Beyond Territorial Disputes in the South China Sea Legal Frameworks for the Joint Development of Hydrocarbon Resources

Nus Centre for International Law Series

The South China Sea and China-ASEAN Relations

Law, Territory and Conflict Resolution Beyond Territorial Disputes

Beyond Frozen Conflict - The Rights and Obligations of States in Disputed Maritime Areas

These Islands Are Ours

Ethnic Challenges Beyond Borders

The puzzle of Peace moves beyond defining peace as the absence of war and develops a broader conceptualization and explanation for the increasing peacefulness of the international system. The authors track the rise of peace as a new phenomenon in international history starting after 1945. International peace has increased because international society has developed a set of norms dealing with the overlapping aspirations of emerging, smaller nations, the risk of escalation to regional conflict is real. Christian Le Mi and Sarah Raine cut through the complexities of these disputes with a clear-sighted, and much-needed, analysis of the assorted strategies deployed in support of the multiple and competing claims in the SCS. They make a compelling case that the course of these disputes will determine whether the regional order in Southeast Asia is one of cooperation, or one of competition and even conflict.

The Rights and Obligations of States in Disputed Maritime Areas

Settlers feature in many protracted territorial disputes and ethnic conflicts around the world. Explaining the dynamics of the politics of settlers in contested territories in several contemporary cases, this book illuminates how settler-related conflicts emerge, evolve, and are significantly more difficult to resolve than other disputes. Written by country experts, chapters consider Israel and the West Bank, Arab settlers in Kirkuk, Moroccan settlers in Western Sahara, settlers from Fascist Italy in North Africa, Turkish settlers in Cyprus, Indonesian settlers in Western Sahara, and Sinhalese settlers in Sri Lanka. Addressing four common topics - right-sizing the state, mobilization and violence, the framing process, and legal principles versus pragmatism - the cases taken together raise interrelated questions about the role of settlers in conflicts in contested territory. Then looking beyond the similar characteristics, these cases also illuminate key differences in levels of settler mobilization and the impact these differences can have on peace processes to help explain different outcomes of settler-related conflicts. Finally, cases investigate the causes of settler mobilization and identify relevant conflict resolution mechanisms.

These Islands Are Ours

Lebanon, together with the province of Hatay in Turkey (containing Antakya), and the Golan Heights were all part of French mandate Syria, but are now all outside the boundaries of the modern Syrian state. The policies and reactions of Syria both to the loss of these territories and to the states that have either absorbed, annexed or emerged from them (Lebanon, Turkey and Israel) are the focus of Emma Jørum's book. Jørum remain at the forefront in Syria's international relations and diplomacy efforts.

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Beyond Territorial Disputes in the South China Sea: A rare collection of essays by leading Chinese and Russian Central Asian specialists. The contributors address the problems and challenges posed by the resurgence of territorial disputes between China and Russia. This book examines the nature of the rights and obligations of coastal States in the South China Sea.

Territorial disputes in the South China Sea islands have emotional content far beyond any material significance because giving way on the island issue to Japan would be considered as once again compromising the sovereignty over the whole Korean peninsula. For Japan, the Dokdo issue may lack the same degree of strategic and economic values and emotional appeal as the other two territorial disputes that Japan has had with Russia and the two Chinas, namely the Northern Territories/Southern Kurile Islands and the Senkaku Islands, respectively. Nevertheless, fishing resources and the maritime boundary issues became highly salient with the introduction of UNCLOS.

Also, the legal, political, and economic issues surrounding Dokdo are all intertwined with Japan’s other territorial disputes to the extent that concessions of sovereignty on any of these island disputes could jeopardize claims or negotiations concerning the rest. South Korea and Japan have forged a deeper diplomatic and economic partnership over the past decade. A new spirit of partnership after the landmark joint declaration of 1998 culminated in the successful co-hosting of the World Cup 2002. At the end of the 2003 two neighbors began to negotiate an FTA to further strengthen their already close economic ties. South Korea’s decades-long embargo on Japanese cultural products has now been lifted, while a number of South Korean pop stars are currently sweeping across Japan, creating the so-called ‘Korean Wave’ fever. A pragmatic calculation of national interests would thus suggest cooperative behavior.

Territorial disputes remain a significant source of tension in international relations, representing an important share of interstate cases brought before international tribunals and courts. Analysing the international law applicable to the assessment of territorial claims and the settlement of related disputes, this Research Handbook provides a systematic exposition and in-depth discussions of the relevant key concepts, principles, rules, and techniques. Combining extensive knowledge from across international law, Marcelo Kohen and Mamadou Hébié expertly unite a multinational group of contributors to provide a go-to resource for the settlement of territorial disputes. The different chapters discuss the process through which states establish sovereignty over a territory, and review the different titles of territorial sovereignty, the relation between titles and effectiveness, as well as the relevance of state conduct. Select chapters focus on the impact of foundational principles of international law such as the principle of territorial integrity, the right of self-determination and the prohibition of the threat or use of force, on territorial disputes. Finally, technical rules that are crucial for the assessment of territorial claims, especially the techniques of intertemporal law and critical date, as well as evidentiary rules, are presented. An essential resource for practitioners, international law academics and public officials including judges and arbitrators, this Research Handbook is a highly original collection of scholarship and research on territorial disputes and their settlement.

Island disputes and maritime regime building in East Asia offer a rare forum for a serious analysis of the territorial dispute over the Diaoyu/Senkaku Islands between China and Japan. The volume deconstructs conflicting perspectives on the two sides of the dispute. Cutting through the political rhetoric on both sides of the controversy, this book analyzes the relevant history, international law, multilateral relations, political agendas, and social and collective memory, to shed light on this difficult dispute. Taken together, the chapters of the book propose short-term, medium-term, and long-term peaceful solutions for going beyond the impasse of the current territorial dispute.

International frontiers and boundaries under the United Nations Law of the Sea Convention, states have sovereign rights over the resources of their continental shelf out to 200 nautical miles from the coast. Where the physical shelf extends beyond 200 nautical miles, States may exercise rights over those resources to the outer limits of the continental shelf. More than 80 States may be entitled to claim sovereign rights over their continental shelf where it extends beyond 200 nautical miles from their coast, and the Commission on the Limits of the Continental Shelf is currently examining many of these claims. This book examines the nature of the rights and obligations of coastal States in this area, with a particular focus on the options for regulating activities on the extended continental shelf. Because the extended continental shelf lies below the high seas, the area poses unique legal challenges for coastal States that are different from those faced in respect of the shelf within 200 nautical miles. In addition, the United Nations Convention on the Law of the Sea imposes some specific obligations that coastal States must comply with in respect of the extended continental shelf. The book discusses the development of the concept of the extended continental shelf. It explores a range of issues facing the coastal State in regulating matters such as environmental protection, fishing, bioprospecting, exploitation of non-living resources and marine scientific research on the extended continental shelf. The book proposes a framework for navigating the intersection between the high seas and the extended continental shelf and minimising the potential for conflict between flag and coastal States.

Settlers in contested lands this study endeavors to identify ground force options that are most important to the security of core U.S. interests in two key regions of the world: the Middle East and South Asia; and the Asia Pacific. It is meant to help the Department of Defense define future challenges risk as it relates to ground forces and identity and classify specific qualitative risks that could undermine future operational success.

Geopolitics in Contemporary Europe. Analysis of Incipient Territorial Dispute: A comprehensive treatment of the rights and obligations of States within disputed maritime areas under international law.
Standing Your Ground: An easily accessible and comprehensive study of the International Court of Justice, this book succinctly explains all aspects of the world's most important court, including an overview of its composition and operation, jurisdiction, procedure, and the nature and impact of its judgments.

Beyond the Last War: This book analyses the structure of the India-China relationship and the two prominent powers’ positions with and against each other, bilaterally and globally, in a complex Asian environment and beyond. India and China’s perceptions of one another are evaluated to reveal how the order of Asia is influenced by engaging in different power equations that affect equilibrium and disequilibrium. Contributors address three critical perspectives of India and China in Asia which are increasingly shaping the future of Asia and impacting the Indo-Pacific power balance. First, they examine the mutual perceptions of India and China as an integral part of Asia’s evolving politics and the impact of this on the emerging Asian order and disorder. Second, they assess how classical and contemporary characteristics of the India-China boundary and beyond-border disputes or conflicts are shaping Asia’s political trajectory and leaving an impact on the Indo-Pacific region. Additionally, contributors observe the prevailing power equations in which India and China are currently engaged to reveal that they are not only geographically limited to the Asian region. Instead, having a strong global or intercontinental character attached to it, the India-China relationship involves extra-territorial powers and extra-territorial regions. This book will be of interest to academics, students and policymakers working on Asian studies, international relations, area studies, emerging powers studies, strategic studies, security studies and conflict studies.

Cross-Border Resource Management: This essay is about the management of natural and environmental resources in cross-border areas. It explores a group of geographical, political, legal, economic and cultural factors that arise when political units (such as sovereign countries, dependent states and other administrative units) seek to utilize natural and environmental resources efficiently and equitably while minimizing the resultant damages (for example, prevention of resource degradation and preservation of the physical environment). It examines various types of cross-border areas at both international and sub-national levels throughout the world as well as their geographical, political, economic and cultural influences on the cross-border resource management. It uses the latest international and area data, resulting in new findings for cross-border environmental activities. It contains a large number of case studies throughout the world including four in-depth case studies of cross-border resource management.

Building a Normative Order in the South China Sea: International frontiers and boundaries separate land, rivers and lakes subject to different sovereignties. Frontiers are “zones” of varying widths and they were common many centuries ago. By 1900 frontiers had almost disappeared and had been replaced by boundaries that are lines. The divisive nature of frontiers and boundaries has formed the focus of inter-disciplinary studies by economists, geographers, historians, lawyers and political scientists. Scholars from these disciplines have produced a rich literature dealing with frontiers and boundaries. The authors surveyed this extensive literature and the introduction reveals the themes which have attracted most attention. Following the introduction the book falls into three sections. The first section deals systematically with frontiers, boundary evolution and boundary disputes. The second section considers aspects of international law related to boundaries. It includes chapters dealing with international law and territorial boundaries, maps as evidence of international boundaries and river boundaries and international law. The third section consists of seven regional chapters that examine the evolution of boundaries in the Americas, the Middle East, Africa, Asia, Europe, islands off Southeast Asia and Antarctica.

Research Handbook on Territorial Disputes in International Law: Crossing disciplinary boundaries, this volume offers a rare forum for a serious analysis of the territorial dispute over the Diaoyu/Senkaku Islands between China and Japan. To understand the complexity of the dispute and to find peaceful solutions, we must reach beyond the confines of a single discipline and perspective. The volume deconstructs conflicting perspectives on the two sides of the dispute. Territorial disputes often become symbolic expressions of nationalist rivalries, particularly as political claims for territories escalate and economic competition for resources between countries intensifies. Cutting through the political rhetoric on both sides of the controversy and bringing together a group of eight scholars from the disciplines of history, international relations, law, political science, and sociology, this book analyzes the relevant history, international law, multilateral relations, political agendas, and social and collective memory, to shed light on this difficult dispute. Taken together, the chapters of the book propose short-term, medium-term, and long-term peaceful solutions for going beyond the impasse of the current territorial dispute.

India and China in Asia: In an effort to make sense of war beyond the battlefield in studying the wars that were captured under the rubric of the “War on Terror”, this special issue book seeks to explore the complex spatial relationships between war and the spaces that one is not used to thinking of as the battlefield. It focuses on the conflicts that still animate the spaces and places where violence has been launched and that the war has not left untouched. In focusing on war beyond the battlefield, it is not that the battlefield as the place where war is waged has gone in smoke or has borne out of importance, it is rather the case that the battlefield has been dis-placed, re-designed, re-shaped and rethought through new spatializing practices of warfare. These new spaces of war are new in the sense that they are not traditionally thought of as spaces where war takes place or is brought to are television screens, cellular phones and bandwidth. George W. Bush’s ranch in Crawford, Texas, videogames, popular culture sites, news media, blogs, and so on. These spaces of war beyond the battlefield are crucial to understanding what goes on the battlefield, in Iraq, Afghanistan, or in other fronts of the War on Terror (such as the homeland) to understand how terror has globally been waged beyond the battlefield. This book was originally published as a special issue of Geopolitics.

Establishing Continental Shelf Limits Beyond 200 Nautical Miles by the Coastal State: Provides a focus on the planet’s elements, environments, and edges, to extend our understanding of territory to the dynamic, contentious spaces of contemporary politics.

Regional Disorder South China Sea Disputes And Law Of The Sea: explores in great detail the application of specific provisions of UNCLOS and how the framework of international law applies to the South China Sea. Offering a comprehensive analysis of the individual.

The International Court of Justice

The China-Japan Border Dispute Law: Territory and Conflict Resolution examines the role of law in territorial disputes and legal realities in territorial conflicts by critically reflecting on the well-established assumption that law is part of the solution rather than part of the problem.

Enterprises, Localities, People, and Policy in the South China Sea: In this edited collection diplomats, academic researchers, and journalists survey modern Russian-Japanese relations. An attempt is made to go back to the origins of the conflict in their relations, to analyze their current status, and to propose an agenda for the future. The authors argue that the problems Moscow and Tokyo inherited from the decades of the Cold War cannot be resolved through a narrow bilateral approach and will require construct U.S. participation. The problem of the Northern Territories is examined in the context of the North Pacific regional security environment. The authors
explore the prospects for cooperative regional engagement, a nuclear build-down in the North Pacific, and possible involvement of the UN in the resolution of the territorial dispute. The dissolution of the Soviet Union raised hopes for a rapid improvement of Japanese-Russian relations. This is important to both global and regional stability, peace, and security in Northeast Asia, and to Russia’s transition to new relations with the West. Both Russia and Japan are in the process of domestic change and have weak political leadership. Yeltsin’s visit to Tokyo in October 1993 was a cause for relief and for hope as the two nations discussed their common concerns. However, the Northern Territories remains a serious obstacle to improved relations. In this book an attempt is made to go back to the origins of the conflict in Japan-Russia relations, to discuss their current status, and to propose an agenda for the future. There was a broad consensus among the diplomats, academics, political analysts, and journalists whose writings are part of this collection. First, the problems Moscow and Tokyo inherited from the decades of Cold War cannot be resolved through a narrow bilateral approach and will require constructive U.S. participation. Second, the interconnection between bilateral, regional, and global trends created a new context for Moscow-Tokyo dialogue and cooperation. Third, the problem of the Northern Territories cannot be separated from the realities of the North Pacific regional security environment, which is still under the residual influence of the Cold War. The authors explore the prospects for cooperative regional engagement, a nuclear build-down in the North Pacific, and possible involvement of the UN in the resolution of the territorial dispute. Among the problems that require immediate attention, the writers focus on defense conversion, and dismantlement and disposing of nuclear weapons, and prospects for bilateral partnership that will serve the purpose of multilateral cooperation in the North Pacific/ Northeast Asian region.

Rethinking South China Sea Disputes
The proposed book draws on the on-going South China Sea dispute, and the multifaceted challenges wrought by the South China Sea issue that requires an inter-disciplinary perspective. It employs legal-analytical methods, to emphasize the nuances of the role and interpretation of international law and treaties by China in different periods, while taking into account policy and strategic concerns, which generally cast great sway in decision-making. The re-introduction of interdisciplinary concerns straddling law and history illustrates that the historical dimension, which has long been neglected, is an emerging concern that poses looming dangers that may unexpectedly radicalize the friction. Contributing to debunking the mystique wrought by confrontations between a historical and a law-dominated perspective, these perspectives are supported by a more nuanced analytical framework, featuring theoretical concerns with a tinge of practicality. The South China Sea Dispute aims to unveil a nuanced evolution of the issue with a confluence of inter-temporal law, policy and maritime practices in the South China Sea.

"Northern Territories" and Beyond
Explains why governments have initiated, escalated, and settled territorial disputes with neighboring states since the end of World War II

Beyond Syria’s Borders Seminar paper from the year 2011 in the subject Politics - International Politics - Topic: Peace and Conflict Studies, Security, grade: 1.0, University of Bath, language: English, abstract: This essay tries to outline incipient geopolitical conflicts in and beyond contemporary Europe, which might change its security percepts, strategies and aspirations permanently. The attention of this essay is focused on two territorial challenges beyond European borders with direct effect upon its security. The first one deals with the Arctic Zone and the geopolitical disputes between its neighbouring states. The second one concerns the deepening securitization of outer space and its impact on the European sphere. Contemporary Europe faces new emerging territorial challenges, which are not located inside Europe but in its geographical periphery and beyond. Various territorial conflicts, in particular those between successor states of the former Soviet Union (SU) or former Yugoslavia, were present throughout the 1990s and sometimes even resolved only recently, such as the border dispute between Slovenia and Croatia in 2008-2009. Nevertheless, these are not the only territorial conflicts affecting the European security structure. Territory is an important security issue encased in geostrategic politics in Europe as well as in world affairs and has been broadly examined and assessed by scholars. In modern geopolitical analyses the emphasis is not 'classical understanding of spatial borders and territory of a nation-state, but more about transcending these borders. The driving force of this school of thought is to understand why and how states in world politics aim to secure territory beyond their own borders. This recent development matters to Europe as much as it does to the US, Russia and other nations in international relations. And by far, this is an issue related to individual, regional and collective security identity.

The Puzzle of Peace
Heightened tensions in the South China Sea have raised serious concerns about the dangers of conflict in this region as a result of unresolved, complex territorial disputes. This volume offers detailed insights into a range of country-perspectives, addressing the historical, legal, structural, regional and multilateral dimensions of these disputes

Tensions in Arabia
The South China Sea, where a number of great powers and regional players contend for influence, has emerged as one of the most potentially explosive regions in the world today. What can be done to reduce the possibility of conflict, solve the outstanding territorial problems, and harness the potential of the sea to promote regional development, environmental sustainability and security? This book, with contributions from leading authorities in China, the Philippines, Vietnam, Australia, Singapore and the United States, seeks to illuminate these questions.

1962 Border War
The Law Applicable to the Continental Shelf Beyond 200nn: How can Third World experiences of colonialism and statehood be expressed within the confines of the International Court of Justice? How has the discourse of international law developed to reflect postcolonial realities of ‘universal’ statehood? In a close and critical reading of four territorial disputes spanning the Arab World, Burgess explores the extent to which international law can be used to speak for and speak to non-European experiences of authority over territory. The book draws on recent, critical international legal scholarship to question the ability of contemporary, international adjudication to address Third World grievances from the past. A comparative analysis of the cases suggests that international law remains a discourse only capable of capturing a limited range of non-European experiences during and after colonialism.

China-Japan Border Disputes Islands of Contention in Multidisciplinary Perspective
This volume takes readers beneath the surface of the South China Sea by exploring critical but under-researched issues related to the maritime territorial disputes. It draws attention to the importance of private sector, civil society, and subnational actors’ roles in the disputes and sheds light on key policy issues that are addressed less often in the literature. By going beyond mainstream analyses focused solely on issues of traditional security, resource economics, and international law, it offers a fresh and engaging look at the South China Sea disputes. The book’s diverse content and fresh perspectives make it an essential read not only for policymakers and those in the international relations community but also for all others interested in gaining a more well-rounded understanding of the many issues at stake in the South China Sea maritime territorial disputes.

1962 Border War Territorial disputes are one of the main sources of tension in Northeast Asia. Escalation in such conflicts often stems from a widely shared public perception that the territory in question is of the utmost
importance to the nation. While that's frequently not true in economic, military, or political terms, citizens' groups and other domestic actors throughout the region have mounted sustained campaigns to protect or recover disputed islands. Quite often, these campaigns have wide-ranging domestic and international consequences. Why and how do territorial disputes that at one point mattered little, become salient? Focusing on non-state actors rather than political elites, Alexander Bukh explains how and why apparently inconsequential territories become central to national discourse in Japan, South Korea, and Taiwan. These Islands Are Ours challenges the conventional wisdom that disputes-related campaigns originate in the desire to protect national territory and traces their roots to times of crisis in the respective societies. This book gives us a new way to understand the nature of territorial disputes and how they national identities by exploring the processes of their social construction, and amplification.

War Beyond the Battlefield 1962 Border War: Sino-Indian Territorial Disputes and Beyond studies the historical antecedents of the origin and developments of the border dispute between the two Asian giants—India and China. It investigates why these newborn republics, despite their close ties in the international politics, chose a path of a large-scale military encounter in the winter of 1962. This book uses the classified Henderson Brooks-Bhagat Report and the CIA Staff Study Report to answer this question. The book debates how far internal bureaucratic hurdles, political intrigues and partisan interest in New Delhi have factored against Nehru's China Policy. Further, this study reveals the impact of Cold War politics, CIA operations on the frontiers and the US strategy of projecting the Tibet factor on these two nations. The key significance of this study is that it reveals the historical factors behind the Sino-Indian frequent and ongoing skirmishes along the border.

Shadow States ‘The book has been written by many highly qualified observers and academicians that have spent a lot of time observing and analyzing the recent developments in the South China Sea, particularly those relating to the dispute and way of overcoming them. I do hope that this publication will throw some light on such important matters and indicate possible roads to follow in solving the territorial disputes through joint development concept.’ Hasjim Djalal, Director of Southeast Asian Studies, Jakarta, Indonesia This highly informative and up-to-date book brings together expert scholars in law of the sea to explore the legal and geopolitical aspects of the South China Sea disputes and provide an in-depth examination of joint development in the South China Sea. The South China Sea has long been regarded as a source of conflict and tension in Asia. Underlying this conflict is the dispute between China, Vietnam, the Philippines, Malaysia and Brunei over the features in the South China Sea, as well as the resources in the surrounding waters. One viable solution is for the claimants to set aside their claims and jointly develop the hydrocarbon resources in the South China Sea. Unlike previous works, this book takes a unique approach by examining existing joint development arrangements in Asia to see if there are any ‘lessons learnt’ that may be applicable to the South China Sea. This approach has enabled the editors to move beyond a mere theoretical discussion on joint development and focus on the law, policy and practical issues related to joint development. Beyond Territorial Disputes in the South China Sea will strongly appeal to Government officials, policy-makers from ASEAN Countries, China and the United States, as well as academics, particularly those who are involved in legal scholarship on the South China Sea disputes. Practitioners of oil and gas law will also find much to benefit them in this book.

Boundaries of Discourse in the International Court of Justice 1962 Border War: Sino-Indian Territorial Disputes and Beyond studies the historical antecedents of the origin and developments of the border dispute between the two Asian giants—India and China. It investigates why these newborn republics, despite their close ties in the international politics, chose a path of a large-scale military encounter in the winter of 1962. This book uses the classified Henderson Brooks-Bhagat Report and the CIA Staff Study Report to answer this question. The book debates how far internal bureaucratic hurdles, political intrigues and partisan interest in New Delhi have factored against Nehru’s China Policy. Further, this study reveals the impact of Cold War politics, CIA operations on the frontiers and the US strategy of projecting the Tibet factor on these two nations. The key significance of this study is that it reveals the historical factors behind the Sino-Indian frequent and ongoing skirmishes along the border.

The South China Sea Disputes and Law of the Sea

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