



China's Broken Down The Reality Of East Sea: Analyze From International Law

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Abstract: China's actions in the East Sea're a serious violation of Vietnam's territorial sovereignty and international law. This paper show that analyzes the following basic contents: (i) The geographical status of the East Sea according to international law; (ii) Active break the status quo of China's East Sea; (iii) China's actions violate sovereignty of the State's Vietnam; (iv) Analyze from International law to public.

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1. Introduction

Recently, the international communities have deeply concerned about China's expansion artificial islands illegally occupied East Sea with unprecedented speed and scale, lead to changes in status quo of seven regional geographical entities in the Spratly Islands belong to State's Vietnam. How do international law and practice prescribe the status quo? What's China carried out renovation activities? What do the accretion and expansion of artificial islands violate the provisions of international law? How does this behavior threaten the marine environment? How 've international communities to say based on analyzing international law? This article will analyze and clarify the issues.

2. The Contents' Research

2.1. Goal's research:

East Sea 's strategically important sea in the political economy of Southeast Asia, so that the goal's research's: (i) Analyze and evaluate the status quo's East Sea in current context; (ii) Condemning violations of territorial sovereignty Vietnam and the provisions of international laws of China.

2.2. Methods' research:

With research methodology, aggregate and analyze the document, the author has generalized the East Sea situation in the current context. Combined with the methodology for expert advice, regional and international learning methods to analyze actions violate international law and the international communities to condemn China's actions.

2.3. The Result's Research

2.3.1. Geographic status quo under international law and practice

International law and practice, as well as international treaties, often apply the principles of the status quo 's quite popular with the aim to create a favorable environment to resolve disputes between the parties as a temporary solution, intermediate and realistic. Under international law, the principle of status quo 's applied to territory have a real dispute and in the process of negotiating, pending final judgment of the international court for the sovereignty of that territory, and the subject of international law, the court agreed to submit to arbitration. However, in the current context, how to understand and apply this principle is still quite complex issues, there exist different perceptions, disagreements, conflicts concept intact. Especially sensitive political and legal relationships related to issues of territorial sovereignty disputes between countries particularly issues island sovereignty dispute.

In 2002, ASEAN and China signed the Joint Declaration on the Conduct of Parties in the East Sea (DOC) which refers to the issue of status quo. Article 5 of the DOC stipulates: *The parties responsible for exercising restraint in the execution of the activities may complicate or escalate the dispute, affect peace and stability, refrain from taking people to live on uninhabited islands, on reefs, shoals, islets and other geographic entities; simultaneously to handle differences in a constructive way.* Article 6 of the DOC requires: *While waiting for a comprehensive and sustained settlement of disputes, stakeholders can search or carry out cooperative activities. Modality, size, and location, especially bilateral and multilateral cooperation*

need to be discussed by stakeholders before actual implementation (United Nations, 2018a).

Accordingly, the content of the parties is responsible for exercising restraint in the implementation of the activities may complicate or escalate disputes and affect peace and stability essentially just a general political nature and there aren't specific criteria for quantifying the activities, it can complicate or escalate disputes. Therefore, China often resorted to this content to criticize, slander of other claimants in the East Sea, while it itself has committed acts of violation of sovereignty, sovereign rights and jurisdiction over another. *The content of refraining from taking people to live on the island is not living now, on the reefs, shoals, islets and other geographic entities applicable to non-sovereign countries in the Spratly Islands and illegally occupying geographical entities in the Spratly Island, not applicable to Vietnam.* Because Vietnam 's the only country with sovereignty and the right to exercise its sovereignty on the Spratly Islands. Therefore, the activities of the Vietnamese State on the Spratly Islands aren't subject to this content.

2.3.2. Activities break down the status quo of China on the East Sea

In order to change China's interests in the dispute over sovereignty in the East Sea, the country has taken many steps with a synchronized roadmap from marine policy-making, violating the sovereignty of the islands of some countries in the East Sea to act to build up and expand the submerged rocks into artificial islands in the sovereignty of the Spratly Islands belong to the State's Vietnam, seven submerged rocks, include: Chu Thap, Chau Vien, Ga Ven, Huy Go - Tu Nghia, Gac Ma, Xu Bi, and Vanh Khan.

For the Chu Thap rock. It 's one of the largest geographical entities in the Spratly Islands, under the sovereignty of the State of Vietnam located at coordinates 9°35'N and 112°54'E, Chu Thap rock's an important military strategic location. Before use force illegally occupied this area in 01/1988, China isn't present in the Spratly Islands in general and the Chu Thap'rock in particular (Chevalier, 1997).

In the period before 2014, at the Chu Thap Rock, China has built a garrison station for the Marines, this station 's equipped with some radar and monitoring equipment. In addition, China also built a helipad, guns and coastal artillery, as well as anti-weapons. To improve the lives of soldiers stationed in the Chu Thap rock, China has built a green vegetable garden. In August 2014, China pushed up the scale of the refurbishment Chu Thap rock become to the large artificial island for military purposes. A satellite photo taken in 02/2015 shows that the acreage's artificial island in the Chu Thap rock reached 2,65 km², three times larger than the acreage's Ba Binh island - the largest natural island of the Spratly Islands belong to the sovereignty of the State's Vietnam, Taiwan currently

occupying illegally. And as of May 5/2015, China has built up, expansion a land area of about 3,000m, ranging from 200 to 300m of this rock (Chevalier, 1997).

For the Chau Vien rock. It 's one of the geographical entities in the Spratly Islands, belongs to the State of Vietnam located at coordinates 8°53'N and 112°51'E, Chau Vien rocks length terms East-West axis 's 3 knots (equivalent 5,56 km) and acreage are about 8 km². Although it's part of Vietnam's territory, Chau Vien rock was used by the Chinese for illegal occupation on 18/02/1988. China's actions violated the UN Charter, the use of force to invade the island 's contrary to international law and doesn't constitute sovereignty in all respects. On the Chau Vien rock, up to 05/2015, China has accreted, to expand 0,3 - 0,4 km² new land, which has built works include A station for the garrison, a seawall, a helipad and a military harbor. For the purpose of islandization, China 's speeding up dredging, filling the sea to build Chau Vien rock become a large artificial island the system of wharves, airports and housing for military forces (Hancox & Prescott, 1995).

For the GaVen rock. It 's one of the geographical entities in the Spratly Islands, belongs to the State of Vietnam located at coordinates 10°12'N and 114°13'E, Ga Ven 's located in the territorial waters of Nam Yen island, it's 7 nautical miles toward the East Sea. However, despite the State 's Vietnam has affirmed the sovereignty, China still used force to take possession of GaVen rock in 02/1988. At GaVen rock, besides deploying garrison's military, China has also been building illegal military facilities. China has built in the West a large concrete yard has docked with many guns, radar and other communications equipment. On the GaVen rock, China built a square building with another entity resembling defensive tower. As in other occupation sites, China has used modern dredgers and tugboats to cater for the dredging, expansion aims to build Gaven Rock become an artificial island. This's an illegal act of China has calculated before with a clear roadmap to renovate the Gaven rock into a military base (Hancox & Prescott, 1995).

For the Huy Go-Tu Nghia rock. It 's one of the geographical entities in the Spratly Islands, belongs to the State of Vietnam located at coordinates 9°55'N and 114°30'E, Tu Nghia rock belongs to Sinh Ton island which's China forcibly occupied illegally in 02/1988. In the period before 2014, on Tu Nghia rock, there's only one permanent structure of 380m². So far, China has built a square building for garrison and a defense tower. Today, China 's working to build this artificial island with an area of 75,000 square meters, as of May 2015 (Valencia, Van Dyke, & Ludwig, 1997).

For the Gac Ma rock. It 's one of the geographical entities in the Spratly Islands, belongs to the State of Vietnam located at coordinates 9°42'N and 114°17'E, Gac Ma 's considered endpoints southeast of the Sinh Ton Island about 7 km². Identify strategic location 's very

important military of this rocky island in the East Sea, China used force to illegally occupy Gac Ma rock on 14/3/1988. Along with another key point 's hereby Chu Thap rock, accretion rate, expanding at Gac Ma rock from 2014 from today, China accelerate and a very large scale with many military buildings such as a two-story building for the garrison, breakwater, jetty and military airport (Bateman, & Emmers, 2008).

For the Xu Bi rock. Belong to the State of Vietnam located in coordinates 10°54'N and 114°06'E, Xu Bi rock 's one of the geographical entity by China use force illegally occupied farthest north. At Xu Bi rock, China has built a helipad, a concrete post for the garrison. The system of dredgers, tugs have been deployed to carry out the campaign builds, expand rocks (Laude, 2012).

In addition to the above six points, China's also speeding up to accelerate, Vanh Khan rock (located in coordinates 9°55'N and 115°32'E, 50 nautical miles away from Sinh Ton island) became to the artificial island.

Thus, the accretion action, expanding the area to turn seven rocks into the artificial islands in the Spratly Islands belong to Vietnam State, China has been carefully calculated and has a roadmap. From mid-1988, China has carried out mapping and surveying this point after using force to occupy illegally, at the same time precast concrete blocks and raw materials are also silently transported from the mainland. In fact, the design of the buildings on the rocks which are relatively similar and natural military. This suggests that China has a process built on these points to become standardized and synchronized artificial islands.

About embellish rock islands in the East Sea of China, Yan Yan - International maritime law expert, Hainan Institute of Research, China, Vietnam, and the Philippines have also worked in the Spratly Islands, so China embellished the island 's normal and China's embellishment of the islands ended in 2015. Yan Yan's expert also emphasized and acknowledged the large-scale embellishment of entities in the East Sea, transportation of military hardware to the rocky islands in the Paracel and Spratly Islands aren't against countries in the region, but mainly self-defense in the face of US actions in the East Sea (Embassy of Australia, 2018).

Since 2016 - 2018, China continued to act militarization of the East Sea. In some rocks such as the Chu Thap, Chau Vien, Huy Co in the Spratly Islands of Vietnam, China has deployed the YJ-12B anti-ship missile system to attack surface ships of 295 nautical miles equivalent to 550 km and air defense missile system HQ-9B, calculated capable of targeting aircraft, including unmanned aircraft and cruise missiles within 160 nautical equivalent of 300 km. Recent Chinese activities include: Deployment Lian Tuo 9 ship conducted underwater construction, organized the sixth Ty Nam Sailing Competition in the Paracel Islands area of Vietnam, as well as China, installed the equipment new electronic warfare jamming waves on Chu Thap and Vanh Khan rocks

belongs to Spratly Islands of Vietnam, at the same time, China also provided operational bombers in the Paracel Islands of Vietnam.

The above activities of China are contrary to the agreement on the basic principles to direct the problem of the sea between Vietnam and China, spirit of the Declaration on the Conduct of Parties in the East Sea, complicates the situation and haven't conducive to maintaining a peaceful, stable and cooperative environment in the East Sea.

2.3.3. China's actions violate the sovereignty of the State's Vietnam

China's actions violate the sovereignty of the State 's Vietnam as well as the basic principles of international law, completely goes against the trend of protecting the marine environment.

From the angle of international law, China's actions on seven rocks in the Spratly Islands belongs to Vietnamese State has seriously violated the current international law, disregard of bilateral and multilateral political commitments as well as violations of regional commitments. China's dredging and construction activities harming coral ecosystems in the Spratly Islands, this shows that China attaches great importance not obliged to cooperate with other countries and affect the marine environment seriously (Thuy, 2017).

Violating the sovereignty of the State's Vietnam: Reaching international legal base from the content analysis results some treaties related to establishing territorial sovereignty shows, the sovereignty of the Vietnamese State over the Paracel and Spratly archipelagos indisputable, based on the constitutive elements of state: claims on the state for granted recognition in the legal system and international practices. In the process of establishing state ownership of these two archipelagos, the content of maritime policy of the State's Vietnam always in line with the international legal system, which stipulates: When a country establishes sovereignty over a territory, it must state fully its state, the state which has issued documents, policies and administrative institutions that territory when it isn't under the sovereignty of any country or territory, and how to establish sovereignty must be done by organizations directly under the State Administration. In this respect, Vietnam 's the only country in the East Sea that fully satisfies this.

Nguyen Hong Thao, Vice President of the UN International Law Committee, said: The actions of embellish stone islands with large scale, as well as the fact that China transports arms and gears to the Paracel and Spratly Islands has raised concerns for countries in the region, and do not understand why on the one hand China has negotiated COC, on the one hand, there're actions in the East Sea militarized. Obviously, China's militarized action in the East Sea even self-defense, the US defense with the matter, it also makes the countries in the East Sea

alert (Embassy of Australia, 2018). Consequently, disputes over sovereignty in the East Sea must be resolved in accordance with international law, international maritime law, and UNCLOS regulations. At present, the East Sea has different perspectives on sovereignty, sovereign rights, and national jurisdiction. Although the Court's decision the referee has not been using the Philippines, it's also the legal basis for the national reference and part of international law.

Based on the legal basis, sovereignty, sovereign rights and jurisdiction of Vietnam for the waters, rocky islands, shoals semi-submersible and submerged beaches, China has no rights and the international legal basis for conducting activities accretion, expanding at 7 rocks submerged under the Spratlys Islands. China should cease actions that change the status quo, destructive of the marine environment and complicate the maritime sovereignty disputes in the East Sea.

Violated international law, seriously destroying marine ecosystems and goes against the trend of the area for marine environmental protection: According to the 1982 UNCLOS, coastal states semi-enclosed need to work together in the management, conservation, exploration and exploitation of marine biological resources; cooperation in the use of the rights and obligations related to the protection and preservation of the marine environment (United Nations, 2018B). In addition, the 192-196, 207-298 of the Convention also requires states to take action not harm the environment, are obliged to prevent, reduce and control pollution of the marine environment from any source. China's signed UNCLOS, so this country is obliged to abide by and protect the marine environment. However, the actual act of this country completely goes against that. Action dredging, filling in the sea rocks turned into artificial islands sank forever lose the ecosystem in this region; coral reefs destroyed; habitat of marine life in seven geographical entity no longer, especially high-value marine species, which directly threaten the common interests of the international community.

The renovation works of China on geographical entities in Spratlys also violates the Convention on Biological Diversity in 1992 (United Nations, 1992), which stipulates: countries, in accordance with the UN Charter and the principles of international law, have full rights to exploit their resources according to policies they set out and responsible, ensure that activities within their jurisdiction or control do not harm the environment of other countries or areas outside their national jurisdiction. But in fact, China's actions have violated this when deforming the environment, destroying ecosystems in 7 rocks sinking in Spratlys belong to Vietnam.

The Convention also stipulates the obligations of membership, which emphasized that states must conduct an environmental impact assessment prior to implementing projects that could have harmful effects on biodiversity (United Nations, 1992). According to the Chinese side, the

country's projects have been evaluated and closely monitored scientifically and are made based on high standards and fully calculated in terms of environmental protection and fisheries resources (Ministry of Foreign Affairs' China, 2015). However, China has yet to produce any independent, objective evaluation of the environmental impact of its activities, expanding the sinking of artificial islands into which the country has been operating in June 2018.

Notably, Chinese redevelopment activities take place while many claims to sovereignty in this region, such as the Philippines, Malaysia, and the sovereign state's only Vietnam as well as academics calling for the establishment of marine protected areas to protect the marine environment in Spratlys. Specifically, the states concerned must negotiate regulatory management planning marine eco-system, subdivision, and classification for effective management of the marine environment; at the same time, to strengthen the building of marine ecological environment and prevention of marine pollution. Besides, many regional organizations on the protection of the marine environment which China's member as The East Asia Coastal Co-ordinating Body or the East Asia Marine Environment Management Partnership, these organizations have been trying to promote cooperation to protect coral reefs in the East Sea, one of the areas with coral ecosystem diversity and the world's leading rich.

2.3.4. *Some analysis from International law to public*

Can not ignore the unilateral action to break the status quo of China's East Sea, Many countries have strongly protested at bilateral, multilateral, regional and international forums, forums. Typically, at the Shangri-La Dialogue 14th (London Institute for Strategic Studies, 2015), US Defense Secretary Ash Carton called on China to stop immediately and permanently the operations building artificial islands in the East Sea. Meanwhile, Japanese Defense Minister Gen Nakatani warned that illegal artificial island construction activities in the South China Sea would risk pushing the region into chaos if left illegal (Japanese Defense Minister, 2015), at the same time urge China to behave responsibly. Although attending the Shangri-La Dialogue for the first time, German Defense Minister Ursula von der Leyen stated: *The European Union needs to show stronger attitude in the South China Sea issue and European experience shows that conflict can only be resolved through peaceful means of dialogue and negotiation.*

Concerns over land extension activities being made in the East Sea, ASEAN leaders agreed on a joint declaration at the 26th ASEAN Summit (ASEAN Summit, 2015), which emphasizes this activity can erode confidence and affect peace, security, and stability in the region. China's illegal enrichment and expansion activities have also raised concerns among G7 leaders (Foreign Ministers on Maritime Security, 2015). Declaration of the G7



Conference on 15 April 2015, emphasized: *We're committed to maintaining maritime order based on the principles of international law, particularly as reflected in the United Nations Convention on the Law of the Sea 1982. We continue to observe the situation in the China Sea and East Sea as well as interested any unilateral action, such as expanding large-scale land, altering the status quo and increasing tensions ... We emphasize the importance of coastal states to refrain from unilateral action causes physical changes to the marine environment long-term pending final delimitation* (Foreign Ministers on Maritime Security, 2015). This's the first major group of naval powers of the world to such a joint statement.

The European Parliament also did not stand by and held discussions on the situation in the East Sea in Strasbourg, France (European Union, 2015), which expressed deep concern for the recent tense East Sea involving the unilateral actions of China increasing construction activity, occupied the islands and rocks in the Spratly Islands aims to change the status quo in the disputed area. In addition, a series of international seminars on the East Sea with focus on China's illegal enrichment and expansion activities were held in France, Belgium and Argentina, Russia - countries that do not have major concerns about the East Sea by geographic location far and no direct interest. Most recently, within the framework of the International Conference on Security and Co-operation in the East Sea: Emerging Issues and Conflict Resolution (Russian Academy of Sciences, 2015) was held in Russia, Prof. Dr. Mososakov, acting director of the Institute of Oriental Studies/Russian Academy of Sciences confirmed: Renovation, construction, and accretion of new islands underway in China, changing the geographic situation, triggering reactions from neighboring countries, and increasing tensions in the East Sea.

Professor Herman J. Kraft, Faculty of International Relations, University of the Philippines, said: At present, there 's a balance between international law and international relations, countries in the East Sea need to flexibly apply international law and international relations. Prof. Herman J. Kraft also said that international law is the basis, the basis for adjustment between countries, but in practice it is difficult. As the sovereignty dispute arose, mainly based on international relations to seek solutions, as the international legal system was interpreted and interpreted differently, even the verdict of international arbitration, but the parties do not perform, with the unrealized right. Due to the heterogeneous interpretation of international law, the case of the Philippines, after the award of the arbitral tribunal, has not yet been used by the arbitral tribunal, and China does not expressly recognize it (Embassy of Australia, 2018).

3. Conclusion

Thus, the unilateral change of seven rock formations in the Spratly Islands in China's East Sea has complicated

the disputed area, violates Vietnam's sovereignty as well as the DOC signed in 2002 between ASEAN and China, break the basic principles of international law, seriously undermine the marine environment. Facing this situation, the international community has strongly protested and demanded that China respect international law as a responsible, settle disputes and maritime sovereignty disputes through peaceful means on the basis of international law to maintain peace and stability in the region in particular and in the world in general.

In the context of complicated developments in the East Sea poses new problems and legal security for the countries in the region. Currently, China and ASEAN countries are negotiating the content of the Code of Conduct on the South China Sea - COC, attracted the attention of many experts and scholars in the legal field. However, two years after the Court's Arbitration Award in the East Sea dispute, the region has not achieved significant results in reducing tensions and disputes in the region. Therefore, the urgent need is that the parties need to build credibility with concrete actions, compliance with laws and regional commitments, not a further militarization of the East Sea sovereignty dispute and all must be resolved by peaceful means, based on international law, international law and the provisions of UNCLOS.

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