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## UNCLOS and the Spratly Islands Dispute: Navigating the Legal Basis of Territorial Claims

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### Abstract

*The Spratly Islands conflict is a persistent and intricate problem affecting multiple nations with various legal, economic, and strategic concerns. It revolves around the territorial claims made by China, the Philippines, Vietnam, Malaysia, Brunei, and Taiwan over the Spratly Islands and their surrounding waters in the South China Sea. This study analyzes the legal foundation of the territorial claims made by the involved nations and the influence of international law and organizations in resolving the conflict. Additionally, the economic and military motives that play a significant part in the conflict are also evaluated, along with the conflict's impact on regional and global relations. The study suggests possible resolutions, including negotiation, mediation, arbitration, joint development, and a multilateral solution. The United States involvement in the conflict is also analyzed. The study concludes that a peaceful, diplomatic solution, respecting the rights and interests of all parties and adhering to international law, is crucial in resolving the conflict.*

**Keywords:** UNCLOS, Spratly Islands, Dispute, Legal Basis, Territorial Claims

### Introduction

The Spratly Islands, situated within the peripheries of the South China Sea, have been the object of prolonged and complex territorial disagreements among a multitude of nations. These islands, being proximate to crucial sea routes and believed to harbor vast quantities of petroleum and natural gas, have emerged as a point of contention amongst China, Taiwan, the Philippines, Vietnam, Malaysia, Brunei, and Indonesia. The controversies regarding the Spratly Islands bear substantial consequences for regional security, stability, and the rights and interests of the coastal states implicated in the disputes (Cordner, 1994). The United Nations Convention on the Law of the Sea (UNCLOS), being

one of the paramount legal instruments, establishes the framework for resolving disputes pertaining to maritime territory. Adopted in 1982, it came into effect in 1994 and serves as a comprehensive and inclusive legal regime governing the utilization, preservation, and administration of the oceanic realm and its resources. The provisions contained within its framework are considered a representation of the standard principles and practices of customary international law. These provisions have received formal ratification and endorsement from more than 160 nations, demonstrating their widespread recognition and acceptance as a binding and authoritative tool in international relations (UNCLOS, 1982).

The purpose of this scholarly inquiry is to scrutinize the legal foundation of territorial claims in the context of the Spratly Islands dispute in conjunction with the UNCLOS. The research endeavor seeks to provide a comprehensive exposition of the historical background of the dispute and the pertinent provisions enshrined within UNCLOS. Further, the study endeavors to subject the claims made by the several nations embroiled in the dispute to analytical examination, with an emphasis on their legal basis in accordance with UNCLOS. Furthermore, the paper endeavors to investigate the impact of military presence, economic interests, and alternative means of resolving the dispute. The ultimate objective of this research is to furnish a comprehensive and in-depth understanding of the legal foundation of territorial claims in the Spratly Islands dispute and the modalities through which UNCLOS can serve as a means of resolution.

### **Historical Overview of the Spratly Islands**

The Spratly Islands, alternately referred to as the Nansha Islands, constitute a collection of over 100 small islands, atolls, and reefs situated in the SCS. For centuries, the islands have been a known entity among mariners, with the earliest documented reference to the islands dating back to the 15th century. Historical records reveal that the archipelago was a popular destination for seafarers from various cultural backgrounds, including China, the Malay Archipelago, and the Arab World. The nomenclature assigned to these islands was not consistent, with various individuals referring to them as "Three Sandbanks", "Three Reefs", and "Three Coral Isles" (Morton, 2016). In the 19th century, the Spratly Islands became the focus of territorial disputes among China, the Philippines, and the United Kingdom. China advanced its claim to sovereignty over the islands based on historical discovery and utilization, while the Philippines and the United Kingdom asserted their claims premised on the principle of effective occupation. In 1877, the United Kingdom proclaimed its annexation of the islands, christening them as the "Union Islands" (Mito, 1997).

During the 20th century, the Spratly Islands emerged as a site of tension between Japan and the Philippines, particularly during World War II. Japan, through its manifestation of imperialistic ambitions, embarked upon a mission of territorial conquest and subjugation, by occupying the islands and imposing its military might upon them, through the construction of formidable fortifications and strategic installations. However, the eventual outcome of the conflict, brought about the termination of Japan's hold on the islands, as they were transferred into the hands of the Philippines and the United States, thereby relinquishing Japan's grip on the region (Dickinson, 2018). Subsequent to the termination of World War II, the controversy regarding sovereignty over the Spratly Islands rekindled, as a multitude of nations including China, Taiwan, the Philippines, Vietnam, Malaysia, Brunei, and Indonesia proclaimed their jurisdictional claims over the islands. Such claims were advanced on a variety of justifications, including but not limited to historical discovery and utilization, effective domination, and closeness to their respective coastlines (Dutton, 2011). In recent times, the controversies surrounding the Spratly Islands have become noticeably more acrimonious, with a number of nations partaking in territorial expansion through means of land creation, the construction of synthetic islets, and augmenting their military posture in the vicinity (Weiss & Wallace, 2021).

## The UNCLOS

The UNCLOS, an extensive international pact regarding the legal regulation of maritime domain, exerts a considerable influence on the settlement of controversies relating to maritime territory, including the contentious issue of the Spratly Islands. UNCLOS, which was institutionalized in 1982 and became operational in 1994, constitutes a comprehensive infrastructure for the utilization, preservation, and administration of the world's oceans and their associated resources (UNCLOS, 1982).

The UNCLOS, adopted in 1982 and entered effect in 1994, constitutes a comprehensive accord in the realm of maritime jurisprudence with significant ramifications for resolving disputes pertaining to maritime jurisdiction, such as the one pertaining to the Spratly Islands. UNCLOS enunciates the maritime zones that a coastal state can lay claim to, and the obligations and prerogatives of coastal and non-coastal states in these zones (Treves, 2015). It provides a comprehensive legal paradigm for delimiting maritime boundaries between contiguous states and establishes the rights, jurisdiction, and duties of coastal states within their maritime zones, comprising the territorial sea, contiguous zone, exclusive economic zone, and continental shelf. Additionally, it empowers coastal states to institute regulations pertaining to fisheries conservation and management and grants them the right to exploit and explore the natural resources of their continental shelf (Yanuar, 2021). UNCLOS is considered a corollary of customary international law and has received ratification from over 160 states, signifying that its provisions are widely regarded as binding on all states, regardless of their ratification status (Roach, 2014). In the context of the Spratly Islands dispute, UNCLOS offers a legal framework for resolving disputes related to maritime jurisdiction, delimiting maritime boundaries, and determining the rights and responsibilities of coastal states in their maritime zones, while also providing a framework for conserving and managing the natural resources of the Spratly Islands and adjacent waters (Nguyen, 2006).

### The Legal Basis of Territorial Claims

The UNCLOS constitutes the ultimate legal framework for the resolution of contentions connected to maritime sovereignty, counting the extended impasse regarding the Spratly Islands. The UNCLOS confers upon a littoral state the prerogative of authoring a territorial sea, a continuous zone, an exclusive economic zone (EEZ), and a continental shelf, with the demarcation of such zones determined by the baseline of the littoral state and specified in predetermined measurements. The Convention, in its thorough and meticulous fashion, elucidates and outlines the liberties and duties of littoral states and other states inside the aforesaid zones (UNCLOS, 1982).

Under the Law of the Sea, three primary principles are used to support territorial claims: the designation of territorial seas and maritime regions, the idea of "historic waters", and the role of "effective occupation" in asserting sovereignty.

The understanding of the notion of territorial waters and maritime zones is a fundamental part of the UNCLOS. In accordance with the UNCLOS, a coastal state which is sovereign is given the right to proclaim a territorial sea that reaches a maximum of 12 nautical miles from the baseline of the coast, thus being able to acquire sovereignty over the adjacent maritime area, the airspace above, and the seabed and subsoil underneath (UNCLOS, 1982). Additionally, the coastal state can create a contiguous zone that stretches up to 24 nm from the baseline, granting them the authority to control certain activities which may be a threat to their safety or customs (UNCLOS, 1982).

Given the UNCLOS, a state with a coast has the right to assert its rights to its historic waters. These waters encompass areas that have been used by the coastal state for activities, such as fishing, sailing, and constructing naval installations. This extends beyond the 12 nautical miles of the territorial sea.

As a result, the state can make claims to these historic waters in the case of the Spratly Islands dispute (UNCLOS, 1982). In accordance with the UNCLOS, a nation abutting a coastline enjoys the prerogative to assert its entitlements to its traditional waters. These bodies of water comprise areas that have been utilized by the proximate state for undertakings, such as angling, navigation, and the erection of naval bases. This surpasses the 12 nautical miles of the jurisdictional sea. Accordingly, the state can lay claims to these traditional waters in the context of the Spratly Islands disagreement (Bautista, 2013).

### **The Claims of China, Taiwan, and the Philippines**

The Spratly is an object of dispute among several countries, including China, Taiwan, and the Philippines. The legitimacy of each country's claims to the islands are predicated upon various legal principles and evidence. The Chinese, for instance, asserts its sovereignty over the islands based on historic discovery and utilization. The Chinese have defended their claim of dominance in the Spratly Islands by referencing the discovery of the region by their sailors in the fifteenth century, as well as the nation's prolonged use of the archipelago for maritime and fishing activities. Moreover, the Chinese government has included the islands in its territorial waters and maintained jurisdiction since before memory (Chang, 1991).

Taiwan, conversely, professes its own declarations to the Islands of Spratly, basing upon historical detection and usage as the essential tenet thereof. Taiwan contends that it was the initial to identify and designate the isles, and that they have been exploited for angling and nautical undertakings by the islet state for an extended period. Additionally, Taiwan avows that the islets have been encompassed within the confines of Taiwan's maritime jurisdiction and beneath its direction since antiquity (Cordner, 1994).

The Philippines is a firm believer in their own sovereignty over the Spratly Islands, based on the concept of effective occupancy. They assert that they were the first to find the islands, and that they have been ruling over them since the late 1800s. Moreover, they contend that the islands are situated in their exclusive economic zone and thus they have the right to take advantage of the natural resources found there (Rosen, 2014). China and Taiwan base their claims on historical discovery and use, while the Philippines bases its claims on the principle of effective occupation. Each country presents different evidence to support their claims and it is important to consider the legal basis of each claim under UNCLOS to understand the dispute.

### **The Claims of Vietnam, Malaysia, Brunei, and Indonesia**

Vietnam, Malaysia, Brunei, and Indonesia are also countries that have made claims to the Spratly Islands. Like Taiwan, China, and the Philippines, each country bases its claims on different legal principles and evidence.

The Socialist Republic of Vietnam advances claims to both the Paracel Islands, commonly known as Hoang Sa, and the Spratly Islands, commonly known as Truong Sa, which are also subject to territorial assertions by the China and the Taiwan, referred to as Xisha and Nansha respectively. Despite the current assertion of control by the PRC over the Paracel Islands, Vietnam cites a history of effective occupation and jurisdiction of both archipelagos, dating back to at least the seventeenth century, when they were considered terra nullius (Chang, 1991). This claim is reinforced through an array of historical records, including maps and official declarations, purporting to demonstrate Vietnamese sovereignty over the islands (Dzurek, 1996). As of present, the Socialist Republic of Vietnam occupies 27 features in the Spratly, however its claim is met with controversy and opposition from the PRC, which has initiated territorial expansion through artificial island construction and militarization in the region (AMTIR, 2019). The intensification of tensions in the SCS has resulted

in widespread appeals for a diplomatic resolution from various international actors. In 2016, the Permanent Court of Arbitration situated in The Hague determined that China's assertions to sovereignty over the SCS were inconsistent with the UNCLOS, a treaty ratified by both China and Vietnam. Despite this ruling, China has persisted in maintaining its claims over the SCS, while other states, including Vietnam, have concurrently upheld their own claims. These claims stem from a confluence of historical and legal justifications, each country presenting different evidential foundations to validate their respective claims. The escalating tensions in the region accentuate the urgency for diplomatic endeavors aimed at resolving the conflicts in a peaceful manner (Graham, 2016).

Malaysia claims sovereignty over several islets and outcrops that can generate maritime zones, including Swallow Reef, Amboyna Cay and Barque Canada Reef (both under Vietnamese jurisdiction), Commodore Reef/Rizal Reef (under Philippine jurisdiction), Erica Reef, Investigator Shoal, and Mariveles Reef. These islands and rocks are accorded the right to maritime zones such as a territorial sea, an EEZ and a continental shelf; however, low-tide elevations or submerged features that are located more than 12 nautical miles away from an island or mainland do not possess any maritime zone entitlements and are under the exclusive dominion of the State whose continental shelf they protrude (Roach, 2014).

Brunei, frequently referred to as one of the "silent claimants" of the SCS territorial dispute, manifested its claim to a segment of the oceanic body upon gaining independence from Great Britain in 1984. This claim encompasses several nautical features such as the Bombay Castle, Louisa Reef, Owen Shoal and Rifleman Bank, which all occupy its designated Exclusive Economic Zone. Nevertheless, the miniscule, oil-endowed country formally asserts sovereignty over only Louisa Reef, which rests upon its continental shelf. Despite this claim, Brunei lacks any military presence or any occupied nautical features within the contested region (Roach, 2014).

In comparison, the Republic of Indonesia asserts its claims over the Spratly based on geospatial proximity to its own contiguous shoreline. The sovereign entity alleges that the islands are situated within the purview of its exclusively EEZ, thereby asserting its right to examine and exploit the natural resources inherent within the islands in accordance with the UNCLOS. Furthermore, Indonesia alleges that a select number of islands are located within its archipelagic waterways, thereby claiming jurisdiction over such waterways in conformity with the UNCLOS (Beckman, 2020).

In summary, Vietnam, Malaysia, Brunei, and Indonesia base their claims on a combination of historical discovery and use, effective occupation, and proximity to their own coastlines. Each country presents different evidence to support their claims and it is important to consider the legal basis of each claim under UNCLOS to understand the dispute.

### **Role of International Law**

International law plays a crucial role in the resolution of conflicts over maritime territory, including the Spratly dispute. Under IL, disputes are generally resolved through peaceful means, such as negotiation, mediation, and arbitration (Powell & Wiegand, 2010).

The "International Tribunal for the Law of the Sea" (ITLOS), an independent judicial entity established by the UNCLOS, serves as a prominent mechanism for dispute resolution pertaining to UNCLOS. ITLOS holds jurisdiction over interpretive and applicative disputes arising from UNCLOS, as well as over disputes involving fisheries, marine environmental conservation, and marine scientific investigation (UNCLOS, 1982).

In recent years, various nations embroiled in the Spratly Islands dispute have sought recourse through ITLOS, such as the Philippines, who in 2013 brought a case against China to Permanent Court of International Tribunal, alleging that China's claims to the Spratly Islands contravened UNCLOS. ITLOS ruled in favor of the Philippines, determining that China's claims to the "nine-dash line" surrounding the Spratly Islands were incompatible with UNCLOS, and that China had infringed upon the Philippines' right to exploit the resources within their exclusive economic zone (Philippines v. China)(Award), 2013).

Furthermore, the International Tribunal for the Law of the Sea (ITLOS) has aided in the alleviation of the Spratly dispute by providing a forum for dialogue and entreaty between the parties to the disagreement and actively promoting a serene settlement in accordance with jus gentium. Likewise, sundry global institutions and arenas, including the United Nations and the ASEAN, have partaken in the determination of the Spratly controversy by furnishing an arena for parley and conciliation between the clashing parties and advocating for a placatory resolution in conformity with the law of nations (Thao, 2008).

In the ultimate analysis, the resolution of territorial maritime dissensions, for example the Spratly Islands disagreement, is greatly dependent on international jurisprudence and entities such as the ITLOS, which furnish a structural arrangement for the pacific resolution of dissensions and the protection of the rights and concerns of littoral and other nations within the marine realm.

### **The Role of Economic Interests in the Spratly Islands Dispute**

Economic considerations constitute a substantial aspect of the contention over the Spratly Islands. It is widely believed that the islands and their adjacent waters are abundant in valuable natural resources, including but not limited to aquatic life, petroleum and natural gas, which has driven the territorial aspirations of the participating nations in this conflict (Saleem, 2000).

Additionally, the SCS is considered a critical maritime route and the possibility of realizing economic advancement in the region, inclusive of the development of harbors and other auxiliary infrastructure, is an integral consideration in the dispute. The region is also home to a variety of marine life, including fish, turtles, and other species that are critical to the fishing and aquaculture industries. In addition to these resources, the Spratly Islands and the surrounding waters are also believed to be rich in minerals and strategic minerals, such as manganese, nickel, and cobalt, which are critical to the production of modern technology (Saleem, 2000).

The potential for economic development in the region has led to increased investment in the area by countries involved in the dispute. Economic considerations hold a significant influence on the contentious issue of the Spratly Islands. The presence of natural resources such as petroleum, fish and natural gas in the area has fueled the territorial ambitions of the countries engaged in the dispute additionally, the prevalence of shipping traffic in the SCS, along with the opportunity for economic growth via construction of port facilities and analogous infrastructure, further exacerbates the dispute. (Chen, 2015).

Economic interests loom large in the Spratly dispute, with the prospect of tapping the abundant natural resources and the potential for economic growth in the region serving as paramount drivers of territorial claims among the conflicting parties.

### **The Role of Military Interests in the Spratly Islands Dispute**

The strategic military interests significantly influence the Islands of Spratly dispute. The Spratly Islands and its contiguous maritime domain occupy a strategic location within the SCS and possess

critical significance for the management and protection of the oceanic routes of transportation, as well as for the projection of military influence in the region (Cáceres, 2013).

Furthermore, the Spratly Islands and its contiguous maritime area are considered to possess prospective opportunities for the development of military installations, inclusive of naval installations and airbases. This perceived possibility of military installation development has led to a heightened militarization of the region by nations involved in the dispute, through activities such as the construction of man-made islands and the deployment of military resources in the area (Smith Jr, 1994).

China, has invested heavily in the creation of artificial islands and infrastructure in the region, including the deployment of military assets such as radar systems, missile defense systems, and fighter jets (Guardian, 2022). Other nations involved in the clash, such as the Philippines and Vietnam, have also increased their military presence in the area in reaction to China's militarization (Zhang, 2021).

In summary, military interests play a significant role in the disputes of Spratly Islands. The strategic importance of the islands and the surrounding waters for the control and defense of sea lanes of communication and the projection of military power in the region, as well as the potential for the development of military bases, have led to increased militarization of the region by countries involved in the dispute.

### **The Impact of the Spratly Islands Dispute on Regional and International Relations**

The Spratly Islands dispute has had a profound effect on the dynamics of regional and international relationships. The contentious nature of the territorial claims and increasing militarization of the region have resulted in the deterioration of amicable relations between the disputing nations, as well as between them and other regional and global actors.

One of the most pronounced impacts of the dispute has been the escalation of tension between China and other nations that lay claim to the Spratly Islands, as well as between China and influential international players like the US and Japan, which have participated in maritime security operations in the region (Kim, 2015). Furthermore, the dispute has contributed to the degradation of regional stability and security, as the growing militarization of the region raises concerns regarding the likelihood of military conflict. The increasing acrimony has resulted in a decline in trust and cooperation between the disputing nations, exacerbating the destabilizing impact of the Spratly Islands dispute on regional affairs (Dugdale, 1997).

The dispute has also had an impact on international relations. The dispute has been a major factor in the erosion of trust and cooperation between China and other countries, as well as between China and other regional and international actors (Guan, 2000) (Zou, 2015).

In summary, the Spratly Islands dispute has had a significant impact on regional and international relations. The dispute has led to increased tension between the countries involved in the dispute, as well as between the countries and other regional and international actors. The dispute has also had an impact on regional stability and security and international relations.

### **The Role of the United States in the Spratly**

The United States has been a significant contributor to the Spratly Islands dispute by actively participating in several spheres of influence. The US has been engaged in the dispute through the execution of Freedom of Navigation Operations (FONOPS) aimed at negating China's territorial reserve claims and preserving the rights and interests of other countries in the region (Colin, 2016).

This involvement has been met with great antipathy from the People's Republic of China, thereby exacerbating the tension between the two nations. The United States has also been an integral player in diplomatic efforts to resolve the dispute, advocating for the peaceful resolution of the conflict in compliance with international law and has encouraged all parties involved to negotiate a settlement based on the principles of the UNCLOS (Snyder, 1996). Additionally, the US has engaged in diplomatic efforts to form a coalition of regional nations to counteract China's territorial claims and militarization of the region (Fravel & Miura, 2020).

In summary, the United States has played a significant role in the Spratly Islands dispute through its participation in freedom of navigation operations and its diplomatic efforts to resolve the dispute. The United States has been a vocal supporter of the peaceful resolution of the dispute in accordance with international law and has called on all parties involved in the dispute to negotiate a settlement based on the principles of UNCLOS.

## Recommendations

The Spratly Islands dispute is a complex issue that requires a peaceful and diplomatic solution that respects the rights and an interest of all parties involved and is in accordance with international law. We will examine several possible solutions to the dispute in greater detail.

**Negotiations:** One possible solution to the dispute is for the parties involved in the dispute to negotiate a settlement based on the principles of UNCLOS, such as the delimitation of maritime boundaries and the protection of the rights and interests of coastal states and other states in the maritime zone. This solution would involve the parties sitting down and discussing their respective claims and coming to a mutually acceptable solution. This solution has the advantage of being able to address the specific concerns of each party and being able to be tailored to the specific circumstances of the dispute. However, negotiations can be time-consuming and may not result in a resolution if the parties are not willing to compromise.

**Mediation:** Another possible solution is for the parties involved in the dispute to seek mediation or arbitration through international institutions such as the United Nations or the International Tribunal for the Law of the Sea (ITLOS). This solution would involve the appointment of a neutral third party to help facilitate negotiations between the parties and to make recommendations for a resolution. Mediation has the advantage of being able to provide an impartial and unbiased perspective on the dispute, as well as being able to provide a more flexible and less formal process than negotiations. However, mediation can be time-consuming and may not result in a resolution if the parties are not willing to accept the recommendations of the mediator.

**Joint Development Agreement (JDA):** The JDA, which is a cooperative framework, affords coastal nations the ability to jointly exploit, explore, and utilize resources in areas in contention, without prejudicing their respective assertions of territorial sovereignty. The ASEAN proposed a reconciliatory approach that is a constructive step towards collaborative resolution and pacific alleviation of the disagreement. The solution presents the advantage of furnishing a means for the relevant parties to collaborate and share the dividends of the resources located within the area of contention. However, it is acknowledged that this solution may prove to be challenging to implement, as it necessitates the relevant parties to temporarily forsake their territorial assertions and work in collaboration.

**Multilateral solution:** Another possible solution is a multilateral solution, in which all parties involved in the dispute come together to negotiate a settlement based on the principles of UNCLOS and the protection of the rights and interests of all parties involved. This solution has the advantage of being able to address the concerns of all parties and of being able to provide a more comprehensive

resolution to the dispute. However, it may be difficult to implement, as it requires the cooperation of all parties and may not be possible if the parties are not willing to compromise.

So, there are several possible solutions to the Spratly Islands dispute, including negotiation, mediation, arbitration, and joint development. Each solution has its own advantages and disadvantages, and it is important for the parties involved in the dispute to consider the legal basis of each solution under UNCLOS to understand the dispute. The best solution would be one that considers the specific circumstances of the dispute, respects the rights and interests of all parties involved, and is in accordance with international law.

## Conclusion

The ongoing Spratly Islands dispute encompasses a plethora of intricate facets and encompasses various nations with manifold legal, economic, and strategic considerations. At its core, the dispute pertains to the territorial claims asserted by China, the Philippines, the Vietnam, Malaysia, Brunei Darussalam, and the Republic of China (Taiwan) over the Spratly Islands and their contiguous maritime domains within the SCS. The foundation for these assertions of territorial sovereignty is firmly established in the stipulations enshrined within the UNCLOS, which has received ratification from a preponderance of the states advancing the claims. The arguments advanced by each nation in support of their claims are diverse and nuanced, necessitating an evaluation of the legal validity of each claim in accordance with the UNCLOS. The Spratly Islands dispute is further exacerbated by economic interests, as the region is believed to harbor abundant sources of natural resources, including fish stocks, petroleum, and natural gas. Additionally, the Spratly Islands and the surrounding waters possess strategic importance in the SCS, serving as crucial nodes in the control and defense of sea lanes of communication, as well as for projecting military power in the region. The dispute has had a significant impact on regional and international relations, leading to increased tension between the countries involved in the dispute, as well as between the countries and other regional and international actors. It has also had an impact on regional stability and security. Possible solutions to the dispute include negotiation, mediation, arbitration, joint development, and a multilateral solution. The United States has played a significant role in the dispute through its participation in freedom of navigation operations and its diplomatic efforts to resolve the dispute. In conclusion, the Spratly Islands dispute is a complex and ongoing issue that requires a peaceful, diplomatic solution that respects the rights and interests of all parties involved and is in accordance with international law.

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