

In the process of seeking measures to the disputes in the South China Sea, UNCLOS 1982 and the related international legal documents are the creditable legal basis despite their drawbacks. Therefore, the reality approaches are crucial. First, the following article analyzes the pros and cons of taking UNCLOS as the legal basis.



On the one hand, the drawbacks are the lack of dispute terms and the strictness of binding regulations. On the other hand, the advantages were the regulations that the stakeholders could implement to lay legal basis for cooperation and other legal tools that could be used as legal basis in seeking measures to disputes in the South China Sea. Second, the article highlights the importance of geo-political factors and the powers' relation in proposing the reality approaches. Geo-political factors are the issues related to national territories, natural resources, power division and legacy from the World War II and the Cold War. At the moment, the US and China hold different basic views of that China wants to claim its sovereignty over the South China Sea. Thus, with the characteristics of the issue, we should take these reality approaches as follow: (1) We should mainly rely on our own ability as well as the international support. (2) The dispute resolution should be put in the context of relations of Vietnam, China, the US and ASEAN. (3) The noble approach should be proposed to be appropriate to the current situation. (4) While we avoid military battle, we will actively response to the possible invasion situations.

## *ABSTRACT*