

# ASEAN and 1982 UNCLOS Treaty

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South-east Asian leaders have claimed that the 1982 UN oceans treaty should be the **basis of sovereign rights and entitlements in the South China Sea**, in one of their strongest remarks opposing China's claim to virtually the entire disputed waters on historical grounds.

## Cause of Dispute

China has taken increasingly aggressive steps in recent years to bolster its claims to the strategic waters, which it vaguely marks with a so-called **nine-dash line** that overlaps with the coastal waters and territorial claims of ASEAN member states Vietnam, Malaysia, the Philippines and Brunei. Taiwan has also staked a claim in vast stretches of the disputed waters.

In July 2016, an **international arbitration tribunal** invalidated China's vast historical claims to the waters based on UNCLOS. China refused to participate in the case and dismissed the ruling as a sham. China in recent years transformed seven disputed reefs into **missile-protected island bases**, including three with military-grade runways, and continues to develop them in actions that have set off protests and alarmed rival claimant states, as well as the United States and its Asian and Western allies.

## 1982 UNCLOS Treaty

The United Nations Convention on the Law of the Sea (UNCLOS), a 1982 international agreement defines the **rights of countries to the world's oceans**. It also demarcates stretches of waters called **exclusive economic zones** where coastal states are given the right to exclusively tap fishery and fuel resources.

The convention introduced a number of provisions. The most

significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes.

Aside from its provisions defining ocean boundaries, the convention establishes general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas, and also creates an innovative legal regime for controlling mineral resource exploitation in **deep seabed areas** beyond national jurisdiction, through an **International Seabed Authority and the common heritage of mankind principle**.