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SOUTH CHINA SEA CONFLICT
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Abstract
The South China Sea is in demand for the surrounding countries as well as the US which is not surrounding the sea but it still demands because of its location. China’s claim to the region firstly positioned on historical background so historical rights issue come up. On the other hand, the US has goal over the SCS. In the Asia-Pacific region the US national interests are either this or that way related to the South China Sea.

Introduction
Benefits in the South China Sea (SCS) have made an involved of demands about rights, duties, judgements over the sea. There are countless international instruments which procure for rights and obligations for formulation of policy on bordering the states. Those states have to find a solution to their problems in the region but its lean on political desire.¹ There is experiences from scholars compared to the South China Sea topics indicate that technical collaboration is comparatively easier to acquire than resources dispersion, and even more difficult are the areal alongside dominance and jurisdictional issues.² Some bilateral conflicts have been cleared up by way of proceedings or third party backing but others, especially those including the Paracel and Spratly archipelagos and encircling waters, remain intractable. Although continued dialogue, which has made a builder political mood, there is no clear way to determination visible yet. That dialogue has been eased by the South China Sea Workshop process that has fastened related parties in unofficial and informal dialogue to find out possible ways of functional collaboration.³ Another important point for the South China Sea is both involve redundant oil and gas resources and it is one of the world’s busiest

sea lanes.\textsuperscript{4} The grand potential for hydro-carbon resources, significance in maritime line, importance for security of transport and international trade in the sea, in other respects strategic benefits connection to balance of power, are the impulsion that mark the importance of dynamics. Especially, territorial claims over the South China Sea must be the most argumentative topic in the world. By definiton, its located in the South of China, in the west its flanking Vietnam and Malaysia; Brunei, Malaysia, and Indonesia in the South; the Philippines in the east; and Taiwan in the north. These six countries bordering the sea are complex in the conflicts relating to the territorial claims and disputes over the South China Sea. Even though the United States is not a part of these territorial conflict, but it is still has an importance maritime benefits in the South China Sea in the sense of navigations freedom and maritimes security for maritime commerce and transport. The importance of the South China Sea for the US is its routes which is connecting in the east side to the Pacific Ocean and in the south side to the Indian Ocean, besides supports strategic collaboration at military and economy with the countries in the area. Additionally, there are other effects which are linked to US interests in the area. Those contain to protect American companies benefits in hydro-carbon testing and its activities.\textsuperscript{5} It is not just location and energy reserves that statement to expend the South China Sea critical geostrategic significance, over and above this the cam territorial conflicts that have long turned round these waters. Lots of conflicts relate the Spratly Islands, a mini-archipelago southeastern part in the South China Sea.\textsuperscript{6} The South China Sea is one of the biggest partial enclosed seas in the world that has 648,000 square sea miles, which is larger than the East China Sea. The South China Sea contains very important sea routes connecting the Pacific and Indian Oceans. Many of the world's trader ship passes through the South China Sea in every year, mostly passes the Strait of Malacca, the second frequent strait in the world. Most percentage of fuel transfered by sea from the Middle East and Africa to Japan, China and South Korea sails through the South China Sea. The priority of the South China Sea is clear when one person views that %90 of China's outer commerce is seaborne. For other primary far sea lands, like United States, India, and Australia, accepting of liberty of navigation for trade shipping and navy forces in the South China Sea is significant advantage. For example when the maritime lines of communication were to be corrupted due to a military disagreement in the Spratly/South China Sea area, then the

\textsuperscript{4} Zhao Hong, ‘Energy security concerns of China and ASEAN: trigger for conflict or cooperation in the South China Sea?’, Asia Eur J, No:8, 2010, p:421.

\textsuperscript{5} Kamrul Hossain, , ‘The UNCLOS and the US-China Hegemonic Competition over the South China Sea’, VI JEAIL 1, 2013, p:108.

economic benefits of the countries in the region, bearing the US, would be in a harmful way influenced. The South China Sea is turned round by 10 coastal countries, also one of the most fastest growing countries in the world which is China.  

1. China’s Position over the SCS

Over the SCS China’s demand is first of all positioned on historical grounds. China explored the islands and promoted them like a resource, according to China. It has been discussed that the exploration of these islands came out in Chinese country music, old books, different other Chinese historical elements, likewise official Chinese maps drawn by Chinese government. These demands are promoted by different other realities, like fishing in the SCS for ages. China declares that its fishermen have presumed on fishing resources in the SCS for years. In the South China Sea they have had extensive archives of navigation routes, also the names of islands, shoals. China spent effort to announce a brand new map in provision to activities taken by French colonial power in Vietnam in its achievement to conquer the Spratly Islands in April 1935. That proposes China’s impressive control over the islands. Japan took up the Spratly Islands all through the Second World War. In spite of China renewed them in 1946. China has still discussed that, until the 1930s, their control over the South China Sea islands and their neighbouring waters was in peace until France captured the opportunity to utilize and annex lots islands.  

Chinese allegation of empowering rising up from its newly discovered position because the requested shift in the balance of power were certain in especial from its act of neighboring states who sought to dare China’s maritime demands in the South China Sea.  

Aside from the conflicts precisely combined to the sovereignty demands over the island groups, dispute affecting to maritime detention endure unsettled. Moreover, hijacking and military theft have increased in the area, with around half of the world’s known of hijacking occurring in this region. Additively, shore countries are facing cross-border issues like coastal dirtying and administration of cross-boundary and deeply seasonal fish stocks. The South China Sea established a place for challenging security interests. Like China’s public security is progressively addicted on the security and guard of these sea lanes to keep alive its economic progress and developing power, China has in the last two decades progressively enhance its regional entity, marine power and become

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gradually assertive in the SCS.11 The complication of the dominance demands temporal offers to puzzle out the South China Sea disagreements have mostly focused on development connected with the tending to sovereignty questions.12

On 28 May 2011 The spokesperson of China’s Ministry of Foreign Affairs criticized on China’s maritime law application and control in the South China Sea, asserting that China withstands Vietnam’s oil and gas research activities within the waters under the administration of China which undermine China’s rights and interests besides administration over the South China Sea. The spokesperson also said that kind of activities “violate the bilateral consensus on the South China Sea issue,” and that the “actions taken by China’s competent authorities are regular maritime law enforcement and surveillance activities in the waters under the jurisdiction of China.13

Disputing jurisdiction demands over the South China Sea, which is accepted to include rich oil and gas reserves beneath its sunmarine and undersoil, have been done and disputed for a long time. To catalyse the political strain in the area, the ‘Declaration on the Conduct of Parties in the South China Sea in 2002’ was signed by China and the Association of Southeast Asian Nations (ASEAN) member countries, in these which countries dedicated themselves to demonstrate restriction in the South China Sea, especially in the areas of in dispute dominance demands. Even though this success has been explicated as a positive and promotive clue for the South China Sea conflicts, in light of the recent disputes between China and Philippines over the Scarborough Reef (or Huang-yan Island in Chinese) in 2012, the investigate of effective conflict settlement in the SCS is no so likely.14

2. US’s Position

In the Asia-Pacific region US national interests are either this or that way related to the South China Sea. China’s potential escalate like a hegemonic power, the US has embraced a policy of implication with a view, at least procrastinating China’s grow in spite to maintain its own supremacy. Although this management policy has been a point of issue in the US policy dispute as to how to react to China’s great power desire, the element is that the latter’s penetration in the global agenda, additionally in the politics of region, drives the US to re-

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14 Shih ming kaoa, ‘Regional Cooperation in the Mediterranean and the Caribbean Seas: Lessons Learned and Possible Alternatives to the South China Sea Disputes’, Coastal Managements, 01 May 2014, p:264.
think the global calculation. In spite of the US assurance in the South China Sea is conducted at a power tension by way of defending its own interests likewise those of its allies in the area. Although the complex set of national demands does not possibly affect the US in the conflicts, its connecting is that its overall benefits in the region as a full are expected to be influenced as long as an amicable settlement is followed. The US agreement in the conflicts, thus, would largely allow to the settlement period and secure its legitimate benefits in the South China Sea. Certain scholiast prefer that the South China Sea establishes a US benefits just because its China’s dare to US supremacy in the Western Pacific. Despite of that kind of reasoning, any hesitation or reluctance on the part of Washington to come to the advocating of one of its Southeast Asian allies to the Chinese force would guide other regional partners to query the trustworthiness of their own strategic propriety with the United States.

3. South China Sea in the Context of UNCLOS

The United Nation Convention on the Law of the Sea cause to lean on stakes a mission to collaborate for the administration and receptacle of transboundary fish stocks and to guard the marine living resources and envoirment of a joint enclosed or semienclosed sea. Article 63(1) questions countries to search to agree on the size necessary to coordinate and procure the dialogue and progress of stocks happening within the EEZs of more than two coastal country. This should be assumed ‘without prejudice to other provisions’ of Part V which means that during adopting measures countries need to take into consideration, inter alia, LOS Convention’s Article 61 which procures the requirements for the preservation of marine living resources and it shows that preservation measures must be resist on the best suitable scientific Proof and take in to assessment the effects on addicted kind and the fishing communities economic needs. Article 123 of the LOS Convention ask countries restrating an enclosed or semienclosed sea to make an efforrt to coordinate, inter alia, the management, protection, discovery, and exploitation of the resources and the practise of the rights and duties pay tribute to the marine environments preservation and protection.

The emerging developments shows that UNCLOS III and the LOS Convention have had unclear impacts on peace and conflict in the SCS. On the other hand, the Convention has exacerbated conflicts over dominance to islands by emboldening overlapping fields failing

15 Kamrul Hossain, , ‘The UNCLOS and the US-China Hegemonic Competition over the South China Sea’, VI JEAIL 1, 2013, p:120.
and claims to come up with a solution key legal topics, clearly by sumitting the opportunity that some of the Spratly, Paracel, and Scarborough features might have a right to limitless maritime zones. In other respects, the Convention involves duty, language, and techniques for dispute, measure, management, and solution. Certain amount of its most contradictory uncertainty maybe resolved slowly through similars set by chamber decisions and bilateral treaties. By way of an analysis of four different historical time period since UNCLOS III began in 1973, so it shows that the conflict-boosting effect of the LOS Convention has been more significant than the peace-promoting impacts.19

4. Sino-US Relations Over the SCS

China and the US identify themselves like ‘strategic partners.’ Their connections involve elements of both competition and cooperation. So, both international law and diplomacy perform major roles in solving conflicts over the issues related the South China Sea. The US views that its legal benefits related freedom of navigation under the law of the sea are being endangered by China’s demand on nominal ‘historic rights’ in and around the U-shaped line. On the other hand, China does not make allowance that the convention of the US in the SCS is solely to provide the freedom of navigation under international law. More precisely, China trust that the final goal of the US agreement in the conflicts is to enlarge its hegemonic impress to the region. The US existing a non-party to these regional territorial conflicts has no legal position for China; in the meantime, the US analyse that its legal benefits in the South China Sea are influenced by the conflicts between the nations in the area, most of which are its allies.20

Conclusion

This article inspected South China Sea Conflict including the US’s interests over the South China Sea. There are some conflicts over the SCS claiming their sovereignty in the region. On the other hand, there is another style of conflicts which the SCS surrounding countries has right to use the naval area by Law of the Sea (LOS). But the US is not connected to those kind of conflicts because of the US has its own interests over the region as economic, strategic, geographically, etc. Previously here it is mentioned China declares that China has historical tie with SCS and it has historical rights over the sea. But as we see from

the UNCLOS there is no special rights that China has so in that case China could just use the same clauses as the other surrounding countries such like freedom of navigation, etc. As a result even they say they are strategic partners, their act for the SCS is just for their own benefits.

REFERENCES


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