

6. South China Sea Dispute

Prelims Syllabus: Places in News

Mains Syllabus: GS-II Effect of policies and politics of developed and developing countries on India's Interests, Indian Diaspora.

Why in News?

- In the middle of the global coronavirus pandemic, China has been busy increasing its presence in the South China Sea.

What's the Issue Now?

- The focus this time is on two disputed archipelagos of the **Spratly Islands and the Paracel Islands** in the middle of the South China Sea waters, between the territory of Vietnam and the Philippines.
- Beijing unilaterally renamed 80 islands and other geographical features in the area, drawing criticism from neighbouring countries who have also laid claim to the same territory.

What is the Spratly Islands Dispute About?

- The on-going territorial dispute is between China, Taiwan, Vietnam, the Philippines, and Malaysia concerning the ownership of the Spratly Islands archipelago and nearby geographical features like corals reefs, cays etc.
- Brunei has contained its objections to the use of its maritime waters for Commercial fishing.
- The islands may have large reserves of untapped Natural Resources including Oil.

What is the Paracel Islands Dispute about?

- Located in the South China Sea, almost equidistant from China and Vietnam.
- Beijing says that references to the Paracel Islands as a part of China sovereign territory can be found in 14th century writings from the Song Dynasty.
- Vietnam on the other hand, says that historical texts from at least the 15th century show that the islands were a part of its territory.
- With increased tensions accelerated by Colonial powers, China and Vietnam fought over their territorial disputes in January 1974 after which China took over control of the islands.
- In retaliation, in 1982, Vietnam said it had extended its administrative powers over these islands.

- In 1999, Taiwan jumped into the fray laying its claim over the entire archipelago.
- Since 2012, China, Taiwan and Vietnam have attempted to reinforce their claims on the territory by engaging in construction of government administrative buildings, tourism, and land reclamation initiatives and by establishing and expanding military presence on the archipelago.



What does UNCLOS Says?

- **United Nation Convention on the Laws of the Sea** defines the rights, responsibilities of nations with respect to their use of world's oceans, establishing guidelines for businesses, environment, and the management of marine natural resources.
- UNCLOS is the only international convention which stipulates a framework for state jurisdiction in maritime spaces. It provides a different legal status to different maritime zones.
- It provides the backbone for offshore governance by coastal states and those navigating the oceans. It not only zones coastal states' offshore areas but also provides specific guidance for states' rights and responsibilities in the five concentric zones.

What are the various Maritime Zones?

- **Baseline:** It is the low-water line along the coast as officially recognized by the coastal state.
- **Internal Waters:** Internal waters are waters on the landward side of the baseline from which the breadth of the territorial sea is measured.

- ✓ Each coastal state has full sovereignty over its internal waters as like its land territory. Examples of internal waters include bays, ports, inlets, rivers and even lakes that are connected to the sea.
- ✓ There is no right of innocent passage through internal waters.
- ✓ The innocent passage refers to the passing through the waters which are not prejudicial to peace and security. However, the nations have the right to suspend the same.
- **Territorial Sea:** The territorial sea extends seaward up to 12 nautical miles (nm) from its baselines.
 - ✓ A nautical mile is based on the circumference of the earth and is equal to one minute of latitude. It is slightly more than a land measured mile (1 nautical mile = 1.1508 land miles or 1.85 km).
 - ✓ The coastal states have sovereignty and jurisdiction over the territorial sea. These rights extend not only on the surface but also to the seabed, subsoil, and even airspace.
 - ✓ But the coastal states' rights are limited by the innocent passage through the territorial sea.
- **Contiguous Zone:** The contiguous zone extends seaward up to 24 nm from its baselines.
 - ✓ It is an intermediary zone between the territorial sea and the high seas.
 - ✓ The coastal state has the right to both prevent and punish infringement of fiscal, immigration, sanitary, and customs laws within its territory and territorial sea.
 - ✓ Unlike the territorial sea, the contiguous zone only gives jurisdiction to a state on the ocean's surface and floor. It does not provide air and space rights.
- **Exclusive Economic Zone (EEZ):** Each coastal State may claim an EEZ beyond and adjacent to its territorial sea that extends seaward up to 200 nm from its baselines.
 - ✓ Within its EEZ, a coastal state has:
 - ✓ Sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, whether living or non-living, of the seabed and subsoil.
 - ✓ Rights to carry out activities like the production of energy from the water, currents and wind.
 - ✓ Unlike the territorial sea and the contiguous zone, the EEZ only allows for the above-mentioned resource rights. It does not give a coastal state the right to prohibit or limit freedom of navigation or over flight, subject to very limited exceptions.

- **High Seas:** The ocean surface and the water column beyond the EEZ are referred to as the high seas.
 - ✓ It is considered as “the common heritage of all mankind” and is beyond any national jurisdiction.
 - ✓ States can conduct activities in these areas as long as they are for peaceful purposes, such as transit, marine science, and undersea exploration.

