

China refuses to participate in the arbitration, stating that several treaties with the Philippines stipulate that bilateral negotiations be used to resolve border disputes. It also accuses the Philippines of violating the voluntary Declaration on the Conduct of Parties in the South China Sea, made in 2002 between ASEAN and China, which also stipulated bilateral negotiations as the means of resolving border and other disputes. China issued a position paper in December 2014 arguing the dispute was not subject to arbitration because it was ultimately a matter of sovereignty, not exploitation rights. Its refusal will not prevent the Court from proceeding with the case.

Claimants

Taiwanese stance:

The arbitration has not invited Taiwan to join the arbitration, and no opinion of Taiwan has been sought. The Philippines claimed in the court that Taiping Island

is a rock. In response, President Ma Ying-jeou of Taiwan rejected the Philippines' claim as "patently false". Taiwan has invited the Philippines and five arbitrators from the PCA to visit Taiping Island; the Philippines rejected the invitation, and there was no response from the court of arbitration.

Vietnamese stance:

On December 11, 2014, Vietnam filed an intervention to the case which makes three statements: Vietnam supports the filing of this case by the Philippines; it rejects China's "nine- dashed line"; and it asks the Court to take note of Vietnam's claims on certain islands such as the Paracels.

Other stance:

Brunei sent its own claim through a preliminary submission. In May 2009, Malaysia and Vietnam, as well as Vietnam alone, filed claims to the International Tribunal for the Law of the Sea with regard to the islands. This was in relation to extending their claimed continental shelves and Exclusive Economic Zones. The People's Republic of China rejected the claims since those violate the "nine-dotted line". The Philippines challenged the Malaysian claim stating that the claims overlap with the North Borneo dispute.

Indonesia made a comment on China's claim by saying that the features are rocks and cannot sustain life, effectively calling the Chinese claim invalid. The Philippines echoed Indonesia's claims, further stating that the islands belong to them through geographic proximity.

Hearings

On July 7, 2015, case hearings began with the Philippines asking the Permanent Court of Arbitration (PCA) at The Hague to invalidate China's claims. The hearings were also attended by observers from Indonesia, Japan, Malaysia, Thailand and Vietnam. The case has been compared to Nicaragua v. United States due to similarities of the parties involved such as that a developing country is

challenging a permanent member of the United Nations Security Council in an arbitral tribunal.

On 29 October 2015, the court ruled that it had the power to hear the case. It agreed to take up seven of the 15 submissions made by Manila, in particular whether Scarborough Shoal and low- tide areas like Mischief Reef can be considered islands. It set aside seven more pointed claims mainly accusing Beijing of acting unlawfully to be considered at the next hearing on the case's merits. It also told Manila to narrow down the scope of its final request that the judges order that "China shall desist from further unlawful claims and activities."

The arbitral tribunal scheduled the hearing on merits of the case from November 24 to 30, 2015. A final decision on the case is expected on 12 July 2016.

China's nine-dashed line

Wu Shicun, president and senior research fellow of the National Institute for South China Sea Studies, stated that China's nine-dash line came almost half a century ahead of the UNCLOS, there is no reason to ask the nine-dash line to conform to a later convention. The

non-retroactivity is a basic principle of international law, the existing facts of the past cannot be overwritten by today's law.

Ted L. McDorman, professor at the Faculty of Law, University of Victoria, states in a published book that historic waters are not regulated under UNCLOS. The ICJ in the 1982 Tunisia/Libya case clearly stated that historic rights of waters are governed by customary international law, not UNCLOS.

Kuen-Chen Fu, dean of South China Sea Institute, Xiamen University, chief editor of China Oceans Law Review, states that in contrast, a gesture like the nine-dashed line does not constitute an offer. China demarcated the u-shaped line with the help of the United States legal office in 1947. Countries including the Philippines and

the United States acknowledged the existence of the nine-dashed line. The US requested permission to visit the Spratly Islands in 1960.

John Norton Moore, director of the Center for National Security Law and the Center for Oceans Law and Policy, said that China's nine-dash line claim is illegal and has no basis in the UNCLOS. He also asserted that the nine-dashed line is not in China's interest, saying: "“If others were to do the same thing around the world, that China has done in the nine-dash line, it would be extremely harmful to the interests of China around the world.”

Claims by the Philippines

Zou Keyuan, Harris Professor of International Law at the Lancashire Law School of the University of Central Lancashire, United Kingdom, states in his published book that possible EEZ of the Spratly Archipelago is ignored in the Philippines' unilateral EEZ claim. Sovereignty over land territory always controls maritime jurisdiction. The Philippine argument of EEZ of the case may be an effort to muddy the juridical water and to try gain some international support for its weak sovereignty claim. Kuan-Hsiung Wang, a professor at the Graduate Institute of Political Science, National Taiwan Normal University, has characterized the claims by the Philippines as "Dubious", opining that the Philippines is undermining efforts to resolve disputes and promote stability.

Island building in the South China Sea, and construction on existing islands, has been going on for decades, primarily by Vietnam and the Philippines, which have claimed 21 and eight islands, respectively. Vietnam, Taiwan and the Philippines have all stationed military forces on at least some of their islands, but Vietnam, in accordance with UNCLOS regulation, has not put troops on what it calls “floating islands” — those constructed on submerged sandbars, reefs and other land masses.

China has come late to the island building game, but its efforts have been on a scale never before seen in the region. In the last 18 months, China has reportedly constructed more new island surface than all other nations have constructed throughout history. And unlike other claimants, China has, at least briefly, placed military equipment on one of its artificial islands, and officials have said that the government plans to do so again. More importantly, only China possesses enough modern military vessels to protect its claims.

STATUS QUO

In July 2016, China kicked off a week of military drills in the South China Sea ahead of a hotly anticipated and potentially destabilizing court ruling on its territorial claims in the region.

CCTV, the country's state broadcaster, said the maneuvers were due to start at about 8am Beijing time on Tuesday. At least two guided missile destroyers, the Shenyang and Ningbo, and one missile frigate, the Chaozhou, were reported to be among the vessels being deployed to the region, where China has overlapping territorial claims with Brunei, Malaysia, the Philippines and Vietnam. The exercises, inside a 100,000 square kilometer zone around the disputed Paracel Islands, come ahead of a ruling next week by the Permanent Court of Arbitration in The Hague over a long-standing territorial dispute between the Philippines and China. Soon, China will hold military drills around the disputed Paracel Islands in the South China Sea, the country's maritime safety administration has said, ahead of a decision by an international court in Beijing's dispute with the Philippines.

China regularly holds exercises in the area, where its territorial claims overlap with Vietnam, the Philippines, Malaysia, Brunei and Taiwan.

IMPLICATIONS OF SOUTH CHINA SEA DISPUTE

All in all, the ongoing territorial disputes in the South China Sea carry enormous implications for overall security in Asia and beyond. In effect, the given issue can be seen as a critical test case that would illuminate the prospect for Beijing's capabilities and willingness to alter the regional status quo amid geopolitical rivalry between still preeminent US forces and China's rapidly modernizing military in the era of globalization and complex interdependence where

the two states and their neighbouring countries are inextricably tied together based on various issue linkages and closely intertwined economic interests. In a larger sense, therefore, the significance of the South China Sea disputes goes beyond the estimated value of potential energy resources—not to mention a few small islands and rocks. This is largely due to the

greater tension between China's ambitions of re-establishing itself as a great power and the US objectives of safeguarding its supremacy and keeping favourable alliances and partnerships in the region. Concurrently, America's handling of this so-called Asian problem is becoming a litmus test for the future status of US primacy as the nation faces crucial opportunities to prove its hegemonic resilience and its military and diplomatic skills to protect its allies and friends while navigating through its rivalry with a rising China. Thus, Sino-US competition may be unavoidable, especially given each other's pursuit of continuously expanding their own geostrategic influence and national interests. China's core interests and ambitions are likely to expand as the nation's power expands. However, China's intentions and willingness to aggressively use that power are not predetermined—nor are the exact contents of those intentions and willingness static. Rather, "the specific nature and content of its growing appetites," along with the means through which they are fulfilled, will be greatly influenced by "the choices that other states take in regard to China" as well as the Chinese domestic audience, which is sensitive to any outside actions taken against the country y. The Chinese elite cannot afford to take a conciliatory strategy of peaceful rise if doing so may

appear too soft to protect China's national interests and pride, especially when other states singled out China as a threat or an instigator of regional tensions. Nevertheless, the US priority in terms of keeping American pre-eminence and credibility as a regional security guarantor is likely to make the United States reluctant to give way to China's growing assertiveness in the Asia- Pacific, which China considers its own traditional sphere of influence. That could heighten the potential clash between the two great powers, with the South China Sea disputes becoming a trigger. Joseph S. Nye asserts that "throughout history, whenever a rising power creates fear among its neighbors and other great powers, that fear becomes a cause of conflict," with even small events triggering an unintended and catastrophic chain reaction. In other words, exaggerated and unmanaged fears could produce the so- called Thucydides trap, creating a devastating self-fulfilling prophecy. Still, the escalation of regional tensions into war with US military intervention is neither inevitable nor desirable for the US and China or other countries in the region. The fact that both Beijing and Washington, along with members of ASEAN, have their common interests in safeguarding the freedom of navigation in the strategically and economically important South China Sea is promising. In fact, these mutual interests have been strong enough to overshadow the conflict-producing aspects of China's territorial spats with its neighbors or the Sino-US rivalry, caused by alliance politics and mutual suspicions regarding each other's strategic intensions in the region. As Singaporean prime minister Lee Hsien Loong acknowledges, "None of the Southeast Asian countries want to have a fight with China. In fact, China, too, goes considerably out of its way to develop friendly relations with ASEAN."Still, it is critical for all to find ways to agree on practical face- saving solutions to the South China Sea disputes, including "joint development, shared infrastructure and coordinated investment" as well as international arbitration. Though none of these proposals are new, the effectiveness and plausibility of success of these plans would increase only if all those involved let their seemingly irreconcilable objectives coexist by making some

concessions and changing their perspectives about what should be prioritized. It is also important to make efforts to moderate mutual suspicions regarding each other's strategic intentions and to control rising nationalism across the region through dialogue—treating the task of building trust not as a precondition but an ultimate challenge and goal. For example, if China's priority is set to seek a peaceful solution rather than preserving national pride or establishing/extending sovereignty, embracing the idea of "using the Law of the Sea to help split sovereignty from commercial exploitation and joint development of fishing, oil and gas resources" would become easier, enhancing China's credibility as a peace-loving power and invalidating the notion of the China threat. It is also important for other claimants to prioritize the COC as a mechanism to manage tensions and to avoid open armed conflict rather than seeking such as a panacea and/or as a way to single out and disgrace China for its intransigence. As for Washington, the core task is to make it clear that the nation's pivot to Asia is not designed as a zero-sum game to target and isolate China but to fulfill the US role as a reliable provider of Asian security—still powerful enough to maintain its vital alliance relationships and keep regional tensions at bay. In case of any regional conflict over the disputed territories, the United States has a responsibility to defend its long-standing ally, the Philippines, and to support its regional partners such as Indonesia and Malaysia. To do otherwise would undermine America's credibility not only in Southeast Asia but in the Asia- Pacific and elsewhere. At the same time, it is important to embrace the reality that encouraging restraint from all parties and peacefully resolving these disputes will be in America's best interests. In fact, direct American intervention could be counterproductive, given the risk of damaging its critically important ties with China in the name of defending US allies and friends even if Chinese actions might not directly threaten core American interests, including freedom of navigation in the South China Sea. Nonetheless, Washington must pay close attention to Beijing's perception of American decline and maintain comprehensive national power in order to keep healthy and balanced relations with

a rising China. Despite the significance of Sino-US collaboration on a range of global problems, excessively accommodating China's demands might backfire, as doing so could feed "an image in Beijing of weakness in the outside world," encouraging it to make a further attempt to push.

Recently PCA in Hague delivered a sweeping rebuke on July 12th, 2016 of China's behavior in the South China Sea including its construction of artificial islands and found that its expansive claim to sovereignty over the waters had no legal basis. However, China has ramped up its campaign to undermine the credibility of the Tribunal. From press conferences to academic conferences, Chinese government officials and academics alike have gone to considerable lengths to justify China's non-compliance with the award citing, among other things, the Tribunal's lack of jurisdiction and the political motivations of the Philippines in bringing the case. China's threatened non-compliance with the decision raises important questions on the role of international courts and tribunals in the international system. Traditionally, the effectiveness of international courts and tribunals has been measured by whether their decisions have been complied with. Thus, judgment-compliance has become a central preoccupation in both international law and international relations scholarship, partly to counter the realist position that international law does not really matter in great power politics. It is unsurprising, therefore, that the value of the Philippines' arbitral proceedings against China has been derided because of China's non-compliance. However, China's non-compliance does not mean that other State and non-State actors will ignore the ruling. Non-claimant States with an interest in the region may shift their policy considerations and decision-making as a result of the ruling.

Claimant States are not precluded from using the findings on the status of features or the validity of historic rights in their dealings with China. Private actors such as oil and gas companies may also adjust their risk considerations for operating in disputed areas in the South China Sea as a result of the decision. China has unsurprisingly made a concerted effort to prevent the award from being a source

of pressure. It has engaged in a relentless campaign to undermine the credibility of the award. It has also gathered declarations from a disparate group of states supporting the resolution of disputes through bilateral negotiations rather than by international courts (although the number of States is reportedly much lower than China claims). The Philippines itself appears to be lukewarm about taking a strong stance after the award is issued. The ASEAN members may not be able muster sufficient agreement amongst themselves to issue a joint statement supporting the award, although as noted by one expert, such unity is critical. Equally as important is the reaction of domestic actors. Nonetheless, the award has the potential to nudge China in a direction that is more consistent with the rule of law in the oceans. After all, it is one thing to act contrary to interpretations of international law that have been articulated by other States and are thus still subject to debate. It is quite another to be in express violation of principles articulated by a third party imbued with final and binding legal authority.

POLICY OPTIONS

Thousands of vessels, from fishing boats to coastal patrols and naval ships, ply the East and South China Sea waters. Increased use of the contested waters by China and its neighbors heighten the risk that miscalculations by sea captains or political leaders could trigger an armed conflict, which the United States could be drawn into through its military commitments to allies Japan and the Philippines. Policy experts believe that a crisis management system for the region is crucial.

The possible preventive measures that could be taken are:

Resource Sharing

Claimants in both the South China Sea and East China Sea could cooperate on the development of resources (PDF), including fisheries, petroleum, and gas. A resource-sharing agreement could include bilateral patrolling mechanisms, which

would deter potential sources of conflict like illegal fishing and skirmishes arising from oil and gas exploration. More collaboration in the mold of joint fishery deals like those between China and Vietnam and Japan and Taiwan could mitigate risk by sharing economic benefits.

Building a Multilateral Framework

The development of a multilateral, binding code of conduct between China and ASEAN countries is often cited as a way of easing territorial disputes in the South China Sea. The parties have already agreed upon multilateral risk reduction and confidence-building measures in the 2002 Declaration on the Conduct of Parties in the South China Sea, but none have adhered to its provisions or implemented its trust-building proposals. While China has historically preferred to handle all disputes bilaterally, ongoing consultations between Beijing and ASEAN still hold some promise for reinvigorating a multilateral framework toward greater cooperation and conflict resolution. However, given differences among ASEAN members vis-à- vis China and China's preference to settle matters bilaterally, it is uncertain whether progress can be made.

Military-to-Military Communication

Increased dialogue between military forces has the potential to reduce the risk of conflict escalation. Communication mechanisms like military hotlines to manage maritime emergencies, similar to the ones set up by China and Japan, China and Vietnam, and China and ASEAN, could be established among all claimants. These hotline systems would connect leaders in the event of a crisis that could arise from mishaps, such as naval maneuvers misinterpreted by captains of merchant vessels or fishermen. Lastly, joint naval exercises, such as those proposed by Beijing in October 2015, could support greater military transparency and help develop shared rules of the road.

International Arbitration

Bringing territorial disputes to an international legal body presents another means of conflict mitigation. The International Court of Justice and the International Tribunal for the Law of the Sea are two forums where claimants can file submissions for settlement. In July 2013, a UN tribunal was convened in The Hague to discuss an arbitration filed by the Philippine government contesting the legality of China's territorial claims in the South China Sea. The court ruled in October 2015 that it has jurisdiction to hear some of the claims filed against China, and a ruling is pending. An outside organization or mediator could also be called upon to resolve the disagreement, although the prospect for success in these cases is slim given China's likely opposition.

Diplomatic

Escalatory actions would likely trigger ramped up diplomacy. The United States could initially serve in a mediation role in the event of crisis erupting in either sea. In the South China Sea, mediation could also come from ASEAN or a trusted, neutral actor within the region like Singapore. Parties could also call for an emergency session of the UN Security Council to negotiate a cease-fire, although China's permanent seat on the Council could limit the effectiveness of this option. In the East China Sea, bilateral management of the dispute is the likely first option, with Beijing and Tokyo sitting down to negotiate a common guideline for handling the conflict and preventing its escalation. Chinese and Japanese officials made a breakthrough to ease tension in November 2014, issuing a joint four-point outline to improve Beijing-Tokyo relations.

Economic

Despite extensive trade ties, the parties to the dispute could respond to a rise in tensions by imposing economic sanctions. In response to a Chinese action, for

instance, the United States could sanction financial transactions, the movement of some goods and services, and even travel between the two countries. In retaliation, Beijing could bar U.S. exports and cut back on its extensive holdings of U.S. Treasuries. Claimants could also manipulate exports and relaunch boycotts of goods. Signals of such a response have already been seen: in 2012 Chinese protesters launched a wave of boycotts of Japanese-made products. Japan also accused China of halting exports of rare earth minerals after a territorial spat in 2010—a charge Beijing denied—causing a commodities crisis for resource-dependent Japan.

Military

If confrontation were to involve Japan in the East China Sea or the Philippines in the South China Sea, the United States would be obligated to consider military action under defense treaties. Experts note that Washington's defense commitments to Tokyo are stronger than those to Manila. Under its treaty obligations, the United States would have to defend Japan in the case of an armed attack; the U.S.-Philippine treaty holds both nations accountable for mutual support in the event of an "armed attack in the Pacific Area on either of the Parties." Military action would represent a last resort, and would depend on the scale and circumstances of the escalation. In the event of armed conflict breaking out between China and Japan, the United States could also use crisis communication mechanisms outlined in the U.S.-China Military Maritime Consultative Agreement (PDF) to encourage a stand-down of forces and facilitate communication between Tokyo and Beijing. Verbal declarations that communicate the seriousness of the dispute and convey support for an ally, as well as offers of military assistance, can also serve as essential "coercive de-escalation" measures during a crisis.

In the South China Sea, Washington has protested against Beijing's extensive land reclamation efforts, warning that island development and a military buildup could

lead to regional conflict. The U.S. military deployed surveillance aircraft over the Chinese-built artificial islands in 2015 and sent warships to sail within 12 nautical miles of disputed features in the Paracel and Spratly island chains to emphasize the importance of freedom of navigation in the contested waters.

These operations, intended to challenge China's maritime claims, are expected to expand in scope and have received support from U.S. regional allies.

Relevant Links:

1. http://www.businessinsider.com/tensions-in-the-south-china-sea-explained-in-18-maps-2015- 1?IR=T
2. http://www.lowyinstitute.org/issues/south-china-sea
3. http://gadebate.un.org/70/china#
4. http://www.thehyderabadconference.com/wp-content/uploads/2016/04/BG-UNGA.pdf
5. https://en.wikipedia.org/wiki/Fisheries_case
6. https://en.wikipedia.org/wiki/Nicaragua_v._United_States
7. https://www.un.org/en/ga/first/
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