



China's Irrational Claims in the South China Sea

Tran Ngoc Giap

Master in International Relations
East Sea research specialist

420 Khuong Dinh Street, Thanh Xuan District, Hanoi City, Việt Nam.

thanhminh7589@yahoo.com

Abstract. Reality shows that China's unreasonable sovereignty claims in the South China Sea have surpassed the framework of the international legal system, international law of the sea, international practices, especially serious violations. sovereignty, sovereignty, jurisdiction of the states in the South China Sea. Since 1949, China has made moves to expand the living space towards the sea, from then until now consecutively issued many policies, laws and implemented a series of activities in the field, seriously violating to respect the sovereignty, sovereignty rights and jurisdiction of the countries along the East Sea, making the regional security situation increasingly tense and complicated. There are seven unreasonable claims of China in the South China Sea.

To cite this article

[Giap, T. N. (2021). China's Irrational Claims in the South China Sea. *The Journal of Middle East and North Africa Sciences*, 7(05), 18-19]. (P-ISSN 2412- 9763) - (e-ISSN 2412-8937). www.jomenas.org. 4

Keywords: Claims, sovereignty, irrationality, China, South China Sea.

The straight baseline was declared by China in 1996 to be illegal, seriously violating the State's sovereignty over the Hoang Sa archipelago, contrary to the provisions of international law, international sea law. on how to set the baseline to calculate the territorial sea width. This is a statement contrary to modern international maritime law, specifically the United Nations Convention on the Law of the Sea 1982. Because China is a continental state, not an archipelagic state, so China is not entitled to draw baselines on archipelagos of the sea. China drew a straight baseline in the Hoang Sa archipelago under Vietnamese sovereignty, both contrary to international maritime law and seriously violating the sovereignty of the State of Vietnam.

In 1996, China declared two sets of straight baselines, one along its mainland coast and the other around the disputed Paracel Islands with Vietnam. In 2012, China continued to establish straight baselines around some of the disputed Senkaku Islands with Japan. However, China, as a Continent State, cannot establish archipelagic baselines around any group of islands it claims. At the same time a straight baseline can only be used in limited circumstances and much of China's mainland coast does not meet these special geographic requirements (Nguyen Hong Thao 2009).

Excessive internal water claims for an internal water area that is too wide, deviating far from the coast, contrary to international maritime law and international custom on the establishment of maritime zones under the provisions of the United Nations Convention on Law of the Sea 1982-

UNCLOS. China declared the Bohai Strait and the Hainan Strait, also known as the Quỳnh Châu Strait, as internal waters based on historical rights. However, the reality is that Bohai is not listed on the list of qualified historical bays, and both the United States and Great Britain oppose this claim in 1958. At the same time, the Hainan Strait is listed as a major strait in the UNCLOS 27 standards and eligibility sets is the strait used for international navigation, where the right of transit applies, so it cannot be considered the internal waters of China either.

The unlawful of requiring permission before conducting harmless passage in territorial sea, while international sea law stipulates that ships of states have the right to harmless passage in territorial sea. coastal country, island country, archipelago. China's territorial sea law requires foreign warships and service vessels to obtain permission before conducting harmless passage in the territorial sea. This requirement is inconsistent with the harmless passage provisions of UNCLOS, applicable to ships of all countries (Nguyen Ba Dien, Nguyen Hung Cuong 2012).

Illegal jurisdiction over security in the contiguous area, this is a content that complicates the region and the world, especially ships passing through the South China Sea. China claims a 12 nm contiguous zone bordering its territorial sea. In this region, China claims to have authority to prevent and punish violations of security, customs, fiscal, sanitation, or immigration control laws and regulations within the mainland or internal territories. waters or territorial sea. UNCLOS has made it very clear

in this regard, that the jurisdiction of the coastal State in the contiguous area is limited to the scope of control necessary to prevent or punish violations of laws and regulations. customs, finance, immigration or sanitation in that country's territory or territorial sea. China's purposeful claim to exercise jurisdiction over its contiguous zone is a violation of international law.

Illegal Restrictions on Military Activities in the Exclusive Economic Zone - EEZ. China believes that naval ships only enjoy freedom of navigation in the high seas. In the exclusive economic zone, warships enjoy more limited rights to peaceful navigation. Therefore, when operating in the EEZ, China asserted that US warships must not engage in military activities and must take into account China's security interests. In the spirit of UNCLOS and the history of international negotiations, China has denied the position of China and affirmed the long-standing practice that all states have absolute right under international law to conduct appropriate military operations. in accordance with Article 2 (4) of the Charter of the United Nations outside the territorial sea of another country.

Air defense identification area, this is a complicated issue, the international community is closely monitoring China's move in the South China Sea. In November 2013, China established an ADIZ on much of the East China Sea. All aircraft entering this area must submit flight plans and maintain communications with the Chinese authorities, operate radar transmitters and be clearly marked with their nationality and relevant documents. Aircraft that fail to cooperate with identification procedures or follow the instructions of Chinese authorities will be subject to unspecified defensive emergency measures. Beijing's application of its ADIZ rules to aircraft that do not intend to enter Chinese national airspace is inconsistent with international law. Aircraft of all countries are guaranteed freedom of flight in international airspace facing the sea of territorial sea.

Claim unreasonable sovereignty through the nine-dash line and claim the Sàsha. Many countries have invoked the Arbitral Tribunal's ruling on the Philippines' lawsuit against China in the South China Sea in 2016 to reject China's claim to the waters within the nine-dash line.

Many countries including the United States also affirmed this landmark ruling completely rejected China's claims and excessive activities in the South China Sea, and set the death knell for the infamous nine-dashed road. of China and China's coercive behavior towards other sovereign parties in the South China Sea. Beijing's refusal to comply with the Arbitral Tribunal's ruling simply reaffirms China's disregard for the international rules-based legal order, which directly contributed to the development. and unprecedented prosperity in the Asia-Pacific region.

3. Conclusion

China's unreasonable claims to the South China Sea seriously violate the sovereignty, sovereignty rights and jurisdiction of a number of countries in the South China Sea, contrary to the provisions of modern international sea law. UNCLOS, at the same time, affects the interests and strategic competition of a number of major countries. Over the past time, China's irrational claims in the South China Sea have been strongly opposed by coastal countries and countries with related interests and condemned by international public opinion. Therefore, for the South China Sea to become a peaceful and stable region, it depends on China's decisions and actions in the South China Sea in the spirit of respect and compliance with international law./.

Corresponding Author:

Nguyen Thanh Minh, Ph.D.

Vietnam Coast Guard, Km 6 Dai Lo Thang Long, Tay Mo Ward, Nam Tu Liem District, Hanoi City, Vietnam

E-mail : thanhminh7589@yahoo.com

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Received March 19, 2021; reviewed April 01, 2021; accepted April 19, 2021; published online May 01, 2021