

Controversies over Islands Sovereignty and Maritime Boundary Delimitation in the South China Sea: Problems, Arguments, and Possible Solutions

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Abstract

South China Sea is a semi-closed sea surrounded by Taiwan, China, Vietnam, Malaysia, Singapore, Indonesia, Brunei, and the Philippines. Because of its important geographic locations and rich resources like fisheries, oil, gas, and carbon hydrate, the South China Sea is one of the hottest dispute spots in the Asia.

Sovereignty disputes of islands (especially the Spratly Islands) and the disputes of maritime boundary delimitation are two major controversies in the South China Sea. The problems emerged from the two controversies include who has the sovereignty over the islands in the South China Sea (and on what basis)? What is the legal status of the islands in the South China Sea under international law? What kind of maritime zones they are eligible to claim? What are the major elements that will affect the results of the delimitation in semi-closed seas? And what are the possible solutions for those countries to solve the controversies?

The research objectives are to understand the legal basis that a country can claim the sovereignty over islands, the definition of islands under the international law and customary practice, and the influence of islands, rocks, and reefs in the maritime boundary delimitation. Meanwhile, this research also tries to figure out the elements of maritime boundary delimitation in semi-closed seas, analyze the basic concepts and key elements in each possible dispute solution, and provide possible policy recommendations lastly.

The research methodology includes the document analysis and case study, which are the traditional social science research tools. By collection the related international legal instruments, ICJ judgments, cases/ treaties related to the maritime boundary delimitation in the semi-closed seas, and cases related to islands disputes, the anticipated results of this research are to summarize all the results from this study to structure a model or matrix as a checklist or guidance for each State in this area to choose its best solution, and provide possible policy recommendations for the best solution in the dispute