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### The South China Sea Having it both ways

Mar 9th 2012, 2:20 by Banyan

AN INTERESTING and helpful piece by Robert Beckman, a professor of international law at the National University of Singapore, clarifies some of the issues behind what has become, for now, the hottest of the myriad disputes in the South China Sea.

This one pits the Philippines against China. The Philippines has announced that it is going to open new maritime blocks off its island of Palawan for oil-and-gas exploration. It claims the area as part of the "exclusive economic zone" (EEZ) attached to the main Philippine archipelago. China has objected, since it claims the area in question.

It is often assumed that this is based on China's mysterious "nine-dashed line" claim, a piece of historic cartography which China sometimes insists gives it indisputable sovereignty over most of the sea, but whose legal basis seems at best flimsy.

However, Mr Beckman points out that China also has an unresolved territorial claim to the Spratly archipelago (also claimed in its entirety by Taiwan and Vietnam). The Spratlys are mainly tiny rocks and islets, which under the United Nations Convention on the Law of the Sea (UNCLOS) would be entitled just to "territorial waters", of 12 nautical miles (22km). However, some might be considered habitable, and hence count as "islands", which would have a full 200-mile EEZ, which would overlap with the Philippines' archipelagic EEZ.

And so, on this analysis, China does have a legitimate basis for its claim; the area is "in dispute", and the Philippines would be in the wrong to pursue hydrocarbon exploration unilaterally.

One thing about this seems odd though. If China follows UNCLOS in this area of the sea, can it ignore it in areas where it has no such claim, just its nine-dashed assertive line? The answer, I suppose, is yes; China can always have it both ways.



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