

Free conflict in the south china sea report sample

[Law](#), [Security](#)



Introduction

Recent years have witnessed heightened competition between China and her neighbors over resources, sovereignty and security in the South China Sea. This increased competition and tension has attracted the attention of both military and diplomatic leaders from various nations across the world that seek to promote both security and stability in these important waters. In fact the competition for maritime rights in this sea has become the most important issue of security in East Asia and some analyst have even declared it as the central conflict theatre in the globe. The South China Sea spans about 3.5 million kilometers and is part of the North Pacific Ocean. The importance of the sea results from the fact that about one third of the world's shipping takes place through these waters. In addition, it is believed that the bed of the South China Sea harbors enormous amounts of gas and oil reserves. The South Eastern Asian countries that border the South China Sea and that are the ones that re currently embroiled in conflict include China, Vietnam, Singapore, Malaysia, Taiwan, Philippines, Cambodia and Thailand. Over time, the nation have claimed ownership of the sea or have proclaimed themselves the legal custodians. They have given several definitions, evidences and also documented attestations. Currently, efforts directed at equally sharing the ownership claims of the sea have remained deadlocked and it is clear that fast dispute solution is required. The main focus of this paper will be the dispute between China and Malaysia which are two of the fiercest claimants of the South China Sea.

Mechanism for Dispute Resolution

Conflicts and disputes are normal elements of healthy relationships. It is impractical to expect all parties to understand and indeed agree on everything all the time. Understanding and learning how to effectively deal with disputes and conflicts rather than avoiding them is vital. The mishandling of a dispute harms the relationship between two countries but when this dispute is handled in a positive and respectful manner, conflict and disputes essentially become a way or produce an opportunity for personal growth of the two countries and strengthens the bond between the countries. In the case of China and Malaysia, the best way to resolve the dispute over the South China Sea is through ASEAN which is the largest regional organization in Asia (Samuels, 2013).

The major element of dispute surrounding the South China Sea has involved parties claiming sections of the sea and openly disagreeing on what sections belong to who (Beckman, 2012). The parties involved, especially China and Malaysia should mutually co-operate to ensure that safety, security and environmental protection are enhanced (Valencia, 2010). This should be done through various platforms with the ASEAN regional forum being one of the most recommendable (Beckman 2010). This platform provides an avenue through which engagement between various interested parties and claimants can occur without impinging on the territorial integrity as well as the sovereignty between the claimants (Samuels, 2013).

As part of the conflict resolution process, it is proposed that China and Malaysia, practice political development promotion and adheres to democracy principles, good governance, the rule of law, protection,

promotion and prospect for human rights and freedoms.

Both parties should acknowledge the interwoven relationships of economic, political, environmental and social cultural dimensions that emanate from the sea (Kaplan, & Sea, 2011).

In addition, another key element of dispute resulting is the renunciation of the use of threat, force or aggression or in any other way that is against international law.

ASEAN has several political instruments that both parties should adhere as they seek to resolve the conflict amicably. These include; Treaty of Amity and Co-operation (TAC), Declaration on Zone of Peace, Freedom and Neutrality (ZOPFAMN), among others. These tools will enable both China and Malaysia to rely on peaceful dispute settlement methods which will in turn lead to increase in preventive diplomacy and confidence building measures. Therefore, the “ ASEAN” way is the bet when it comes to dispute resolution. It offers the best way to deal with the dispute between China and Malaysia in the South China Sea. The ‘ ASEAN way” calls for nations to recognize the interwoven political, social economical can environmental relationships that draw hugely from the South China Sea and are therefore compelled to use non-aggressive manner of dispute resolutions (Samuels, 2013).

History of the Conflict

The South China Sea dispute is traceable to the 3rd Century B. C when China first laid claim to the Spratly islands. China continued laying claim to these islands and sent patrol boats to guard them.

However, it was the 19th Century that saw other nations increasingly laying claim to vast sections of the South China Sea. One of these countries

was Vietnam which laid claim to the Paracel islands. China was however very fast in producing documents that also lay claim to the islands and showed that China as the earliest owner of the islands.

The 20th Century saw other nations start to lay claim on sections of the sea including the islands. The Paracel and Sparty islands seemed to be of key interest because in 1927, even Japan also produced its documented claim of the island (Schofield & Storey, 2009). Even Western nations were also involved in the dispute as France, for example in 1931 laid claim to the Paracel Islands. During the SECODN World War, Japan occupied many of the islands in this sea (Samuels, 2013).

Events continued escalating throughout the 20th Century as disputes between various nations continued. Some had tragic endings, for example in 1988, tensions between Vietnam and China led to the death of 70 Vietnamese sailors. In 2000, Filipino navy personnel killed several Chinese fishermen and arrest3d others for supposedly coursing into Filipino waters. In all this history, China is observed to play critical role. The nation has been at the center of almost every conflict and dispute. This is perhaps because the nation reasserts sovereignty over all of the waters of the South China Sea (Fravel, 2011). The nation has ben criticized for using force and aggression and in recent years, counties like the United States have collaborated to conduct naval drills as a response to the growing assertiveness of China in regard to ownership of the South China Sea (Thayer, 2011). The flowing section of the paper will look at some of the territorial claims as made by China and those made by Malaysia in regard to

the South China Sea. It will also look at the perceptions of these nations, their positions and the actions that the nations have taken.

Actors' Perceptions, Positions, Interests and Actions Taken

China's position in regard to the conflict in the South China Sea is that its relevant rights and sovereignty in the South China Sea has a solid legal and historic basis and that this has been upheld by Chinese governments over the years (Schofield & Storey, 2009). China has laid claim to a large part of the Sea and has in the past engaged in actions meant to secure what it perceives to be its property. This includes sending of naval troops to guard the waters and constantly harassing sailors from other nations in the region. Once again, China's main interest is the exploitation of the vast oil and gas resources present in the South China Sea. Malaysia has also laid claim to some sections of the sea (Schofield & Storey, 2009). Unfortunately China has also claimed the same sections of the sea and has fuelled great conflict between the two nations.

Points of Understanding and Tension, Developing the Parameters for Enhanced Dialogue and Facilitating Harmonious Collaboration

Harmonious collaboration between the involved countries has been lacking for the most part. China has persistently isolated itself when it comes to conflict resolution. This has mainly emanated from the fact that the nation claims ownership to almost the entire South China Sea and believes that other nations need its consent to use the sea (Schofield & Storey, 2009). The other nations however have also claimed sections of the sea and this has been the major source of tension. The fact that these claims have overlapped have

played a significant role in the conflict. For instance, there are some parts of the Sea that both china and Malaysia have laid a claim. Both nations have moved to secure these claimed parts, for instance by sending troops.

In addition, a majority of the nations have been unrelenting in their claims. Some have been oblivious to sound arguments, proofs and documentations provided by other nations.

As mentioned earlier, the wealth of the South China Sea has been a major point of interest for all countries and has in fact contributed the most to the conflict. Countries like China and Malaysia know that there are vast oil and gas deposits in the bed of this sea and this is why they have been very fast to try and secure the sections the water that they perceive to be theirs.

As long as this continues, there can be no peace. As much as all nations acknowledge the presence of oil and gas deposits, none should move to secure the deposits before a resolution has be found because failure to do this will only fuel further tensions in the future. There is therefore a great need for the involved nations to first of all try to solve their differences before moving to exploit this resource. The basis of harmonious collaboration should be the realization that these resources will benefit all of the involved countries and if their resolve their conflicts amicably instead of fighting, all will equally benefit.

Recommendations for Conflict Resolution and the Parameters for the Code of Conduct in the South China Sea

It is clear that a resolution must be found fast. The current tension threaten to derail the development of the entire South Asia region. China and Malaysia are two countries that have been exhibiting economic progression

in the last few decades. However, the increasing tension between the two countries is threatening to derail the economic progression of both countries and this is why a fast solution is paramount (Buszynski, 2010).

There are several clear parameters that must be established for the conflict or the dispute to be resolved amicably. The first parameter is the renunciation of aggression. Use of military threat and force will do nothing to aid the peaceful resolving of the conflict (Buszynski, 2010). Both China and Malaysia need to renounce the use of force and aggression in resolving the conflict.

One of the ways through which China has managed to have an upper hand in this conflict has been because of its relative political might in comparison to its neighbors. However, the other nations in the region including Malaysia have also showed willingness to use force and aggression is staking their claim. Some have even sought the assistance of foreign nations like the United States to counter the increased assertiveness of china and aggression. It is this use of force and aggression by concerned nations that has propelled the conflict into even greater heights. Increased suspicion between the involved countries has been responsible for fueling further tensions.

The other parameter relates to open claim. First of all nations need to stop relaying their claim publicly before the dispute is settled (Buszynski, 2011).

Apart from force and aggression, another factor that has fuelled tensions between China and states like Malaysia is the tendency of the nations to constantly make remarks to the public regarding their claim of the South China Sea. This should immediately stop before the dispute is resolved.

The most recommendable pathway for dispute resolution as mentioned previously is through ASEAN. ASEAN offers the best platform for resolving the conflict between the involved nations. ASEAN should organize for a historic sit-down of all nations which should be followed by the formulation of a committee made up of members of each of the mentioned countries. This committee should be given the mandate to go over historical documents, maps and records and ultimately come up with definitive agenda for the dispute resolution.

However, the key to a peaceful resolution lies on China's willingness to cool down some of its claim. China is seen as the biggest impediment to peaceful dispute resolution and the nation must relax its position regarding the South China Sea and allow a peaceful resolution process. This also means that the nation should immediately withdraw its huge military presence in the South China sea and allow for resolutions to be found before it can send back its troops

Conclusion

As observed, the South China Sea has a ben major source of conflict in south eastern Asia. The conflict has threatened to derail the economic and political progression of the nations involved and a full scale war is inevitable if solutions are to be found. The biggest impediment to peace resolution is the tendency of the nations to continuously lay claim to sections of the sea without giving room for analysis of history and records of each party as well as the proofs provided. For peace to prevail, China and nations like Malaysia need to cool down in terms of laying claim to the sea and allow for formal dialogue and negotiations. More importantly, the concerned countries need

to give a chance to ASEAN, which is three areas regional body and which has effective political instruments to facilitate peaceful dispute solution.

Resolution is also dependent on the involved nation's willingness to compromise and realize that South China Sea represents an interwoven relationship of political, economic and social interests of all involved countries and the interest of any of these countries would ultimately not be achieved if they persisted in conflict and if they decided to engage in full scale war over the waters of the South China sea.

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