

Mitigations and Solutions for The South China Sea Dispute

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Overview

- Background
- Bilateral Mechanism
- Multilateral Mechanism
- First Track Diplomacy (ASEAN and Sino-ASEAN mechanism)
- Second Track Diplomacy(South China Sea Workshop)
- Other Solutions
- Joint-devolopment
- International Courts

Background

- South China Sea Disputes-six country involved, Asia's Cauldron?
- Solutions? Mitigation Measures?
- Analysis from the perspective of Regime to discuss the mitigation measures and solutions for the South China Sea dispute.

Bilateral Mechanism

- Two parties strengthen cooperation and promote mutual trust and common interests through dialogue, negotiation, treaty-making and other forms of joint statement, in order to identify and seek solutions for the boundary waters and the sovereignty of both sides.
- If two countries both have common intention to mitigate the problem, bilateral approach indeed can produce more relieving effect, and even reach a final settlement.
- China is strongly emphasizing the need to solve the conflict in South China Sea through bilateral approach.

Bilateral Mechanism

- Example:
- China and Vietnam, China and Philippines, Philippines and Vietnam
- Malaysia and Philippines, Malaysia and Vietnam, Malaysia and China

Bilateral Mechanism

- Inadequacies of the Mechanism:
 - The development of bilateral forms of conduct does not guarantee that both sides will exercise restraint in the disputed region, and will thus cause tension and deterioration of bilateral relations.
 - Bilateral approach does not accord with the actual situation of the South China Sea disputes, since in many disputed areas there are more than two countries making demands related to sovereignty and rights.

Multilateral Mechanism

- More than two countries negotiate the issue of territorial sovereignty regarding South China Sea disputes.
- This mechanism is more suitable for the actual situation in the South China Sea disputes, and is most likely to reach a fair solution.
- Two Forms: First Track Diplomacy and Second Track Diplomacy.

First Track Diplomacy

- National leaders or heads of government resort to the method of diplomatic consultation and dialogue through some formal diplomatic occasions.
- On the South China Sea issue, First Track Diplomacy is mainly based on the consensuses that are reached among ASEAN countries, while also involves the main party of the South China Sea issue-China.

First Track Diplomacy

ASEAN(Association of Southeast Asian Nations)

- the aims and purposes of ASEAN are to accelerate the economic growth, social progress and cultural development in the region, to promote regional peace and also active collaboration and mutual assistance on matters of common interest.
- ASEAN Declaration On the South China Sea(1992)
 - to resolve the disputes by peaceful means, urge all parties concerned to exercise restraint, to apply the principles contained in the Treaty of Amity and Cooperation in Southeast Asia, establishing a code of international conduct over the South China Sea.

First Track Diplomacy

Sino-ASEAN Cooperation Mechanism(10+1)

- Mainly discuss the political and economic ties between ASEAN and China , which of course include the issues of South China Sea.
 - Declaration on the Conduct of Parties in the South China Sea
- reaffirm their commitment to the purposes and principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, and the Five Principles of Peaceful Coexistence.

First Track Diplomacy

Declaration on the Conduct of Parties in the South China Sea

- building trust and confidence
- freedom of navigation in and over flight above the South China Sea
- resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force
- undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability
- undertake to intensify efforts to seek ways, in the spirit of cooperation and understanding, to build trust and confidence between and among them
- explore or undertake cooperative activities

First Track Diplomacy

Evaluation of the Declaration on the Conduct of Parties in the South China Sea

- Every party stop the behavior of occupying new islands in the South China Sea.
- The stepping stone of Code of Conduct in the South China Sea.
- No binding force
- The Signing of the Declaration has some flaw from the viewpoint of international Law.

Second Track Diplomacy

- A special diplomatic channel between government officials and non-governmental figures.
- Including retired government officials, scholars, and experts who have close ties with the government.

Second Track Diplomacy

South China Sea Workshop

—— not intended to solve territorial disputes among the various claimants,

but aimed to achieve three things:

- (1) Devising cooperative programs, in which all participants can take part, so that the parties can learn the value of cooperation in view of their proneness to confrontation in the past.
- (2) Promoting dialogue among the directly concerned parties so that they could find solutions to their problems.
- (3) Developing confidence-building processes so that every party would feel comfortable with one another.

Second Track Diplomacy

- Some lessons learned

Technical cooperation is relatively easier to achieve than the redistribution of natural resources, and even more difficult are the territorial sovereignty and jurisdictional issues.

- Achievement

Work out a number of cooperative engagements, such as biodiversity expedition, monitoring of the rise in sea level and of the ocean environment.

Also, the program called South East Asia Network for Education and Training (SEA-NET) is being jointly implemented.

Others solutions

- Joint-Development
- Submission of the case to the international court as a last resort to the disputes



THANKS!!