

The South China Sea: An Analysis of the Disputed International Territory and Future Outlooks

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I. Introduction

The South China Sea is a large body of water geographically encompassed and highly disputed by the nations of China, Taiwan, Vietnam, the Philippines, Singapore, Indonesia, Malaysia, and Brunei, all of whom lay some claim to the Sea.¹ Generally, sovereign nations that are bordered on any side by water claim a certain amount of that water as their own territory.² These lines often overlap with other nations' lines and are not set in stone by a binding treaty or international policy. A country's domestic laws can be nationally upheld, but because of this lack of encompassing international policy, the enforcement of a country's global institutions relies almost entirely on their ability to negotiate with the other nations relevant to the issue. Most of the time, this ability is determined by military power. This especially holds true in the case of the South China Sea dispute because China boasts a "nine-dash line"³ figure of demarcation that encompasses the vast majority of the water and clashes with the rest of the claimant states' desired boundaries.⁴ Though the nine-dash line easily outlines the most ambitious claim of any involved nation, it is soundly defended due to China's relative size. The Sea is indispensably important to those involved in the disputes because it contains an estimated eleven billion barrels

¹ Benjamin J. Sacks, *The Political Geography of the South China Sea Disputes: A RAND Research Primer* (2022).

² Nat'l Oceanic & Atmospheric Admin., *Maritime Zones and Boundaries* (Dec. 2024), noaa.gov/maritime-zones-and-boundaries.

³ Priscilla A. Tacujan, *Revisiting China's Rationale for its South China Sea Claims*, 150 U.S. Naval Inst. (2024), usni.org/magazines/proceedings/2024/august/revisiting-chinas-rationale-its-south-china-sea-claims. The nine-dash line refers to the area of the Sea that China claims, and can be seen on various maps and government documents.

⁴ *Id.*

of oil, 190 trillion cubic feet of natural gas,⁵ and accounts for roughly eight percent of all global commercial fishery production.⁶ Because of these rich natural resources, it is crucial to apportion the body of water in a way that satisfies each claimant enough to be internationally respected. This would likely involve efforts by international institutions to limit China's moral hazard.

II. Differing Perspectives

The People's Republic of China (China) argues primarily for free rein over nearly the entire South China Sea based on maritime policy dating all the way back to the Qin and Han Dynasties. The common opinion of Chinese journalism is that China has "maintained her sovereignty over these island chains by ways of discovery, naming, mapping, patrol and control, public and private use, administrative allocation of jurisdiction, and other manifestations of authority throughout history."⁷ In contrast, the Philippines cites maps from the mid-1700s showing their ownership of the Scarborough Shoal, an atoll in the Sea.⁸ Vietnam references similar types of maps in order to claim the Paracel and Spratly Islands.⁹ Both of these territories are notable to the broader dispute because of their strategic locations for both warfare and resource extraction. China's reasoning for having a claim to the Sea is highly reliant on antiquated maps and statements about the Qin and Han dynasties that lack documentation. Because of this, it is countered by the much younger documentation from multiple other nations. Many also believe the Chinese government has been altering accounts of the Sea's history since the mid-1900s.¹⁰ However, due to the sheer strength of the Chinese military, China can enforce these boundaries to their liking and do so on the premise that their history outweighs the United

⁵ Council Foreign Rel., *Territorial Disputes in the South China Sea* (Sept. 2024), cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea.

⁶ Yunus Erbas, *The Conflict in the South China Sea: A Focus on a Possible Solution*, Beyond the Horizon (Apr. 2022), behorizon.org/the-conflict-in-the-south-china-sea-a-focus-on-a-possible-solution.

⁷ Tacujan, *supra* note 3.

⁸ *Id.*

⁹ BBC News, *What is the South China Sea Dispute?* (July 2023), bbc.com/news/world-asia-pacific-13748349.

¹⁰ Tacujan, *supra* note 3.

Nations Convention on the Law of the Sea (UNCLOS), an agreement over 150 nations adhere to,¹¹ simply because their history precedes it. However, international lawyers suggest the meat of China's argument is purposefully broad as a political strategy,¹² allowing them to avoid taking part in tangible negotiation and revert to militaristic tactics.

III. Third-Party Dynamics

In recent history, the global legal populace has rejected China's total claim over the Sea, most prominently through a 2016 tribunal ruling on the matter by the Permanent Court of Arbitration, a globally backed intergovernmental institution.¹³ This ruling justified Filipino grievances and declared the marking of the nine-dash line and China's territory repossession unlawful.¹⁴ However, this did not stop China from continuing to consider any law contradicting their stance invalid, instead prompting "a slew of articles condemning the ruling" from state-affiliated press.¹⁵ This sentiment has been refused at both the global and individual level.

The United States' National Oceanic and Atmospheric Administration recognizes every nation's territorial claims through the following standards: territorial seas being bodies of water claimed as sovereign up to twelve nautical miles from the coast,¹⁶ contiguous zones being areas with certain regulations applied up to twenty-four nautical miles off the coast, including territorial sea,¹⁷ and an Exclusive Economic Zone that enables rights to resources and use 200 nautical miles from the coast.¹⁸ China's nine-dash line extends around 1,500 miles from the

¹¹ Div. for Ocean Aff.s & L. of the Sea, U.N., *United Nations Convention on the Law of the Sea of 10 December 1982: Overview and Full Text* (Feb. 2025), un.org/depts/los/convention_agreements/convention_overview_convention.htm.

¹² Florian Dupuy & Pierre-Marie Dupuy, *A Legal Analysis of China's Historic Rights Claim in the South China Sea*, 107 Am. J. Int'l L. 124 (2013).

¹³ U.S. China Econ. & Sec. Rev. Comm'n, *South China Sea Arbitration Ruling* 1 (2016).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Nat'l Oceanic & Atmospheric Admin., *supra* note 2.

¹⁷ *Id.*

¹⁸ *Id.*

nation's edge, and while the U.S. does not infringe upon China's capabilities to establish these areas, it denounces the nine-dash line and condemns China's predatory approach, specifically advising against a majority occupation of the Sea by any state.¹⁹

Nations that are not claimants but are also involved in the dispute include the United Kingdom, Australia, Japan, and India.²⁰ The United Kingdom supports China's claim, as domination of smaller nations in the region is economically beneficial because of the U.K.'s colonial ties to southern Asia, an outlook attributed to a more dynamic global strategy post-Brexit.²¹ In contrast, Australia works strongly alongside the Association of Southeast Nations (ASEAN) and has a history of working against China that spans back to the Cold War.²² Japan and India also oppose China, as an increase in China's relative military power would put Japan's stability at risk, and India's own efforts to expand into the South China Sea to acquire oil directly compete with China, who assert India's claims are a "form of disrespect for China's sovereignty."²³

IV. Proposed Paths Forward

This power dynamic clearly needs to be accounted for, but answers as to how are not as clear. While it seems inevitable that the People's Republic of China will continue to exert power over the area as they have done for decades,²⁴ there are a few alternatives that could make for a more equitable situation. ASEAN's power in creating resolution forums is stifled by many of its members' reliance on China for resources and trade.²⁵ Sourcing these economic backbones away

¹⁹ Press Release, Micheal Pompeo, U.S. Dep't of State, *U.S. Position on Maritime Claims in the South China Sea* (July 2020), 2017-2021.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea.

²⁰ Rusmuliadi Rusmuliadi, *Non-Claimant States Perspectives on the South China Sea Dispute*, 5 Lampung J. Int'l L. 1 (2023).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Erbas, *supra* note 6.

²⁵ *Id.*

from China and towards other nations piece by piece could decrease their socio-political leverage, helping other countries feel stable without China's support. China's encompassing approach could prove to be detrimental as continued aggression could spur otherwise indifferent third parties to act through a boomerang model of lobbying.²⁶ This model outlines non-governmental organizations and other nations applying pressure on behalf of an affected nation's citizens.²⁷ Under this model, ASEAN's governments would not have to be the ones to take action. Finally, even with uneven relative capability, China still relies heavily upon Southeast Asian nations for raw materials and foreign direct investment,²⁸ so it is disadvantageous to abandon a general level of cooperation in trade, and therefore not in China's interest to completely tank ASEAN for their domestic gain.

V. Conclusion

The South China Sea is an invaluable resource to the countries that surround it. Its waters provide maritime routes, oil, natural gas, and fish. However, China's economic and military capabilities easily outweigh those of neighboring nations, and its aggressive claims and imposition over the majority of the territory reflect this disparity. It seems likely China will continue to assert dominance over the area, and the lack of tangible enforcement by global institutions as well as the absence of general movement toward equitably apportioning the South China Sea stresses the importance of strong international law in preventing territorial monopoly and antagonism.

²⁶ Frank de Bakker & Frank den Hond, *Figure 1: The Boomerang Effect* (illustration), in Philip Kotler et al., *A Stakeholder Approach to Corporate Social Responsibility: Pressures, Conflicts, Reconciliation* 4 (2012).

²⁷ *Id.*

²⁸ Ass'n of Southeast Asian Nations, *ASEAN-China Economic Relation*, asean.org/our-communities/economic-community/integration-with-global-economy/asean-china-economic-relation.