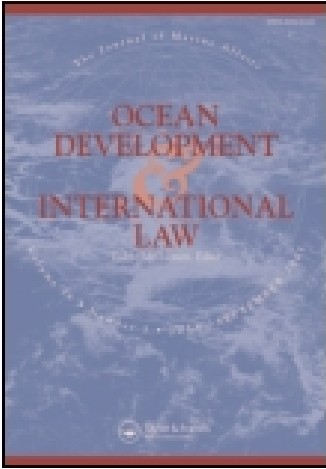


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China's U-Shaped Line in the South China Sea Revisited

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Despite its existence on the Chinese maps for more than six decades, the U-shaped line, as a traditional maritime boundary line of China in the South China Sea, has never received a wide recognition in the world community, much less by the other claimant states in the South China Sea. The U-shaped line is a legal conundrum not only for China but also for the world community, particularly after the map with the U-shaped line, together with China's Notes Verbales with respect to the claims to the outer continental shelves made by Malaysia and Vietnam, were submitted to the UN Commission on the Limits of Continental Shelf in May 2009. This article discusses China's recent practice relating to the U-shaped line as well as the external factors that affect the validity of the line and tries to unravel the legal puzzle posed by the line.

Keywords China, South China Sea, Spratly Islands, UN Convention on the Law of the Sea, U-shaped line

Introduction

The U-shaped line in the South China Sea is the line with nine segments displayed on Chinese maps. Its official Chinese name is “traditional maritime boundary line” (*chuantong haijiang xian*) though it is referred to in different ways, such as the U-shaped line,¹ nine-interrupted-lines,² the nine-dashed intermittent line,³ the line of “national boundary,”⁴ the “dotted-line,”⁵ the “dashed lines,”⁶ the tongue-shaped line,⁷ as well as “the Chinese border.”⁸ Despite the existence of all these varied names, the U-shaped line name is what I use in this article.

More than a decade ago I published a long paper addressing the U-shaped line in the *International Journal of Marine and Coastal Law*.⁹ As one of the pioneer papers specifically addressing issues concerning the U-shaped line,¹⁰ it has been widely cited. Numerous other papers have been published.¹¹ Though there have been academic discussions and debates on the line, the Chinese position on either side of the Taiwan Strait remains ambiguous with there being no official explanation of the line. It is unknown whether what China

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claims within the line is its national territory, including the islands, underwater rocks, the seabed, and the water column. In recent years, the discussion and debate on the U-shaped line has intensified, particularly after China attached the map with the line to its diplomatic note protesting the submissions of outer continental shelf by Vietnam and Malaysia to the Commission of the Limits of the Continental Shelf (CLCS) in 2009.¹² In this article, I reexamine the U-shaped line by taking into account recent developments and commentaries.

Brief Background

The South China Sea is categorized as semienclosed sea under the United Nations Convention on the Law of the Sea (the LOS Convention).¹³ It is surrounded by six countries—China, Vietnam, the Philippines, Brunei, Malaysia, and Indonesia—and has an area of 648,000 square nautical miles, twice the area of the Sea of Japan.¹⁴ There are hundreds of small insular features in the South China Sea, which are uninhabited islets, shoals, reefs, banks, sands, cays, and rocks in the form of four groups of islands and underwater features: the Pratas Islands (*Dongsha Qundao*), the Paracel Islands (*Xisha Qundao*), the Macclesfield Bank (*Zhongsha Qundao*), and the Spratly Islands (*Nansha Qundao*). The Pratas Islands are under the firm control of Taiwan. No competing claims exist there under the current conception of “One China.” For the Macclesfield Bank, the only claimant is China (mainland China and Taiwan).¹⁵ The Paracel Islands are under the control of the People’s Republic of China, though contested by the Vietnamese. The dispute over the Spratly Islands is the most complicated since it involves as many as six parties (mainland China, Taiwan, Malaysia, Vietnam, the Philippines, and Brunei), all of whom have made claims over the Spratly Islands, the whole or in part, and their surrounding water areas.

China’s claim to the South China Sea is based on the U-shaped line. The line first appeared on the map in December 1914, which was compiled by Hu Jinjie, a Chinese cartographer,¹⁶ but only included the Pratas and the Paracels. In 1935, the Committee of Examining the Water and Land Maps of the Republic of China published the names of 132 islets and reefs of the four South China Sea archipelagos. The publication had an annexed map which marked the James Shoal at the location of about 4° north latitude, 112° east longitude, though there was no demarcation of the line on the map. On 1 December 1947, the Chinese Ministry of Interior renamed the islands in the South China Sea and formally allocated them into the administration of the Chinese Hainan Special Region.¹⁷ Meanwhile, the same ministry prepared a location map of the islands in the South China Sea, which was first released for internal use.¹⁸ In February 1948, the Atlas of Administrative Areas of the Republic of China was officially published, in which the above map was included. This is the first official map with the line for the South China Sea. It has two general characteristics: the southernmost end of the line was set at 4° north latitude, thus including the James Shoal; and an eleven-segment line was drawn instead of the previous continuous line. According to the official explanation, the basis for drawing the line was: “[t]he southernmost limit of the South China Sea territory should be at the James Shoal. This limit was followed by our governmental departments, schools and publishers before the anti-Japanese war, and it was also recorded on file in the Ministry of Interior. Accordingly it should remain unchanged.”¹⁹ The map is official and, therefore, different from those previously drawn by individual cartographers. Since 1948, maps officially published in both mainland China and Taiwan are the same regarding the line.

The publication of maps in the People’s Republic of China is subject to the approval of the competent government agency—the State Surveying and Mapping Administration. The

Regulations on the Management of Map Compilation adopted in 1995 provide that China's historical boundaries from 1840 up to the founding of the People's Republic of China in 1949 should follow the standard exemplary map, which is jointly prepared by the Foreign Ministry and the competent surveying and mapping department of the State Council.²⁰ The Regulations on the Management of the Review and Approval of Maps give the authority to the competent surveying and mapping department of the State Council to review and approve maps with national boundaries.²¹ Since illustrative maps of China concern state sovereignty and territorial integrity, the preparation of such maps must follow the standard map issued by the State Council, with special attention to the important islands such as Taiwan Island, the islands in the South China Sea, and the Diaoyu Islands.²² It has been warned that the absence of the *South China Sea limit line* on a map would cause diplomatic difficulties.²³

While mainland China has remained silent on the line, Taiwan's attitude is more assertive. In 1993 the Taiwanese government adopted South China Sea Policy Guidelines. Taipei indicated that it regarded the entire area within the U-shaped line as its historical waters—"the South China Sea area within the historic water limit is the maritime area under the jurisdiction of the Republic of China, in which the Republic of China possesses all rights and interests."²⁴ However, recent developments indicate that Taiwan has retreated from its original position. For example, in its draft Territorial Sea Law, the water areas in the South China Sea were regarded as "historic waters" but on the second reading in the Legislative Yuan, this wording was dropped.²⁵ In this sense, the positions of the two sides across the Taiwan Strait remain ambiguous again. As commented by Hasjim Djalal, the positions of China and Taiwan on the South China Sea are very similar.²⁶ However, in this article, I examine only the recent practices of mainland China concerning the U-shaped line.

Defending and Enhancing the U-Shaped Line

While there is no official explanation from China regarding the U-shaped line, China has recently reinforced its claims within the line. In addition to fisheries operations carried out by the Chinese fishermen in the South China Sea, China has made numerous moves in support of the line.

Maritime Policing

The China Maritime Surveillance, established in 1998 and subordinated to the State Oceanic Administration, is mandated to carry out the following: (1) to cruise at sea in order to safeguard the national maritime interests; (2) to monitor and maintain surveillance of the marine environment; (3) to investigate, obtain proof and inspect pollution incidents; (4) to be in charge of work relating to marine pollution from oil exploration and exploitation; (5) to be in charge of dumping at sea; (6) to be in charge of the laying of submarine cables and pipelines; and (7) to be in charge of foreign marine scientific research in China's sea areas.²⁷ In February 2007, the State Council approved a program of regular rights safeguarding law enforcement patrols to be carried out by China Ocean Surveillance in the Yellow Sea and the South China Sea. In 2008, China Maritime Surveillance began its regular law enforcement patrols covering all sea areas within China's jurisdiction from the mouth of Yalu River to James Shoal.²⁸ It is reported that the *China Haijian 83* followed and kept watch on the USNS *Impeccable* in the South China Sea in March 2009 and the *China Haijian 84*, which is a new and more advanced surveillance vessel, joined the South China Sea Brigade of the

China Maritime Surveillance in May 2011. As of May 2011, the South China Sea Brigade was equipped with 13 vessels and 3 aircraft.²⁹

In addition, law enforcement is being conducted by other government departments, including those with respect to fisheries management. The Bureau of Fisheries Management and Fishing Port Superintendence was established in 1978 and 4 years later transferred to the Ministry of Agriculture. Under the bureau, there are four direct fishing divisions—the Yellow, Bohai, East, and South China Seas. In March 2009, China's largest fishing surveillance vessel *Yuzheng 311* was dispatched to the South China Sea. According to the Chinese Foreign Ministry, the Chinese government is paying great attention to the management of fisheries production in the South China Sea and the Chinese vessel was sent there to carry out regular tasks relating to fishery administration.³⁰ Mischief Reef is used as a base for fisheries administration. On 23 June 2010, the *Yuzheng 311*, together with another fishing administration vessel, forced Indonesia warships to release a detained Chinese fishing vessel in the sea area 57 nautical miles from the Natuna Islands, from which Indonesia claims an exclusive economic zone (EEZ) that China does not recognize.³¹ The above water area is within the U-shaped line. The China Ocean Surveillance sent *Haijian 81* and *Haijian 83* to the South China Sea and put a sovereignty tablet on James Shoal in April 2010.³²

China has intensified its maritime law enforcement patrols in the South China Sea. The South China Sea Brigade of the China Maritime Surveillance increased its patrol journeys from 2 in 2001 to 24 in 2008.³³ According to the *Law Enforcement Bulletin 2008*, China Maritime Surveillance sent 113 vessels/time and 242 aircraft/time, monitoring 285 foreign vessels/time and 43 foreign aircraft/time, including stopping illegal foreign activities in outer continental shelf investigations in 2008³⁴ while in 2010, the numbers increased to 188 vessels/time, 523 aircraft/time, monitoring 1303 foreign vessels/time, and 214 foreign aircraft/time.³⁵ In addition, two China Maritime Surveillance branches were created in 2010 for the South China Sea—the 10th Branch stationed in Haikou and the Law Enforcement Branch for the Paracel, Spratly, and Macclesfield Islands.³⁶

Article 14 of the EEZ Law

On 26 June 1998, China officially promulgated the Law on the Exclusive Economic Zone and the Continental Shelf in which Article 14 provides that “the provisions of this Law shall not affect the historic rights enjoyed by the People's Republic of China.”³⁷ It is generally agreed that this section is connected to China's claim to the South China Sea within the U-shaped line. However, instead of using the term “historic waters,” China wisely chose the more softened term “historic rights.” The provision of the EEZ Law on historic rights can be understood as follows: (1) it might be mean that the sea areas which are not part of China's EEZ and/or continental shelf should have the same legal status as the EEZ and/or continental shelf; (2) it might mean that the sea areas which embody China's historic rights include undefined areas beyond the 200-nautical-mile limit; or (3) it might mean that the sea areas that embody China's historic rights which are within the 200-nautical-mile limit can have an alternative management regime different from the EEZ and or continental shelf regime.³⁸

While China asserts its historic rights in the South China Sea, it is to be noted that since such “historic rights” are contained in the 1998 Law on the EEZ and Continental Shelf, they may not be treated as equivalent to “historic waters” as generally understood in international law. Having said that, it is also to be noted that in other Chinese legislation the wording such as “other sea areas within China's jurisdiction” has been used in addition to the internal

waters, territorial sea, EEZ, and continental shelf. An example is the amended Law on Marine Environmental Protection of 1999.³⁹ Article 2 provides that “the Law shall apply to internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf of the People’s Republic of China and *other sea areas under the jurisdiction of the People’s Republic of China*” (emphasis added). The original 1982 Law contained the same wording.⁴⁰ It is unknown where “other sea areas within China’s jurisdiction” are located. One possibility is that it might refer to the sea areas within the U-shaped line that China is unable to claim as part of its territorial sea, EEZ, or continental shelf.

As early as April 1986, Liu Huaqing, the then commander of the Chinese Navy stated that “the sea areas which should be under our jurisdiction are more than three million square kilometres,”⁴¹ which *may* be based on the following calculation: in the Yellow Sea, an equidistance line for delimitation with the Korean Peninsula; in the East China Sea, a delimitation with Japan the middle line of the Okinawa Trough according to the principle of natural prolongation; and, in the South China Sea, the sea areas within the U-shaped line in addition to the EEZ east of Taiwan.⁴² According to a Chinese source, the areas in the South China Sea encroached upon by other states are as follows: Vietnam, 1,170,000 square kilometers; the Philippines, 620,000 square kilometers; Malaysia, 170,000 square kilometers; Brunei, 50,000 square kilometers; and Indonesia, 35,000 square kilometers.⁴³ These estimations are based on the use of the U-shaped line.

Oil Exploration Lease in Vanguard Bank

While the fishery activities do not sufficiently explain the Chinese stance to the line, a lease of an oil exploratory block in the South China Sea to a foreign oil company may have profound significance for the line. In May 1992, Beijing granted a concession to the Crestone Energy Corporation to explore oil in a 7,347 square-nautical-mile area between Vanguard Bank (*Wan’an Tan*) and the Prince of Wales Bank (*Guangya Tan*), 160 nautical miles from Vietnam’s coast.⁴⁴ Since China had not declared its EEZ at that time, some scholars assumed that the Crestone concession reflected China’s view that it was asserting sovereign authority over the waters and resources within its “nine-interrupted-lines” historic claim.⁴⁵ The assumption is plausible since the block is situated around a permanently submerged bank that is difficult to claim unless it is claimed as being within the historic waters or within China’s EEZ or continental shelf that could be generated from insular features in the Spratly Islands.

When Vietnam protested China’s concession, the reason given by the spokesperson from the Chinese Foreign Ministry was that China had “indisputable sovereignty” over the Nansha and Xisha Islands and the contiguous waters and, as a result, that “[t]he exploitation by China’s oil company is irreproachable.”⁴⁶ There was no mention of the U-shaped line or historic waters. On the other hand, China protested the Vietnamese concession to foreign oil companies near Vanguard Bank. On 17 April 1996, a spokesperson from the Chinese Foreign Ministry stated that Vietnam’s granting of rights to foreign petroleum companies for oil exploration in the sea area of the Nansha Islands was “illegal and invalid” and “an encroachment on China’s sovereignty and its maritime rights and interests.”⁴⁷ The entire area covered by the Vietnamese contract falls within the Wan’an Tan Bei-21 block licensed by Beijing to Crestone Energy Corporation. In 1996, the contract for the Wan’an Tan Bei-21 block was transferred to another U.S. oil company, Harvest Natural Resources, which continues to hold its interest with the license being extended to 31 May 2013.⁴⁸

With the China Maritime Surveillance intensifying its patrols in the South China Sea, more incidents have happened in and around Vanguard Bank. The recent incident involving

the Vietnamese vessel *Binh Minh No. 02* is an example. On 26 May 2011, three Chinese law enforcement vessels tried to stop and finally did sever the seismic survey cable of the *Binh Minh No. 02* operating within Vietnam's claimed EEZ on the Vanguard Bank.⁴⁹ It caused a spike in tension between the two countries. There have been other similar incidents between China and Vietnam and between China and the Philippines.

Communication of the U-Shaped Line Map to the United Nations

In May 2009, China sent two diplomatic notes to the UN secretary-general protesting Vietnam's submission and Vietnam-Malaysia's joint submission of their outer continental shelf claims to the CLCS.⁵⁰ In these notes, a map of the South China Sea with China's U-shaped line is attached as part of the documents. This is the first time that China had officially used the U-shaped line in defending its claims in the South China Sea. By this move, China called to the attention of the international community that China's territorial and maritime claims were within the U-shaped line. Furthermore, as the U-shaped line map is attached to China's objection to outer continental shelf claims, China intended to express that it would enjoy its rights to the continental shelf within the line.

In response to the Philippines' diplomatic note dated 5 April 2011,⁵¹ China stated in its Note Verbale that "China's sovereignty, related rights and jurisdiction in the South China Sea are supported by abundant historical and legal evidence."⁵² China further states that "[s]ince 1930s, the Chinese Government has given publicity several times the geographical scope of China's Nansha Islands and the names of its components. China's Nansha Islands is therefore clearly defined."⁵³ How is China's Nansha Islands clearly defined? It is through the use of the U-shaped line.

The 2011 official communication may reinforce the legal effect of the U-shaped line as it is possible that China has noticed the recent judgments rendered by the International Court of Justice with regard to the legal force of maps in the resolution of territorial and maritime disputes. In this regard, the paragraph contained in the 2002 *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) Case*, which has appeared in the Court's previous judgments, states that:

maps merely constitute information which varies in accuracy from case to case; of themselves, and by virtue solely of their existence, they cannot constitute a territorial title, that is, a document endowed by international law with intrinsic legal force for the purpose of establishing territorial rights. Of course, in some cases maps may acquire such legal force, but where this is so the legal force does not arise solely from their intrinsic merits: it is because such maps fall into the category of physical expressions of the will of the State or States concerned. This is the case, for example, when maps are annexed to an official text of which they form an integral part. Except in this clearly defined case, maps are only extrinsic evidence of varying reliability or unreliability which may be used, along with other evidence of a circumstantial kind, to establish or reconstitute the real facts. (footnote deleted)⁵⁴

While it is unknown to what extent the map with the U-shaped line would have legal force in a future settlement of the South China Sea disputes, it is clear that China has attempted to give it as much legal force as possible. The U-shaped line map now unquestionably forms an integral part of China's official documents and, therefore, may "fall into the

category of physical expressions of the will of the State,” thus producing important legal force.

Raising Questions About the U-Shaped Line

Reduction of Two Segments in the Gulf of Tonkin

The U-shaped map originally had eleven segments. But in the late 1950s, two segments of the line which were located in the Gulf of Tonkin disappeared from the map. Beijing did not give a public explanation about why the two segments were eliminated from the map, but this might be related to the transfer of the sovereignty over the Bai Long Wei Island (Bach Long Vi in Vietnamese) in the Gulf of Tonkin from China to Vietnam.⁵⁵ It is said that elimination of the two segments was approved in 1953 by Zhou Enlai, then primary minister of the People’s Republic of China.⁵⁶ This change to the map may have implications. The disappearance of the two segments in the Gulf of Tonkin indicates that the U-shaped line is flexible with the consequent question that, if China could give up two segments in the Gulf of Tonkin, why could China not give up the other nine remaining segments? Since the cancellation of the two segments was relevant to Vietnam’s territorial and maritime interests, it is not surprising that Vietnam is the most vehement opponent to the U-shaped line.

Straight Baselines for the Parcel Islands

In May 1996, China publicized part of its baselines along the mainland coast and encircling the Parcel Islands by the method of straight baselines.⁵⁷ China used lines connecting 28 basepoints to encircle the Paracels and the surrounding waters. The waters within the baselines are internal waters and, from the baselines outward, there is a territorial sea of 12 nautical miles. In the same statement, it was declared that China would decide on other baselines in due time, including baselines for the Spratly Islands.

From these baselines, China may claim an EEZ and/or the continental shelf of the Parcel Islands. The publication of the Parcel baselines indicates that China did not consider the U-shaped line to be the maritime boundary line in the South China Sea for historic waters that were equivalent to internal waters or the territorial sea. Otherwise, the Parcel baselines would have been unnecessary.⁵⁸ The baselines within the U-shaped line have added uncertainty to the interpretation of the legal status of the U-shaped line.

The 2002 Declaration on Conduct in the South China Sea

In November 2002, China, together with 10 member states of the Association of Southeast Asian Nations (ASEAN), signed the Declaration on the Conduct of Parties in the South China Sea (DOC),⁵⁹ which is the first significant regional document specifically applying to the South China Sea. The DOC expressly acknowledges that China and some ASEAN countries have territorial and maritime disputes in the South China Sea and that they pledge to resolve these disputes through peaceful means in accordance with international law, including the LOS Convention. Since the Declaration is applicable to the entire South China Sea, it has an impact on the understanding of the U-shaped line. On the other hand, as a political document, the DOC carries no legal binding force. The existence of the U-shaped line may be one of the reasons why China has been reluctant to sign a legally binding code of conduct with the ASEAN countries.

External Impact of the U-Shaped Line

China has failed to defend or be consistent in defending the waters and islands enclosed by the U-shaped line.

The waters with the U-shaped line have been intruded on through the occupation of islands by other claimants; in fact, most of the islands in the Spratly Islands have been occupied by the countries other than Taiwan or mainland China. In addition to actual occupation, countries adjacent to the South China Sea have enacted laws extending their maritime zones and consolidating their maritime claims in the South China Sea. Table 1

Table 1
Foreign Laws and Proclamations Affecting the U-Shaped Line*

Brunei	(1) Territorial Sea and Fishery Limits Act, January 1982 (2) Declaration on the Exclusive Economic Zone, 21 July 1993
Malaysia	(1) Continental Shelf Act, 1966, Act No. 57, 28 July 1966, as amended by Act No. 83 of 1972 (2) Proclamation of the Exclusive Economic Zone, 25 April 1980 (3) Exclusive Economic Zone Act 1984, Act No. 311 (4) Baselines of Maritime Zones Act 2006
Philippines	(1) The Petroleum Act of 1949 (2) Republic Act No. 3046, as amended by Republic Act No. 5446, 17 June 1961 (3) Presidential Proclamation No. 370, 20 March 1968 (4) Presidential Decree No. 1599, 11 June 1978 establishing an Exclusive Economic Zone and for Other Purposes (5) Constitution of the Republic, 12 July 1979 (6) Presidential Decree No. 1596, 1979, Declaring Certain Areas Part of the Philippine Territory and Providing for Their Government and Administration (Kalayaan Island Group) (7) Republic Act No. 9522: An Act to Amend Certain Provisions of Republic Act No. 3046, as amended by Republic Act No. 5446, 2009
Vietnam	(1) Decree No.4762-CP, 21 December 1933 (2) Decision No. 420-BNV/HCDP/26, 6 September 1973 (3) Statement on the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone, and the Continental Shelf of Vietnam, 12 May 1977 (4) Resolution adopted by the National Assembly (7th Legislature) of the Socialist Republic of Vietnam, 28 December 1982

*Some relevant Indonesian laws or proclamations regarding the EEZ and/or continental shelf may also affect the U-shaped line. (As stated by Dzurek, the Indonesian continental shelf claim northeast to the Natuna Islands overlaps the southeastern part of the extensive Chinese claim. Daniel J. Dzurek, "Boundary and Resources Disputes in the South China Sea," *Ocean Yearbook* 5 (1985): 277.) According to the Chinese official statement, there is no territorial dispute with Indonesia in the South China Sea, but the delimitation of maritime boundaries between the Spratly Islands and the Indonesian maritime areas remains to be settled.

Source: Mainly adapted from Daniel J. Dzurek, "The Spratly Islands Dispute: Who's on First?" *Maritime Briefing* 2, no. 1 (1996): 59–61, with some updates.

shows some of these national laws that affect the validity of the U-shaped line. The most recent national legislation is from the Philippines—Republic Act No. 9522: An Act to amend certain provisions of Republic Act No. 3046, as amended by Republic Act No. 5446, to define the archipelagic baselines of the Philippines, and for other purposes.⁶⁰ It was passed in 2009. China lodged a protest with the United Nations against this law.⁶¹

Claimants in the South China Sea have reached numerous bilateral agreements, which have included waters within the U-shaped line. Two such agreements are the 1969 Malaysia and Indonesia Agreement on the delimitation of the continental shelf⁶² and the 2003 Vietnam and Indonesia Agreement concerning the delimitation of their continental shelf boundary.⁶³ It is reported that Brunei and Malaysia have recently reached an agreement on oil exploration and exploitation in the South China Sea.⁶⁴ It is unknown whether there has been any diplomatic reaction by Beijing to the conclusion of these agreements. There has been no public reaction.

The recent state activities with respect to the outer continental shelf in the South China Sea further affects the integrity of the U-shaped line. As already noted, Vietnam made two submissions to the CLCS—one individual and the other jointly with Malaysia.⁶⁵ Brunei submitted Preliminary Information to the Commission for its outer continental shelf in the South China Sea.⁶⁶ It is likely that the Philippines will also lodge a submission with the CLCS regarding its outer continental shelf in the South China Sea as it has reserved such a right.⁶⁷ China indicated its objection to the Vietnamese-Malaysian submissions, stating that “China has indispensable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof” and requesting the Commission not to consider the submissions by Vietnam or jointly made by Malaysia and Vietnam.⁶⁸ Interestingly, there was no official reaction from China regarding Brunei’s Preliminary Information. By comparison, China’s Preliminary Information with respect to the East China Sea has been challenged by Japan.⁶⁹

Apart from the state practice of the various South China Sea claimants, there exist official and scholarly responses to the U-shaped line from these countries.

Vietnam

According to one Vietnamese official, the U-shaped line is exaggerated and legally groundless.

There is nothing in the international law of the sea that can justify this kind of claim. . . . The fact that other countries have carried on their activities in the Bien Dong Sea (South China Sea), the use of the sea and legislative provisions, have disproved neglecting completely the existence of such a line.⁷⁰

Vietnam has also challenged the provision on historic rights in China’s EEZ Law. A Vietnamese scholar asked whether “this article tacitly refers to other interests that China has claimed such as the traditional right of fishing in maritime zones of other countries and the nine broken lines claiming over 80 per cent of area of the East Sea.”⁷¹ He further stated that “[a] long time ago, regional countries pursued their normal activities in the East Sea without encountering any Chinese impediment and they have never recognized historical rights of China there.”⁷² Vietnam officially lodged a protest against China’s historic rights in the South China Sea, stating that it will “not recognize any so-called ‘historical interests’ which are not in consistent with international law and violate the sovereignty, the sovereign

rights of Vietnam and Vietnam's legitimate interests in its maritime zones and continental shelf in the eastern Sea as mentioned in article 14" of China's EEZ Law.⁷³ In response to China's objection to its outer continental shelf claims, Vietnam replied that "China's claim for the nine-dotted line on the map attached to its diplomatic note is null and void as it has no legal, historical and factual ground."⁷⁴

Indonesia

On several occasions, Indonesia has expressed its concern over the publication of Chinese maps showing unclear maritime boundaries between the Natuna and the Spratly Islands.⁷⁵ Indonesia was satisfied with China's position that there was no dispute between China and Indonesia regarding the Natuna Islands. In the view of Hasjim Djalal, an Indonesian senior diplomat, the U-shaped line indicates that "the Chinese territorial claims are limited towards the islands and all rights related thereto, and [are] not territorial claims over the South China Sea as a whole."⁷⁶ Recently he commented that, since there is no definition of the dashed lines and there are no stated coordinates, the legality and precise location indicated by the lines is not clear.⁷⁷ In July 2010, Indonesia sent a diplomatic note to the United Nations stating that the so-called "nine-dotted lines map" as contained in China's 2009 Notes Verbales "clearly lacks international legal basis and is tantamount to upsetting" the LOS Convention.⁷⁸

Malaysia

Malaysia has expressed no official stance regarding the U-shaped line.⁷⁹ However, according to B. A. Hamzah, then director-general of the Maritime Institute of Malaysia, the line as a claim over the entire South China Sea should be regarded as "frivolous, unreasonable and illogical" as there is no basis in law or history.⁸⁰ He further states that the parties concerned should "drop area claims and focus instead on their claim to islands and non-islands." He dismissed the idea that the water areas within the line are historic waters saying that "[b]y no stretch of imagination can the South China Sea be considered by any nation as its internal waters or historic lake as a basis to assert a claim."

Philippines

In April 2011, the Philippines sent a diplomatic note to the United Nations questioning the validity of the U-shaped line, stating that China's claim to the relevant waters and seabed and subsoil thereof as reflected in the so-called nine-dash line map have no basis in international law, specifically in the LOS Convention.⁸¹

Other States

The debate concerning the legal nature of the line has expanded to other countries.⁸² S. Jayakumar, former senior minister of Singapore, criticized the ambiguity of China's claims based on the U-shaped line on the occasion of a conference on the South China Sea held in Singapore in June 2011. Jayakumar stated that: "China should not continue to leave unaddressed the concerns and questions raised by many over its puzzling and disturbing nine-dotted-lines map."⁸³ He further warned that:

[t]his ambiguity has led to concerns not just among claimant States, and it is clearly in China's interests to clarify the extent of its claims and thereby dispel

any apprehensions over its intentions. Failure to do so could jeopardise the trust essential for any peaceful resolution and undermine all the gains of Chinese diplomacy made in the last two decades.⁸⁴

In response to media queries on the visit of Chinese maritime surveillance vessel *Haixun 31* to Singapore on 20 June 2011, the spokesperson of Singapore's Foreign Ministry commented that: "it is in China's own interests to clarify its claims in the SCS with more precision as the current ambiguity as to their extent has caused serious concerns in the international maritime community."⁸⁵

Following Singapore, the United States also has requested China to explain its claims in the South China Sea. Secretary of State Hilary Clinton, in June 2011, called on all parties "to clarify their claims in the South China Sea in terms consistent with customary international law, including as reflected in the Law of the Sea Convention."⁸⁶ She further stated that "[c]onsistent with international law, claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features."⁸⁷ A retired U.S. naval officer recently called for his country to "join Indonesia and Vietnam in protesting China's expansive U-shaped claim of sovereignty in the South China Sea."⁸⁸

Conclusion

China has not given up maritime claims based on the U-shaped line and recent practice has demonstrated that China is attempting to further consolidate the claim based on the line; in particular by undertaking regular and intensified law enforcement patrols in the South China Sea within the line.

There is no denying that the U-shaped line carries some legal implications for the settlement of territorial and maritime disputes in the South China Sea. China's submission of the U-shaped line map to the United Nations makes it clear that the line is connected to China's claim over continental shelves in the South China Sea. It has been observed that the line is coincidental with the 200-meter isobath in the South China Sea.⁸⁹ This was the general definition of the outer limit of the continental shelf provided for in the 1958 Convention on the Continental Shelf.⁹⁰ One can argue that the line in the South China Sea was intended to define the continental shelves of the islands within the line. The line along the 200-meter isobath may have been influenced by the 1945 Truman Proclamation.⁹¹

The U-shaped line was officially proclaimed more than a half-century before the adoption of the LOS Convention and a decade before the adoption of the 1958 Geneva Convention. The historic rights derived from or area delineated by this line cannot be disregarded. Usually the regime of historic rights is favorable for states with a long history, but relatively unfavorable for the newly independent states founded after World War II. This concern was noted when the issue of historic waters was discussed in the UN International Law Commission in the 1950s. García-Amador contended that the concept of historic bays benefited only older countries having a long history and that there were many comparative newcomers to the international community—countries in Latin America, the Middle East and the Far East—which could not claim such historic rights.⁹² In comparison with the claims by other countries bordering the South China Sea, China's claim has the longest history. This fact can at least partially explain why other claimants to the islands in the South China Sea are opposed to China's historic claims based on the U-shaped line.

On the other hand, China faces a dilemma regarding the line as it is not yet ready to give a reasonable explanation of the line based on international law. Since there are no express legal provisions in the LOS Convention that can be used as a legal basis to

support China's U-shaped line, China is unable to use the LOS Convention to defend its unilateral line in the South China Sea. While the LOS Convention affirms that matters which are not regulated under it should continue to be governed by general international law including customary law, it seems that China faces a dilemma of having no sufficient expertise in international law to explain the U-shaped line. Thus, China has remained silent when it has been asked or challenged by its neighboring countries for an explanation.⁹³ After communicating the U-shaped line map to the United Nations, China has encountered increased pressure, particularly from the ASEAN countries, for an explanation of the line. Even Singapore, a nonclaimant state in Southeast Asia, has raised concerns about the ambiguous claim made by China in the South China Sea.

China has been trying to apply the LOS Convention to the South China Sea. China has enacted a number of laws in accordance with the LOS Convention, including the 1992 Law on the Territorial Sea and the Contiguous Zone⁹⁴ and the 1998 Law on the EEZ and the Continental Shelf.⁹⁵ China used straight baselines to define part of its territorial sea along the mainland coast as well as encircling the Paracel Islands.⁹⁶ It is predicted that once the EEZ and continental shelf problems are settled for the South China Sea islands, the significance of the U-shaped line will be reduced. In the meantime, the line will be the legal and historical basis for China to defend its territorial and maritime claims in the South China Sea. China has to use the line as a countermeasure against the claims of other states to EEZs and continental shelves in the South China Sea. This has recently been demonstrated in the Chinese objection to the submissions by Vietnam and Vietnam-Malaysia to the CLCS.

As for any dispute resulting from an explanation on the U-shaped line, China can rely on Article 298 of the LOS Convention, which permits states parties to exclude the compulsory procedures provided for in the Convention from applying to the disputes "involving historic bays or titles." China has exercised this right through its declaration of exclusion in 2006.⁹⁷ Like many states, China prefers bilateral negotiations to settle territorial and maritime disputes with its neighbors. Through negotiations, China can use its persuasive power to entice its counterparts to reach an agreement. This approach had had some success as evidenced by the conclusion of the Tripartite Agreement on Seismic Activities in the South China Sea among three state-owned oil companies from China, the Philippines, and Vietnam in March 2005.⁹⁸ Though the agreement expired in 2008 with no substantial progress, it is perceived that China will continue in its efforts to reach similar agreements for cooperation in the South China Sea.

The U-shaped line is also a dilemma for the ASEAN claimant countries. Given the ambiguity of the basis of the line, except for using words such as "legally groundless" or "null and void," other claimants cannot rely on norms and rules of international law to rebut China's U-shaped line. At least three important research questions arise from the U-shaped line. First, is the LOS Convention the only international law to be relied on to explain the U-shaped line? Second, is there support for the U-shaped line in general international law including customary law? Third, do maritime rights that are set out in the LOS Convention override rights that existed prior to the adoption of the LOS Convention?

Notes

1. See Steven Kuan-Tsyh Yu, "Legal Nature and Status of the U-Shaped Line and the Inside Waters in Our South China Sea" (in Chinese), paper presented at the Conference on the South China Sea, Taipei, 16–18 October 1995, 1–13.

2. M. J. Valencia, J. M. van Dyke, and N. A. Ludwig, *Sharing the Resources of the South China Sea* (Dordrecht: Martinus Nijhoff, 1997), 24.
3. Ji Guoxing, "China Versus South China Sea Security," *Security Dialogue* 29 (1998): 103.
4. Chi-kin Lo, *China's Policy Towards Territorial Disputes: The Case of the South China Sea Islands* (London: Routledge, 1989), 45.
5. Ian Townsend-Gault, "China Ratifies UNCLOS," 16 May 1996, available at www-ibru.dur.ac.uk/cgi-bin/data.p1 (accessed 14 April 1998).
6. Robert W. Smith, "Maritime Delimitation in the South China Sea: Potentiality and Challenges," *Ocean Development and International Law* 41 (2010): 224.
7. Daniel J. Dzurek, "The Spratly Islands Dispute: Who's on First?" *IBRU Maritime Briefing* 2 (1996): 11.
8. Hanns J. Buchholz, *Law of the Sea Zones in the Pacific Ocean* (Singapore: Institute of Southeast Asian Studies, 1987), 43.
9. Zou Keyuan, "The Chinese Traditional Maritime Boundary Line in the South China Sea and Its Legal Consequences for the Resolution of the Dispute over the Spratly Islands," *International Journal of Marine and Coastal Law* 14 (1999): 27–55.
10. Earlier articles include, inter alia, Yann-huei Song and Peter Kien-Hong Yu, "China's Historic Waters in the South China Sea: An Analysis from Taiwan, R.O.C.," *American Asian Review* 12, no. 4 (1994): 83–101.
11. Particular papers of note include Li Jinming and Li Dexia, "The Dotted Line on the Chinese Map of the South China Sea: A Note," *Ocean Development and International Law* 34 (2003): 287–295; and Peter Kien-Hong Yu, "The Chinese (Broken) U-Shaped Line in the South China Sea: Points, Lines, and Zones," *Contemporary Southeast Asia* 25, no. 3 (2003): 405–430.
12. See People's Republic of China, Letter to the U.N. Secretary General, Doc. CML/17/2009, 7 May 2009; and Letter to the U.N. Secretary General, Doc. CML/18/2009, 7 May 2009 in Response to the Malaysia-Vietnam Joint Submission to the Commission on the Limits of the Continental Shelf, Executive Summary, May 2009 and Vietnam Submission to the Commission: North Area, April 2009. All of the above are available at the Web site of the Commission on the Limits of the Continental Shelf (CLCS), www.un.org/los/clcs_new/clcs_home.htm.
13. United Nations Convention on the Law of the Sea, 1833 *U.N.T.S.* 397, Article 122.
14. J. R. V. Prescott, *The Maritime Political Boundaries of the World* (London: Methuen, 1985), 209.
15. A reason that there is no other claimant for the Macclesfield Bank is that it is permanently submerged. Otherwise, Vietnam or the Philippines might also have claimed the feature.
16. The map was named "the Chinese territorial map before the Qianglong-Jiaqing period" (AD 1736–1820) of the Qing Dynasty in Hu Jinjie's compilation, *New Geographical Atlas of the Republic of China*. See Han Zhenhua, ed., *A Compilation of Historical Materials on China's South China Sea Islands* (Beijing: Oriental Press, 1988) (in Chinese), 355.
17. See Ministry of Interior, *An Outline of the Geography of the South China Sea Islands*, National Territory Series, 1947, Fig. 11, 861, as cited in J. K. T. Chao, "South China Sea: Boundary Problems Relating to the Nansha and Hsisha Islands," in *Fishing in Troubled Waters*, eds. R. D. Hill, N. G. Owen, and E. V. Roberts (Hong Kong: Centre for Asian Studies, University of Hong Kong, 1991), 88.
18. The map was named "the Location Map of the South China Sea Islands" (*naihai zhudao weizhi tu*), see Li and Li, *supra* note 11, at 290.
19. See Han Zhenhua, *supra* note 16, at 181–184.
20. See Article 6 of the 1995 Regulations on the Management of Map Compilation, available at www.sbsm.gov.cn/article/zcfg/flfg/200709/20070900000664.shtml (accessed 17 May 2011).
21. The Regulations on the Management of the Review and Approval of Maps, available at www.sbsm.gov.cn/article/zcfg/bmgz/200709/20070900000641.shtml (accessed 17 May 2011).
22. See People's Republic of China, "Circular on the Proper Use of Chinese Illustrative Maps," 6 March 2007, available at www.sbsm.gov.cn/article/zcfg/zygfwj/201101/20110100077693.shtml (accessed 17 May 2011).

23. See People's Republic of China, "Management of Maps," available at www.sbsm.gov.cn/article/zcfg/zcfgjd/200709/20070900000523.shtml (accessed 17 May 2011).
24. The Republic of China, South China Sea Policy Guidelines, are attached as an appendix to Kuan-Ming Sun, "Policy of the Republic of China Towards the South China Sea," *Marine Policy* 19 (1995): 408.
25. Central News Agency (CAN) Taiwan, 30 December 1997.
26. Hasjim Djalal, "The South China Sea: The Long Road Towards Peace and Cooperation," in *Security and International Politics in the South China Sea: Towards a Cooperative Management Regime*, eds. Sam Bateman and Ralf Emmers (London: Routledge, 2009), 177.
27. See Lu Shouben, ed., *The Marine Legal System* (Beijing: Guangming Daily, 1992) (in Chinese), 231–232.
28. See *China Maritime Law Enforcement Bulletin 2008*, available at www.soa.gov.cn/soa/hygb/xzgb/webinfo/2009/03/1271382649196436.htm (accessed 22 May 2011).
29. See "South China Sea Brigade Was Equipped with 13 Vessels by Adding the China Haijian 84," available at www.gov.cn/jrzq/2011-05/08/content_1859750.htm (accessed 20 May 2011).
30. See "Qin Gang: Chinese Vessel Carries Out Regular Tasks of Fishery Administration in the South China Sea," available at military.people.com.cn/GB/1076/117533/8978540.html (accessed 20 May 2011).
31. For details, see "China Fishing Administration Confronts Indonesian Warships and war.news.163.com/10/0728/12/6CM7R3BV00011MTO.html (accessed 20 May 2011).
32. See *China Maritime Law Enforcement Bulletin 2010*, available at www.soa.gov.cn/soa/hygbml/xzgb/ten/webinfo/1304230574153971.htm (accessed 22 May 2011).
33. "Commemorating 10th anniversary of the Founding of the South China Sea Brigade of the China Maritime Surveillance," 21 September 2009, available at www.scsb.gov.cn/html/2/13/article-236.html### (accessed 18 May 2011).
34. *China Maritime Law Enforcement Bulletin 2008*, supra note 28.
35. *China Maritime Law Enforcement Bulletin 2010*, supra note 32.
36. *Ibid.*
37. Law on the Exclusive Economic Zone and the Continental Shelf, 26 June 1998, available at the Web site of the UN Division on Oceans and the Law of the Sea (DOALOS), www.un.org/Depts/los.
38. Zou Keyuan, "Historic Rights in International Law and in China's Practice," *Ocean Development and International Law* 31 (2001): 162.
39. Law on Marine Environmental Protection, 25 December 1999, the text is reprinted in *People's Daily* (in Chinese), 28 December 1999.
40. See Zou Keyuan, "Implementing Marine Environmental Protection Law in China: Progress, Problems and Prospects," *Marine Policy* 33 (1999): 211.
41. As quoted in Ni Jianmin, ed., *Ocean China* (Beijing: China International Broadcasting, 1997) (in Chinese), 368. See also "The Committee of Propaganda Activities for the International Year of Ocean Established," *People's Daily* (in Chinese), 18 February 1998, 3.
42. *Ibid.*, at 412.
43. See Chen Shijian, ed., *The Collection of Names and Materials on the South China Sea Islands* (Guangzhou: Guangdong Atlas, 1987) (in Chinese), 381.
44. Vanguard Bank lies 22 nautical miles southwest from Prince Consort Bank (*Xiwei Tan*) at 7°32'N, 109°45'E. The linear crest of this bank is aligned west-east and within the 18.3-meter isobath measures 16 nautical miles long and 3 nautical miles wide. The least recorded depth is 16.5 meters. David Hancox and Victor Prescott, "A Geographical Description of the Spratly Islands and an Account of Hydrographic Surveys Amongst Those Islands," *Maritime Briefing* 1, no. 6 (1995): 16.
45. Valencia, van Dyke, and Ludwig, supra note 2, at 27. Mark J. Valencia, "Spratly Solution Still at Sea," *Pacific Review* 6, no. 2 (1993): 158, wrote: "Although the Crestone concession is clearly on Vietnam's geologic continental shelf and within 350 nm of its coast China argues that the area is within its 'historical line' claim."

46. *Straits Times* (Singapore), 21 May 1992, at 7.
47. Xinhua News Agency, Beijing, 17 April 1996.
48. For details, see “China,” available at www.harvestnr.com/operations/china.html (accessed 20 May 2011).
49. For details, see “Chinese Ships Violate Vietnam’s Sovereignty, Disrupt Oil Exploration Work,” available at www.thanhniennews.com/2010/Pages/20110527182714.aspx (accessed 22 November 2011).
50. PRC, Letter CML/17/2009; and Letter CML/18/2009, *supra* note 12.
51. The Philippines, Letter to the U.N. Secretary General, Doc. No. 000228, 5 April 2011, available at the CLCS Web site, *supra* note 12.
52. People’s Republic of China, Letter to the U.N. Secretary General, Doc. No. CML/8/2011, 14 April 2011, available at the CLCS Web site, *supra* note 12.
53. *Ibid.*
54. *Sovereignty Over Pulau Ligitan and Pulau Sipadan, (Indonesia/Malaysia)*, [2002] *I.C.J. Reports* 625, para. 88.
55. See Zou Keyuan, *Law of the Sea in East Asia: Issues and Prospects* (London: Routledge, 2005), 83.
56. Li and Li, *supra* note 11, at 290.
57. See *People’s Daily* (in Chinese), 16 May 1996.
58. Yu, *supra* note 11, at 415, with regard to the straight baselines and the U-shaped line as “double insurance” for China’s interests in the South China Sea.
59. Declaration on the Conduct of Parties in the South China Sea, available at www.aseansec.org/13163.htm (accessed 22 May 2011).
60. The Philippines, Republic Act No. 9522, An Act to Amend Certain Provisions of Republic Act No. 3046, as amended by Republic Act No. 5466, to Define the Archipelagic Baselines of the Philippines, and for Other Purposes, approved 10 March 2009, available at the Web site of the Philippine Law and Jurisprudence Database, www.lawphil.net/statutes/repacts/ra2009/ra_9522_2009.html.
61. People’s Republic of China, Letter to the U.N. Secretary-General, Doc. CML/12/2009, 13 April 2009, available at the DOALOS Web site, *supra* note 37.
62. Agreement Between Malaysia and Indonesia on the Delimitation of the Continental Shelves of the Two Countries, 27 October 1969, available at the DOALOS Web site, *supra* note 37.
63. Agreement Between Vietnam and Indonesia Concerning the Delimitation of the Continental Shelf Boundary, 26 June 2003, *Law of the Sea Bulletin*, no. 67 (2008): 39.
64. Malaysia, Ministry of Foreign Affairs, press release, 3 May 2010, available at the Web site of the Ministry of Foreign Affairs.
65. Malaysia-Vietnam Joint Submission and Vietnam Submission: Northern Area, *supra* note 12.
66. Brunei Darussalam, Preliminary Information Submission to the Commission, May 2009, available at the CLCS Web site, *supra* note 12.
67. The Philippines, A Partial Submission to the Commission, Executive Summary, May 2009, available at the CLCS Web site, *supra* note 12.
68. PRC, Letter CML/17/2009; and Letter CML/18/2009, *supra* note 12.
69. See People’s Republic of China, Preliminary Information Submission to the Commission, May 2009; and Letter to the U.N. Secretary-General, Doc. SC/09/246, 23 July 2009, available at the CLCS Web site, *supra* note 12.
70. Huynh Minh Chinh, “Sovereignty of Vietnam over Hoang Sa (Paracels) and Truong Sa (Spratlys) and Peaceful Settlement of Disputes in the Bien Dong Sea (South China Sea),” in Conference Proceedings, *ASEAN in the 21st Century: Opportunities and Challenges* (Hanoi: Institute of International Relations, March 1996), 98–99.
71. Nguyen Hong Thao, “China’s Maritime Moves Raise Neighbors’ Hackles,” *Vietnam Law and Legal Forum*, July 1998, 21.
72. *Ibid.*, at 21–22.

73. Vietnam, "Dispute Regarding the Law on the Exclusive Economic Zone and the Continental Shelf of the People's Republic of China Which Was passed on 26 June 1998," *Law of the Sea Bulletin* no. 38 (1998): 55.

74. See "Viet Nam's Submission on Its Outer Limits of the Continental Shelf, Ministry of Foreign Affairs' Spokesman Mr. Le Dzung Answers Question on 08 May 2009," available at www.mofa.gov.vn/en/tt_baochi/pbnfn/ns090508180346#Z4GcTd019sbm (accessed 23 May 2011).

75. Radio Australia, 16 January 1997.

76. Hasjim Djalal, "Conflicting Territorial and Jurisdictional Claims in the South China Sea," *Indonesian Quarterly* 7, no. 3 (1979): 42.

77. Djalal, *supra* note 26, at 177.

78. Indonesia, Letter to the U.N. Secretary-General, Doc. 480/POL-703/VII/10, 8 July 2010, available at the CLCS Web site, *supra* note 12.

79. Even in response to China's objection to its joint submission of the outer continental shelf in the South China Sea, Malaysia stated only that its act conforms to the LOS Convention and the submission is made without prejudice to the question of delimitation in the South China Sea. Malaysia, Letter to the U.N. Secretary-General, Doc. HA24/09, 20 May 2009, available at the CLCS Web site, *supra* note 12.

80. B. A. Hamzah, "Conflicting Jurisdiction Problems in the Spratlys: Scope for Conflict Resolution," paper presented at the Second Workshop on Managing Potential Conflicts in the South China Sea, Bandung, Indonesia, 15–18 July 1991, 199–200.

81. The Philippines, Letter, *supra* note 51.

82. Erik Franckx and Marco Benatar, "Dotted Lines in the South China Sea: Fishing for (Legal) Clarity," paper presented at the Second International Workshop on the South China Sea: Cooperation for Regional Security and Development, Hanoi, 11–12 November 2010.

83. S. Jayakumar, "Keynote Address," Conference on Joint Development and the South China Sea, 16 June 2011, Singapore, available at cil.nus.edu.sg/wp/wp-content/uploads/2011/06/CIL-Keynote_Address_16_Jun_11_7.45am-pdf.pdf (accessed 21 June 2011).

84. *Ibid.*

85. Singapore, "MFA Spokesman's Comments in Responses to Media Queries on the Visit of Chinese Maritime Surveillance Vessel Haixun 31 to Singapore," 20 June 2011, available at www.mfa.gov.sg/ (accessed 21 June 2011).

86. Hillary Clinton, "The South China Sea," Press Statement of the Secretary of State, 22 July 2011, available at www.state.gov/secretary/rm/2011/07/168989.htm (accessed 2 August 2011).

87. *Ibid.*

88. Raul Pedrozo, "Beijing's Coastal Real Estate: A History of Chinese Naval Aggression," 15 November 2010, available at www.foreignaffairs.com/articles/67007/raul-pedrozo/beijings-coastal-real-estate (accessed 24 May 2011).

89. Dzurek, *supra* note 7, at 12, observes that the dashed lines generally follow the 200-meter isobath.

90. Convention on the Continental Shelf, 499 *U.N.T.S.* 311.

91. Fu Kuen-chen, "The Legal Status of the South China Sea and the Feasibility of the Equal Co-operation across the Taiwan Strait" (in Chinese), paper presented at the Conference on the South China Sea, Taipei, 16–18 October 1995, 4.

92. See *Yearbook of the International Law Commission*, vol. 1 (1955), 214.

93. For example, Indonesia sent a diplomatic note to China in 1995, requesting China to explain the U-shaped line. But China replied only that there was no territorial dispute between China and Indonesia in the South China Sea. See Sun Guoxiang, "New Developments in the South China Sea and the Prospects and Challenges for Cross-strait Cooperation," in National Institute for South China Sea Studies (ed.), *Collected Papers from the Cross-Strait Workshop on the South China Sea Issue* (January 2011) (in Chinese), 5.

94. Law on the Territorial Sea and Contiguous Zone, 25 February 1992, available at the DOALOS Web site, *supra* note 37.

95. Law on the EEZ and the Continental Shelf, *supra* note 37.

96. People's Republic of China, Declaration on the Baselines of the Territorial Sea, 15 May 1996,; and List of Coordinates for the Baselines, available at the DOALOS Web site, supra note 37.

97. For China's Declaration, 26 August 2006, available at the DOALOS Web site, supra note 37.

98. The three oil companies are China National Offshore Oil Corporation, Philippine National Oil Company, and PetroVietnam. See "Three Nations Sign Pact for Joint Spratlys Survey," *Straits Times* (Singapore), 15 March 2005.