Conflict Resolution in the South China Sea – An Overview of Progress Made and of Remaining Challenges

Ramses Amer and Nguyen Hong Thao

Structure

- Purpose and structure
- Conflict resolution and dispute settlement
- Conflict resolution and dispute settlement in the South China Sea
- Conclusions

Conflict resolution and dispute settlement

- Defining conflict resolution
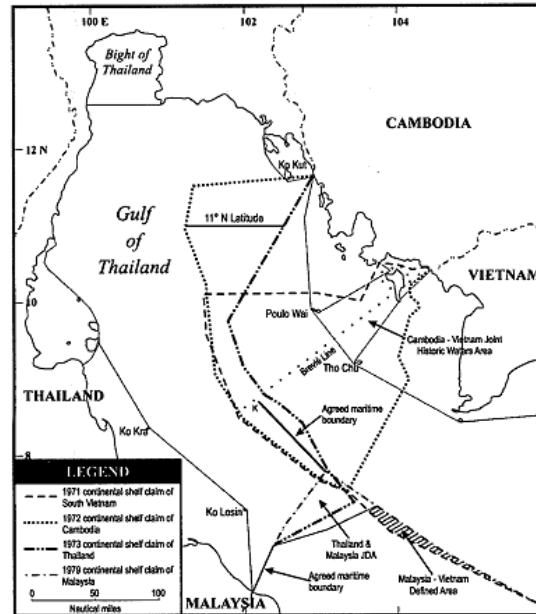- Conflict resolution and conflict management

- Defining dispute settlement
- The Charter of the United Nations
- UNCLOS

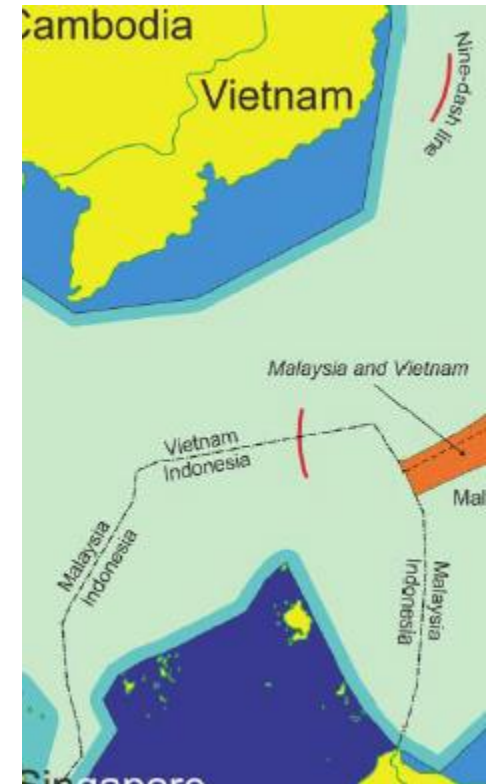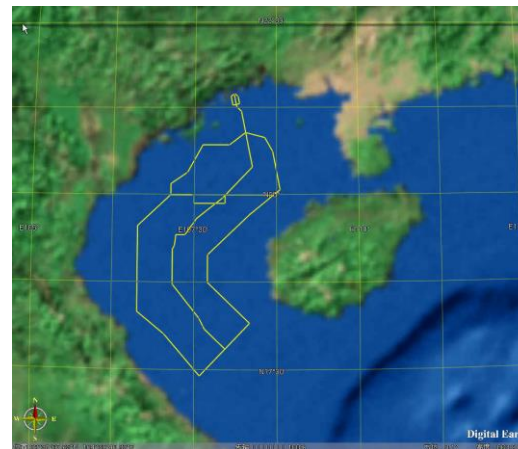# Conflict resolution and dispute settlement in the SCS (1)

- Negotiated agreements
- Two main periods, first from the late 1960 to late 1970s and second in the post Cold War Era
- Analysis of cases from the second period

Conflict resolution and dispute settlement in the SCS (2)

- Negotiated settlement cases

➢ Thailand/Vietnam (1997)

➢ China/Vietnam (2000)

➢ Indonesia/Viet-nam (2003)


Source: Andi Arsana.

Conflict resolution and dispute settlement in the SCS (3)

- International jurisprudence

- Two cases relating to disputes sovereignty over insular features brought to the IJC

- Case concerning sovereignty over Pulau Ligitan and Pulau Sipadan (2002)

- Case concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (2008)

Conflict resolution and dispute settlement in the SCS (4)

- Managing the unsettled disputes
- ➢ Claims and disputes situations
- ➢ Approaches to management

→Bilateral

→Trilateral

→Regional
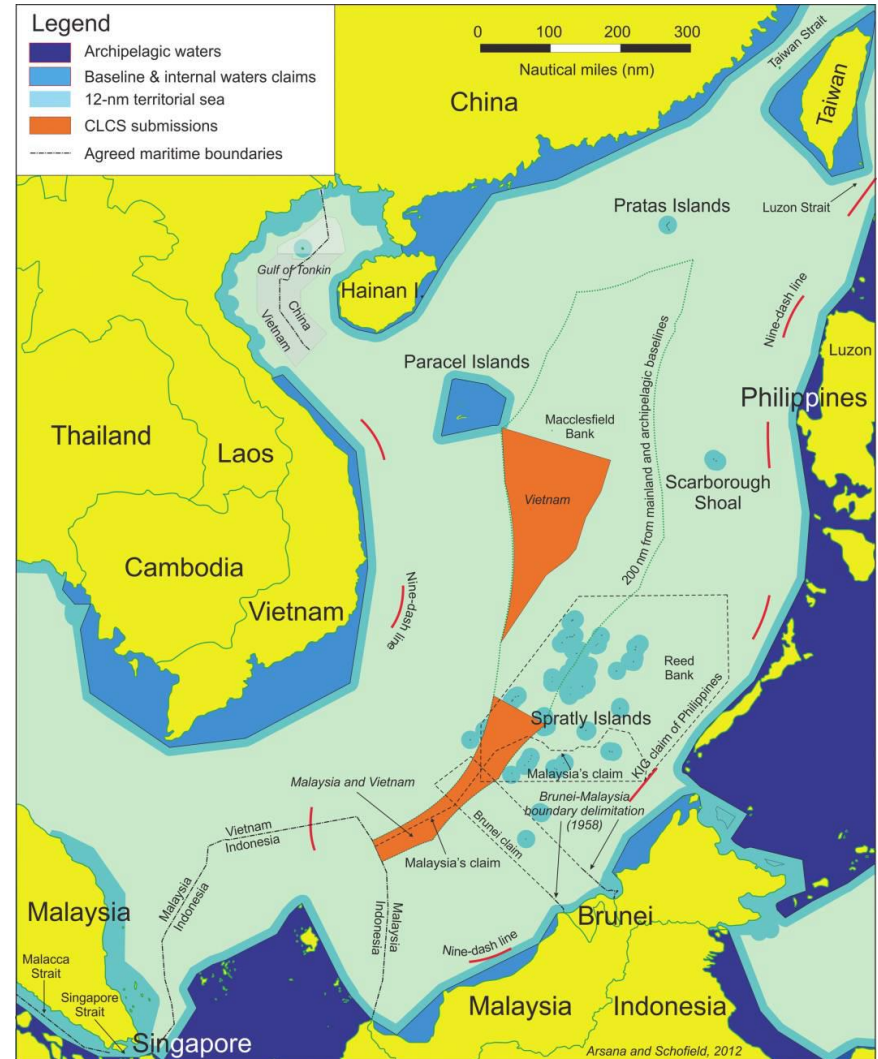
Conclusions

- Considerable progress made in the Gulf of Tonkin and in the Gulf of Thailand

- More progress made in settling bilateral disputes as compared to disputes involving several parties

- Preference to use direct negotiations to deal with disputes invloving two parties

- Regional initiatives, e.g. ASEAN-China position, but re-occurring periods of tension between major claimants are cause for concern