

# **Gridlock in Global Ocean Governance: Diverging National Interests in the South China Sea**

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## **I. Introduction**

One of the greatest challenges to global governance has been in the realm of the global commons. This term refers to aspects of the world that no particular nation controls, but every nation relies upon for its own political, economic, and security needs. One area that falls into this category is the oceans (Patrick 2014, 67). When 168 parties ratified the United Nations Convention on the Law of the Sea (UNCLOS) in 1994, it was intended to serve as an international agreement that gave the United Nations the mandate to enforce laws of the sea and facilitate resolutions over any maritime disputes through international cooperation. However, the United Nations is experiencing gridlock in its ability to fully enforce UNCLOS, particularly in the South China Sea. For centuries, the countries that surround the area have contested the many islands, atolls, and reefs that are situated throughout the South China Sea. Even with the acceptance of UNCLOS as universal law, the conflict over sovereignty rights to the South China Sea still persists in contemporary global governance. In fact, the dispute over this territory has been more contentious than ever in recent years, revealing major faults in the UN's ability to

govern the world's oceans (Beckman 2013, 142-145).

The purpose of this paper is to determine what solutions the UN can implement through the use of UNCLOS to resolve the dispute in the South China Sea. Since 1947, the Republic of China has been the driving force behind the South China Sea dispute, staking claim to the entirety of the South China Sea based on maps that make territorial claims dating back to the 2<sup>nd</sup> Century. The issue has escalated since then with Taiwan also making claims for the entirety of the South China Sea, the Philippines and Malaysia making territorial claims in the region in the 1970s, China forcefully removing Vietnamese soldiers from already occupied islands in 1974, and Brunei and Indonesia making small claims of ocean territory in the 1990s. Meanwhile, UNCLOS met on three separate occasions following World War II, drawing out laws on additional issues, such as continental shelf limits and exclusive economic zones (EEZs) for coastal states. Despite all six nations listed above being party to UNCLOS, they continue to challenge one another over sovereignty in the South China Sea. The reasons for this enduring struggle are threefold: UNCLOS does not address issues involving sovereignty, China is strategically delaying any diplomatic resolutions from occurring, and the discovery of natural resources in the region has made the dispute more economic in nature (Fravel 2011, 292-296).

There are a variety of political theories that can explain the perpetuation of

the South China Sea dispute. One is that the rise of globalization and the growing interconnectedness of states has led to harder problems for global governance to solve (Hale, Held & Young 2014, 43-45). The dispute in the South China Sea is not simply a dispute over territory between regional actors, as the entire globe will be economically impacted by the results of this dispute. This is because 25 percent of the world's trade passes through the South China Sea annually (Ba 2011, 270). Furthermore, the discovery of large quantities of oil beneath the sea floor and increased competition between international fishing industries has made the legal control of ocean territory even more consequential for actors involved in maritime conflicts, such as the South China Sea dispute (Anand 1981, 453). Therefore, this dispute has become economic on a regional and global scale. A second theory that explains this dispute is the dilemma of institutional inertia, in which the rules of global governance that were enacted decades ago are difficult to change in order to address modern conflicts (Held, Hale & Young 2014, 41-43). This is potentially relevant in the South China Sea dispute due to the lack of governance over ocean sovereignty in UNCLOS. Although UNCLOS successfully outlined how to address coastal boundaries, it failed to address what might be done if those boundaries were challenged. Furthermore, the theory of institutional inertia bears economic significance as well, as the territorial regulations laid out by UNCLOS have made the consolidation of

island features in disputed waters even more consequential.

This paper concludes that the dispute in the South China Sea can be explained by theories that point to the nature of hard problems and institutional inertia as the reasons behind gridlock. This can be seen through the growth and variety of actors that have staked their interests in the South China Sea and the economic impacts the dispute could force upon the globe as a whole. Furthermore, the discovery of large quantities of natural resources in the region has made the dispute more economically consequential for the Asian actors involved. The difficulty in resolving this conflict is exacerbated by the fact that UNCLOS does not address issues of ocean sovereignty, though it does address natural resource extraction in the world's oceans. With the political will of the actors involved and the governing capabilities on UNCLOS, joint resource extraction (known as energy cooperation) could bring about economic benefits in the region that would outweigh the desire to compete for sovereign territory (Buszynski & Sazlan 2007, 157).

This paper traces the history of the South China Sea dispute from the years following World War II to the issues of present day. The purpose is to understand the origins of the conflict and why it is such a seemingly endless and complex issue. Secondly, this paper analyzes the history of global ocean governance and origins of UNCLOS in order to determine what the UN had set out to accomplish in establishing its own sea laws and exactly which laws are

pertinent in discussing the South China Sea dispute. Lastly, this paper examines the current state of the South China Sea dispute, how the global governing institutions are trying to resolve the conflict, and what solutions can be applied to improve the nature of global ocean governance in the region.

## II. Alternative Explanations

The South China Sea dispute is an incredibly complex situation, with potential ramifications that could affect the global community as a whole. In short, the dispute involves six key actors: China, Taiwan, Indonesia, Malaysia, Vietnam, the Philippines, and Brunei. Each of these actors have overlapping territorial claims to different parts of the South China Sea, which include the sea's natural resources and land features. However, it has been demonstrated in recent years that these states lack the political will to resolve their differences in this matter (Smith 2010, 215). In a globalized world, where states must cooperate with one another in order to solve international disputes peacefully, this inability to solve problems is referred to as gridlock. In their pivotal work, *Gridlock: Why Global Cooperation Is Failing When We Need It Most*, Thomas Hale, David Held, and Kevin Young present multiple theoretical explanations for why international cooperation becomes gridlocked in modern society. One of these explanations is referred to as harder problems. In this explanation, Hale, Held

and Young assert that, "There are two ways in which problems have gotten harder. First, as argued above, different kinds of problems, issue areas that previously fell neatly into national boundaries, have become subject to the logic of interdependence. Moreover, old and new problems alike now penetrate deeper into societies, requiring larger policy adjustments...to achieve cooperation" (Held, Hale and Young 2014, 44).

The logic of harder problems is potentially relevant in the case of the South China Sea dispute. States involved in the dispute are heavily interdependent on each other because of their shared geography, and the economic ramifications of this dispute have the potential to impact average citizens across different societies. Additionally, the blatant territorial disputes are accentuated by the economic value of retaining sovereign territory in the South China Sea. International legal studies scholar R.P. Anand affirms, "With the discovery of oil under the sea prior to the end of the Second World War, and coastal fishery resources increasingly threatened by larger and better equipped ships of distant-water fishing States, conflicts between the wider claims of coastal States to protect their economic interests, on the one hand, and attempts by major maritime Powers to maintain the status quo, on the other..." (1981, 453). Therefore, the complications over territorial interests in the South China Sea are made even harder due to the underlying economic interests of the actors involved. The first step in understanding how the gridlock in

the South China Sea is attributed to harder problems is by analyzing the interests of all the key actors.

### **III. Ocean Governance and the South China Sea**

The South China Sea covers 3.5 million kilometers of sea area and is surrounded by China, Taiwan, Indonesia, Malaysia, Vietnam, the Philippines, and Brunei. The area is dotted with various islands, shoals, reefs, rocks, and cays. The most significant landmasses in the South China Sea are the Parcel Islands and the Spratly Islands. Furthermore, the South China Sea is rich in sea-life and oil reserves, and serves as a major shipping route that dates back centuries. (Gao and Jia 2013, 99). It is also necessary to understand the individual interests that each state listed above has in this region. When studying the dispute in the South China Sea, a common concept is the nine-dash line, which is the entire basis for China's interest in the region.

This line refers to a geographic line, split into nine dashes, that outlines the territorial claims made by China, which essentially encompasses the entirety of the South China Sea. The earliest documentation of this line can be found in copies of atlases dating back to 1947, which were circulated by the Chinese government. When questioned, the Chinese government often avoids discussion over the legality and legitimacy over this line, citing ancient historical sovereign rights to the area. However, many scholars agree that this line

likely came about due to China's desire to reconstruct its sovereign claims in the postwar era (Goa and Jia 2013, 103). Since the 1940s, China has continuously promulgated its Declaration on the Territorial Sea, which asserts its claims to the territory within the nine-dash line. China has done this prior to the discussion of uniform maritime law, during the diplomatic collaborations over UNCLOS, and in anticipation to the establishment of UNCLOS (Goa and Jia 2013, 104). In fact, China has most recently publicized its vague claims to the South China Sea with a *note verbale* to the United Nations in 2011, which states "China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. China's sovereignty and related rights and jurisdiction in the South China Sea are supported by abundant historical and legal evidence" (Chinese Foreign Ministry). Since the years following World War II, China's assertions of its claims within the nine-dash line have become such fundamental aspects of the discussion about the South China Sea that the basis of the line itself has been lost in discussion. Therefore, China's role in the dispute has become less about why the nine-dash line exists, and more about how to encourage China to engage in diplomatic discussion over its overarching sovereign claims.

Vietnam also stakes its claims in the South China Sea based on historical

references, in which the Vietnamese government declares that they have sovereign rights to the Parcel Islands that date back to the 16<sup>th</sup> Century during the Nguyen Dynasty. In fact, South Vietnam occupied these islands until 1974, when the Chinese military took advantage of the chaos during the Vietnam War to forcefully remove South Vietnamese troops from the islands. Following the country's reunification after the Vietnam War, the Vietnamese military felt it finally had the strength to reassert itself in the South China Sea. With the deliberations of UNCLOS underway in the late 20<sup>th</sup> Century, Vietnam formally declared the Parcel Islands, as well as the Spratly Islands, as a part of its territorial waters. Vietnam still asserts this claim today and has a military presence on many of the Parcel and Spratly Islands (Buszynski & Sazlan 2007, 146).

The Philippines also has a historical basis for its claims, which can be traced back to more recent history. The Filipino government argues that they have sovereign rights over the Spratly Islands due to the discovery of the islands by Filipino Admiral Thomas Cloma. Allegedly, Cloma came across the islands in 1956 and found them to be uninhabited, claiming the landmasses for the Philippines. Cloma intended to formally declare his discovery to the United Nations, but was captured by the Taiwanese navy before he could do so. The Filipino government continues to assert its claims over these islands and maintains a naval and fishing presence in that area. Meanwhile, Malaysia is simply concerned with

maintaining its legal continental shelf limit and exclusive economic zone (EEZ), which is a maritime boundary that privatizes natural resources within 200-nautical-miles of a state's coast. In the late 1970's and early 80's, Malaysia began consolidating the reefs and atolls that they believed lawfully fell into its sphere of influence. However, its immediate neighbor, the Philippines, has slightly overlapped its territorial claims with that of Malaysia's. This has led to a contested dispute between Malaysia and the Philippines in a small pocket of ocean area, where Filipino fishermen are often arrested by Malaysian law enforcement (Buszynski & Sazlan 2007, 147).

Meanwhile, Indonesia is simply trying to extend its EEZ in order to support its fishing industry. Indonesia claims an EEZ that extends well beyond its continental shelf, infringing on the sovereign waters of Malaysia and Vietnam as declared by UNCLOS. Therefore, Indonesia's primary concern in this matter is reaching an agreement on EEZ limits with its immediate neighbors (Beckman 2013, 149). Brunei is another actor that does not have a significant role in the South China Sea dispute, but is being challenged nevertheless in its territorial claims. Brunei has merely one claim to a single reef that has been made part of Malaysia's attempt to consolidate its territory. However, this reef, which lies within Brunei's EEZ, can bear great significance for Brunei. Without possession of this reef, Brunei's EEZ would recede drastically, limiting the ocean area in which they can fish and extract natural resources

(Beckman 2013, 144). Lastly, Taiwan plays a minimal role in the South China Sea dispute, mainly because each state in the region respects the one-China policy. Taiwan's position in the dispute is made even less consequential since their claims are nearly identical to China's. However, Taiwan is excluded from any diplomatic discussion on the South China Sea due to the one-China policy. Nevertheless, Taiwan's attempts to claim many of the large archipelagos in the South China Sea may be a means of cooperation between the two Chinas (Beckman 2013, 162).

Lastly, in addition to the individual territorial interests of each country involved, the South China Sea dispute has become an even harder problem due to the economic significance of the region. As noted earlier, one quarter of the world's trade passes through the South China Sea. Furthermore, between 80 and 90 percent of oil exports from China and Japan pass through these waters. The South China Sea is also an important fishing source that each country in the region depends on in order to support their national economies. However, the most important economic factor in the South China Sea is the large quantities of hydrocarbon resources that have been discovered in the region (Ba 2011, 270). Prior to the development of a universal law of the sea, these economic factors might not have been as significant in the discussion of the South China Sea dispute. However, the introduction of EEZs by UNCLOS allowed for the privatization of 30 percent of the world's oceans and 95 percent of its fishing

hubs (Mansfield 2004, 317). Therefore, having control over certain areas of the South China Sea holds significant economic ramifications for those involved. It comes as no surprise that there is strong backlash against China's nine-dash line, in which their territorial claims would give them control over a valuable trade route that is abundant in fish, oil, and other natural resources. However, it is not only the states involved in the dispute that may be affected, as states around the globe may be impacted in their ability to trade in the region. Overall, the individual interests of the states involved and the economic significance of the region as a whole have made the South China Sea dispute a gridlocked issue, in which the complexity of the dispute has made it more challenging for the international community to solve.

Although the theory of harder problems does an excellent job of explaining the perpetuation of gridlock in the South China Sea dispute, there are other theoretical explanations that are worth considering, one of which is institutional inertia. Held, Hale & Young summarize the dilemma of institutional inertia by stating that "institutions are created in foundational moments to deal with the needs of that time, and reflect the attendant constellations of power and interests. But these later shift, creating a mismatch between institutions and the conditions on which they depend" (Held, Hale & Young 2014, 42). In other words, international institutions are fundamental tools in solving global issues that transcend borders. However, many of

the international institutions we are familiar with today were established generations ago. Therefore, the global challenges being faced today were not necessarily considered during the formation of these institutions. The founders of UNCLOS could not have conceived of the complexity of the South China Sea dispute as it exists today. This complexity is perpetuated by the regulations of UNCLOS itself, as the significance of different territorial sea limits, such as EEZs, has made national interests in South China Sea dispute even more substantial for those involved. UNCLOS was established to create a uniform and global law of the sea in order to make the high seas safer to access and navigate, and in many ways UNCLOS was successful. However, as the South China Sea dispute has shown, UNCLOS has failed in its ability to resolve the conflict due to inconsistencies between old laws and modern issues.

#### **IV. Origins of UNCLOS**

Prior to UNCLOS, the world's oceans were largely governed by the Freedom of the Seas Doctrine, which dates back to the 17<sup>th</sup> century. Under this doctrine, states only held sovereignty over waters that extended three nautical miles from its coastline, in which the rest of the world's oceans were considered international waters. However, after World War II, many nations began to recognize the growing demand for natural resource extraction, an increasing number of entangled land claims, a rise of pollution in the world's ocean, and strengthening demands to extend maritime territorial claims. This prompted the newly

formed United Nations to address the need to replace the Freedom of the Seas Doctrine with a modern law of the sea (United Nations Office of Legal Affairs 2012).

The formation of UNCLOS began in 1956 when the United Nations held the first UNCLOS conference (UNCLOS I) in Geneva, Switzerland. This conference brought about four fundamental treaties that were all eventually entered into effect by 1966. One of these treaties is known as the Convention of the Continental Shelf, which gave states sovereign rights over its surrounding continental shelf. This allows states to legally control shallow ocean area around its landmass, which can extend up to 24 nautical miles from a state's shore. Following UNCLOS I came the second conference on the Law of the Sea (UNCLOS II), which was also held in Geneva in 1960. However, this conference only lasted a few weeks and failed to bring about any further laws or agreements (United Nations Office of Legal Affairs 2012).

The pivotal moment in UNCLOS' history occurred in 1967 when Maltese diplomat, Arvid Pardo, brought the issue of clashing maritime territorial claims to the floor of the United Nations. This led to the third and final conference on the Law of the Sea (UNCLOS III) in 1973. This conference, which was held in New York City and did not conclude until 1982, was both monumental and highly productive; laying the groundwork for UNCLOS as the world knows it today. UNCLOS III established regulations over many pivotal topics, such as territorial waters, contiguous

zones, EEZs, and continental shelves. The laws over territorial waters ruled that states had complete sovereignty up to 12 nautical miles from its coast, which gave states the freedom to use and regulate these waters as they saw fit. This area essentially became a territorial extension of a state's landmass. Furthermore, laws on contiguous zones gave states an additional extra 12-nautical-miles of water to enforce taxation and immigration laws. The laws on EEZs established that states had economic rights in ocean area up to 200-nautical-miles from its coast, giving them the ability to privatize natural resources, such as fish. Lastly, states were given rights to a larger continental shelf limit, which could extend up to 350 nautical miles. This gave states the rights to any non-living resources, such as oil, gas, and minerals submerged in the shelf soil. These new regulations, and UNCLOS as a whole, were officially ratified and put into effect on November 16, 1994. The convention was ratified by 168 parties, including China, Taiwan, Vietnam, Malaysia, Indonesia, Brunei, and the Philippines. (United Nations Office of Legal Affairs 2012).

Traditionally, since the establishment of UNCLOS, maritime disputes were to be settled under the Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes. Under this protocol, any party to UNCLOS could bring a dispute within the jurisdiction of UNCLOS to an International Court of Justice (Jessup 1959, 262-263). Normally, these same rules would apply to the South China Sea dispute. However, UNCLOS does not address issues

involving sovereignty, as the regulations over coastal waters laid out in UNCLOS III already established what territory legally falls within a state's sphere of influence. Therefore, UNCLOS technically has no legal precedent in dealing with states challenging each other's ocean claims based upon sovereign land disputes (Smith 2010, 220). However, it is important to note that although UNCLOS has no jurisdiction over sovereignty matters, the dispute over sovereignty in the region is deeply rooted in the laws laid out by UNCLOS.

According to UNCLOS, every island that falls within the legal territory of a country has its own EEZ. Therefore, if an island claimed by a particular state lies 50 nautical miles off its coast, then the state's true EEZ begins at the coast of that particular island. This is what makes certain geographic features, such as the Spratly Islands and the Parcel Islands, a fundamental aspect of the South China Sea dispute as a whole. However, UNCLOS' definition of an island must meet specific parameters, including natural formation, ability to sustain human life, and land features that stand above sea level at high tide. Less than 40 features in the Spratly Islands alone meet the criteria of an island under UNCLOS (Beckman 2013, 149-151). Because of this, particular land features in the South China Sea have been more contested than others. The actors involved in the South China Sea dispute are staking their claims based on the rationale that their ability to control certain islands in the region would give them the legal ability to exploit

the region for their economies as they please. However, as noted above, UNCLOS does not have the legal capacity to address the sovereignty disputes in the South China Sea, as the founders of UNCLOS anticipated that the laws themselves would put any sovereignty disputes to rest. It is this institutional inertia by UNCLOS that is preventing cooperation and perpetuating gridlock in the South China Sea.

## **V. Gridlock in the South China Sea**

The gridlock in the South China Sea dispute is mainly driven by the historical claims made by the large, and militarily advanced actors in the region such as China. These historical claims outweigh the territorial regulations laid out by UNCLOS. However, UNCLOS does address the concept of historic waters in some respects. States are considered to have historic rights to waters where it has exercised its sovereign rights for a significant period of time, regardless of the territorial regulations laid out by UNCLOS. In other words, a state may be able to claim legal historic rights to waters based on length of time and degree of activity in the area. However, these regulations are extremely vague, which makes it difficult to gauge which actor truly has historic claim to specific areas of the South China Sea. It is dubious that any of the actors in the South China Sea actually have a logical basis for their historical claims. These actors have been extremely volatile in recent history, and some did not even become independent nations until the 20<sup>th</sup> century (Keyoun 1999, 40-44). Therefore, it seems extremely unlikely that

the concept of historical waters offers logical support to the interests of each actor in the dispute. The only actor that has retained relative internal stability and a longstanding existence in the region is China. Nevertheless, many of these actors, China in particular, are pushing hard to ensure they retain their perceived sovereign rights. However, it can be argued that the debates over historical claims in the South China Sea are merely a façade for the real interests in the area. As noted earlier, the South China Sea has incredible economic value for whichever state dominates its waters. If the debate was truly over historic rights, it is likely China would be willing to cooperate and present evidence that justifies its nine-dash line. However, this has not been the case in recent years.

China's strategy in the South China Sea throughout the past few decades has been one of strategic delay. Political scientist M. Taylor Fravel summarizes, "Since the mid-1990s, China has pursued a strategy of delaying the resolution of the dispute. The goal of this strategy is to consolidate China's claims, especially to maritime rights or jurisdiction over these waters, and to deter other states from strengthening their own claims at China's expense, including resource development projects that exclude China" (Fravel 2011, 293). China has achieved this strategy of delay in a variety of ways. First, China is diplomatically delaying a resolution in the South China Sea by only being open to cooperation on a bilateral level. The other actors in the dispute who wish to resolve the

conflict multilaterally staunchly oppose this (Fravel 2011, 300). Secondly, China is delaying cooperation by taking a more active role in maritime administration in the South China Sea. It has expanded its jurisdiction in the South China Sea by policing the waters and preventing illegal fishing and hydrocarbon extraction from occurring. This increased level of Chinese maritime law enforcement has stifled other state actors' willingness for cooperation (Fravel 2011, 303). Lastly, China has achieved its strategy of delay through military means. With a strong and modernized navy at its disposal, China has been able to retain its claims in the South China Sea by using intimidation tactics and forcefully expelling foreign actors from territory that China claims as its own. China's overbearing military capabilities has limited other nation's bargaining power to resolve the conflict, thus limiting future cooperation (Fravel 2011, 307).

It is evident based on China's current strategy in the South China Sea that it does not intend on appealing its historical claims to UNCLOS and the international justice system. Rather, China is using coercive methods to enhance its economic status in the South China Sea. As noted earlier, the dispute can be explained by the theories of harder problems and institutional inertia because of the underlying economic interests of the states seeking sovereignty rights in the region. However, despite China's aggressive attempts to consolidate the South China Sea for itself, it continues to be challenged by its neighbors, which have

the ability to jointly move against China in unison. Furthermore, the ongoing challenges by China's neighbors limit China's and other states' abilities to efficiently use the economic resources in the region. Therefore, it is possible that economic incentives may be the key to multilateral cooperation in the South China Sea.

It is well known that the South China Sea is a hotbed of natural resources, such as oil and fish, making it a valuable economic asset for the state actors in the region. It is established that the claims of sovereignty in the region are largely based upon the economic benefits the region can provide. However, while the sovereignty disputes continue to persist, state actors in the region are not maximizing the present economic benefits. Therefore, joint resource development, also referred to as energy cooperation, may be a form of cooperation that can resolve the South China Sea dispute. In fact, this seems the most likely course of cooperation because China has openly discussed its willingness for joint resource extraction, even while asserting that its sovereignty claims are nonnegotiable (Joyner 1998, 215). Although China's stubbornness on this matter is unsettling, the economic incentives of energy cooperation might be enough to bring the other state actors to the negotiating table. After all, the core reason these other states assert their claims is because they need the resources in the region to support their economies. If every actor in the region is reaping the benefits the South China Sea has to offer, the debate over sovereignty becomes

somewhat obsolete. UNCLOS could play an important role in establishing this joint resource development, as it already has laid out ground rules for activities, such as deep seabed mining. Therefore, UNCLOS could help in guiding this potential energy cooperation in a legally efficient direction, giving the institution more authority in resolving the dispute (Joyner 1998, 216). However, the state actors involved need to harness the political will to bring this cooperation about. This requires trust, communication, and persistence. Only time will tell if this energy cooperation will occur.

## **VI. Conclusion**

The South China Sea dispute is a complex and multifaceted issue, involving many actors with diverging interests. The dispute has arisen from the clash over territorial claims in the South China Sea between the neighboring countries of China, Taiwan, Vietnam, Indonesia, Malaysia, Brunei, and the Philippines, leading to gridlock in the ability of global governing institutions to resolve the conflict. The source of this gridlock can be explained by the theories of harder problems and institutional inertia. According to the former, the growing interconnectedness of states' interests have made global issues more difficult to solve due to the overarching impacts that state and institutional actions can have on the global community. This theory is extremely prevalent for the state actors involved in the South China Sea dispute because their shared geography requires sincere

cooperation in order for them to efficiently utilize the region's natural resources to support their economies. According to the latter, the guidelines laid out by international institutions can hinder modern global governance issues because old laws are limited in their ability to solve current issues. This is also prevalent when discussing the South China Sea dispute because UNCLOS does not have the authority to intervene in sovereignty conflicts, and its own territorial laws have further exacerbated the conflict.

Overall, the claims made by the countries in the South China Sea dispute are based on historical rights, territorial rights, or some combination of the two. Whatever the reason, it is argued that the underlying cause of these claims and of the dispute as a whole is the economic significance of the South China Sea. This is because the South China Sea is abundant with resources that regional actors rely on for the stability and prosperity of their economies. Furthermore, the development of UNCLOS in the late 20<sup>th</sup> century increased the importance of acquiring land rights in order to enhance economic dominance on the seas. This has become evident through the establishment of EEZs, which give states a 200-nautical-mile extension from their coasts to use the area as they see fit. However, recently, China has been actively preventing a resolution in the South China Sea through diplomatic, administrative, and military means, as it has been attempting to consolidate nearly all of the South China Sea for itself. Nevertheless, China has been open to the concept of

energy cooperation, which could satisfy the economic needs of all the state actors involved, thus quelling the debate over territorial claims in the South China Sea. With the political will of all the neighboring countries in the region and legal support from UNCLOS, a multilateral resource development effort might be the key to resolving the South China Sea dispute.

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