ABSTRACT
Conflicts have been shaping the states since the very beginning of their formation. However, they also jeopardize peace, security and stability around the world, leading to economic and social issues in the regions affected by them. One of these conflicts is happening in the South China Sea region. The tensions are territorial in nature, its importance laying mainly on the richness of sea area with natural resources, but also on the fact that it is a major trade route. Moreover, the conflict itself has created and highlighted other problems. In attempts to diminish the tensions and appease the parties, the matter was brought to international bodies and the conventions, such as Permanent Court of Arbitration and UNCLOS. However, those attempts failed to fulfill their purpose and brought into question the strength of international law in maintaining peace and stability in the international community. The aim of this paper is to analyze the reasons behind this conflict, with focus on economic, social and security risks in the region, and how its prolonged continuation can severely affect it. Nonetheless, it also means to provide recommendations on how the international law and society should approach this type of conflict and offer possible solutions to ensure peace in order to prevent more damage to the region.

Paper to be presented at the ISA International Conference June 15-18, 2017, at the University of Hong Kong
INTRODUCTION

Conflicts have been shaping the world and the countries since the very beginning of its formation. Wars between and inside countries have helped the forming of the international system as it is, creating new and solidifying ancient laws and government. However, conflicts also jeopardize peace and security around the world, especially when they are not always given the due alarm level and attention by the international community.

One of these conflicts is happening in the South China Sea region right now. The tensions are of territorial nature, with some of the parties involved claiming the rights to the islands based on international laws and conventions, like the Philippines, and others, like China, asserting their claims as historical rights. The disputes over the South China Sea are mainly due to the richness of area with natural resources, such as oil, natural gas and fish. However, the importance of the region also relies on the fact that it is a major trade route comprising half of the world’s annual merchant fleet tonnage\(^1\). Thus, all the parties involved have their own interests in mind when applying their resources and politics to assert domain over the area.

As the violence of the conflict increases, attempts to diminish the tensions and appease the parties have been made by universal international bodies and with the help of conventions, such as Permanent Court of Arbitration and UNCLOS. However, little to no success in decreasing the conflict was achieved, once national interest and security are the biggest rulers of the states’ agendas. Hence, there is the need to approach the conflict from a new point of view, where security is seen through a non-traditional perspective and human security is brought to the table in order to foment a better path for solution. In addition, the region lacks the presence of a

strong regional institution to foment stability and governance among the states with focus on ensuring peace and balancing national interests and the needs of the people.

Therefore, the purpose of this paper is threefold: to give an analysis of the conflict background, elucidating its reasons; to point out the economic, security and social risks the continuity of a conflict in this region will bring to the states involved; and show how human security and regional governance might be the answer to solve not only this, but other conflicts that might arise in the region.

CONFLICT BACKGROUND - REASONS AND DETAILS

In order to understand the conflicts happening in South China Sea better, it is extremely relevant to explain the value held by the area and the reasons behind the claims of each party involved in the dispute. Thus, in this section, the paper will expand about (a) the importance of the region, as well as (b) the territorial claims made by the countries in the conflict.

a. Importance of the Region

The South China Sea encompasses several hundred small islands, reefs, and atolls, almost all uninhabited and uninhabitable, within a 1.4 million square mile area\(^2\). Nonetheless, besides its derelict conditions, the Spratly and Paracel Islands have been motive for disputes for decades due to its significance to the coastal countries surrounding the islands.

First, the region is rich in oil and natural gas deposits, but estimates vary when different sources are taken into consideration. According to the US Energy Information Administration (EIA), the area contains 11 billion barrels of untapped oil and 190 trillion cubic feet to 500

trillion cubic feet of natural gas\textsuperscript{3}, while the Ministry of Geological Resources and Mining of the People’s Republic of China estimated the number of barrels as high as 130 billion\textsuperscript{4}.

Second, in addition to the presence of natural resources, the area is a major trading route, being considered one of the busiest shipping courses in the world, with an annual trade of USD 5.3 trillion passing through the region\textsuperscript{5}. Such number comprises half of the world’s annual merchant fleet tonnage and a third of all maritime traffic in the world\textsuperscript{6}. Furthermore, the oil transported through South China Sea coming from the India Ocean is three times greater than the amount that transits the Suez Canal and fifteen times more than what goes through the Panama Canal\textsuperscript{7}.

This is in part due to the rising growth of China’s oil consumption, but also because the large part of South Korea, Japan and Taiwan’s energy supplies come through the region. Therefore, it is no surprise that the control of the region is of extreme importance for the countries in the region. In special China, that has dubbed South China Sea as its Second Persian Gulf, once not only 80 percent of the country’s crude oil imports pass through the region, but also a diversified assortment of goods\textsuperscript{8}. However, this aspect of the region is one of the highest causes for the contentions regarding the islands, especially since a large quantity of those lie in the exclusive economic zones (EEZs) of Vietnam, Malaysia and the Philippines. Having this in mind, it is not surprising that such coastal states, plus China, Brunei, Taiwan and Indonesia are pushing forward territorial claims over the area, with each of them trying to ensure its own

\textsuperscript{4} Kaplan, Why the South China Sea is so crucial, 2015.
\textsuperscript{6} Kaplan, Why the South China Sea is so crucial, 2015.
\textsuperscript{7} Kaplan, Why the South China Sea is so crucial, 2015.
\textsuperscript{8} Kaplan, Why the South China Sea is so crucial, 2015.
\textsuperscript{9} CFR, Territorial disputes in South China Sea, 2017.
rights to exclusive exploitation of the region, and using international law and other mechanisms to assure those are protected and exercised.

Third, South China Sea has some of the world’s richest reef systems, with more than 3,000 indigenous and migratory fish species, and represents more than 12 percent of the worldwide fish catch\textsuperscript{10}. Thus, the region offers abundant fishing opportunities, with the potential to develop the fishery sector of whoever has control over the region. This aspect of the region has already led to many clashes in the region between the Philippines and foreign fishing vessels\textsuperscript{11}\textsuperscript{12}.

Nevertheless, this factor is one of the less taken into consideration when the conflict is analyzed, but competition over fisheries in the area has been escalating, and tend to increase even more over time once fishing in the region becomes more jeopardized\textsuperscript{13}. In 2008, it was already estimated that the fishery stocks in the region were becoming depleted, with 25 percent being over-exploited and 50 percent fully-exploited, and with no regards being paid to the sustainability or to the economic importance of the region to the fishery industry\textsuperscript{14}.

b. Territorial claims

The main and official claims made by each country are territorial in their core. While some allegations are based on historical rights, other assertions are made through the lines of UNCLOS. Nonetheless, multiple claims and the lack of resolution resulted in the rise of regional conflicts, which have been happening for the past four decades. A general statement by state overview will be made in order to make the claims of each state clearer. After that, this subsection will focus on China and Philippines claims to better establish the case studied in this paper.

\begin{itemize}
  \item \textsuperscript{10} Adam Greer, \textit{The South China Sea is really a fishery dispute}. The Diplomat. July 2016. Available at: http://thediplomat.com/2016/07/the-south-china-sea-is-really-a-fishery-dispute/ (Accessed 05/06/2017).
  \item \textsuperscript{11} Kaplan, \textit{Why the South China Sea is so crucial}, 2015.
  \item \textsuperscript{12} EIA, \textit{South China Sea}, 2013.
  \item \textsuperscript{13} Greer, \textit{The South China Sea is really a fishery dispute}, 2016.
  \item \textsuperscript{14} Ibidem.
\end{itemize}
China

The PRC bases its claim to the Spratly and Paracel Islands on historical naval expeditions that go back to the 15th century\(^\text{15}\). Former China's Kuomintang government draw a line around all of the above mentioned islands, which is called a nine-dash line and was first shown in 1947. With such line, the former government asserted sovereignty over all the islands, and claimed rights to waters within it\(^\text{16}\). China continued to use this map in official correspondence even after the Communist Party of China became the ruling party of the country in 1949, maintaining its position as claimer of the islands due to territorial claims that pre-dated the ones of other states\(^\text{17}\).

Nevertheless, when elucidating the Chinese claims – and later on, other states’ claims as well – it is important to mention UNCLOS from 1982 which all South Eastern coastal states have ratified. The Convention provides, among others, provisions on baselines, the width of territorial waters, the regime of islands, the low-tide elevations, the exclusive economic zone, the continental shelf, the maritime boundary delimitation and dispute settlement, which are all applicable to the South China Sea\(^\text{18}\). However, even being a signing state, China’s nine-dash lines are not in accordance with the provisions found in UNCLOS, which made the Chinese claims on the islands feeble. Due to this, in 2009, China submitted the nine-dashed line to UNCLOS in order to solidify its claim and legitimize it beyond 200 nautical miles\(^\text{19}\).

\(^{15}\) EIA, South China Sea, 2013.


\(^{17}\) EIA, South China Sea, 2013.


\(^{19}\) In UNCLOS, it is stated the right of the states to declare EEZs that extends 200 nautical miles from a continental shore line or around islands that can be habitable. In South China Sea, the application of this provision resulted with the overlapping of EEZs of coastal states. To this kind of situations, UNCLOS offers a solution in its article 74: the demarcation of EEZ between States with opposite or adjacent coasts shall be effected by agreement on the
claims resulted with Malaysia, Vietnam, Brunei, Taiwan, Indonesia, and the Philippines also claiming the islands and various zones in the South China Sea and consenting China’s claims\textsuperscript{20}.

Moreover, in order to reclaim land in the South China Sea, China has physically increased the size of islands or created new islands by pilling sand onto existing reefs. In those ‘new islands’, China has constructed ports, military installations, and airstrips in order to make them habitable and, therefore, complacent with the UNCLOS provisions on the 200 nautical miles being extended from habited land/island\textsuperscript{21}. Thus, PRC is claiming its rights over and around the islands that cannot naturally support habitation, as well as building new ones, in order to expand the area that would be under its sovereignty. Such act goes against UNCLOS, where it is stated in article 121, paragraph 3, that “rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf”. Unsurprisingly, China’s position and operations made the relations with neighboring countries, who also have claims over the region, even more complicated. As a result, over the years dispute escalated tremendously, which led to situations where boats were sank and military exercises made in order to try and assert sovereignty\textsuperscript{22}.

\textbf{Vietnam}

The state claims all the Spratly and Paracel Islands as well as the Gulf of Thailand. However, unlike China, Vietnam has not put neither of its extended claims over South China Sea in text or on maps. As far as Spratly Islands are considered, in 1970s, Vietnam took them as an offshore district of Khanh Hoa Province and occupied several islands; at the same time, China seized all of the Paracel\textsuperscript{23}. In order to back up their claims, Vietnam also had archeologists basis of international law in order to achieve an equitable solution. If the agreement can not be reached, UNCLOS offers other ways but it will be explained later on the paper (UNCLOS, 1982).

\textsuperscript{20} EIA, \textit{South China Sea}, 2013.
\textsuperscript{22} EIA, \textit{South China Sea}, 2013.
\textsuperscript{23} Ibidem
providing evidence to support the long historic presence in South China Sea. Vietnam asserted that it has actively dominated over both the Paracel and the Spratly since the 17th Century\textsuperscript{24}. Not surprisingly, China, Brunei, Malaysia and the Philippines oppose Vietnam’s claims.

Like China, Vietnam together with Malaysia submitted its territorial claims on the South China Sea to the UN Commission on the Limits of the Continental Shelf in 2009\textsuperscript{25}. The country also adopted a maritime law in 2012 where it stated a jurisdiction over the Paracel and Spratly Islands requiring that all naval ships from foreign states register with Vietnamese authorities when passing through the region\textsuperscript{26}.

**Brunei**

Even though Brunei has not made any formal claims to Paracel and Spratly Islands, since 1985 it claimed a continental shelf extending to a hypothetical median with Vietnam. In 1985, the United Kingdom laid the proper boundary between Malaysia and Brunei at the 100-fathom isobaths from the coast. Even though Brunei did not make any formal claims on the islands, with their claim of continental shelf it steps into a part of the Spratly Islands archipelago. Brunei bases its claims on UNCLOS. Consequently, other coastal states opposed Brunei’s claims\textsuperscript{27}.

**Taiwan**

The claims of Taiwan make for an interesting case, especially considering its relation with China. Like China, it is not part of ASEAN (unlikely from other coastal states), which in turn makes its claims are similar to the Chinese ones. Taiwan bases its claims of sovereignty on historical rights over area that was drawn on map published by the mentioned Kuomintang

\textsuperscript{25} EIA, *South China Sea*, 2013.
\textsuperscript{26} EIA, *South China Sea*, 2013.
\textsuperscript{27} Ibidem.
government in 1947. The claimed area includes Paracel and Spratly Islands, Pratas Island and Scarborough Reef.

**Indonesia**

As Indonesia ratified UNCLOS, it is not claiming the above mentioned disputed islands. Indonesia only proclaimed its EEZs in accordance to the provisions of UNCLOS. Nevertheless, it can be said to be one of the disputed parties once its EEZs overlap with China’s nine-dash line.

**Philippines**

Last, but not least in this overview are the Philippines. Their claim is over the Spratly Islands and Scarborough Shoal, which clashes with China’s. The Philippine government started explorations in the South China Sea in 1956, legitimizing those by claiming that the islands and the shoal were *terra nullius*, or no one’s land, and furthered it by occupying several of the Spratly Islands and naming them Kalayaan Island Group. Moreover, the Philippines declared the above mentioned islands and shoal as a special regime of islands that, in spite of being distinct from the rest of the Philippine archipelago, belongs to them. As under the provisions of the UNCLOS, the EEZ can be declared until 200 nautical miles from the baseline, when applied to the Philippines, it would mean that the disputed islands are located within Philippines’ EEZ.

Such assertion led to the increase of tensions in South China Sea, due to the fact that although having its claims within the provisions of the UNCLOS, the Philippines did not manage to avoid the objection from China, Malaysia and Vietnam on their claims.

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28 Ibidem.
29 Ibidem
31 Ibidem.
More attention should be given to each conflict resulted from these different claims. Nonetheless, as stated before, this paper focuses on the tensions between China and the Philippines. Therefore, to better understand it, this part will further on that specific conflict.

**The Philippines and China**

The dispute between China and the Philippines is one of the most interesting conflicts in the area. The most disputed islands, as previously mentioned, are the Spratly Islands, which are claimed by China and the Philippines, as well as, the Scarborough Shoal. On the Scarborough Shoal both states placed its flags already in 1997\(^{32}\). The tensions between both countries regarding the islands escalated in 2012, when Chinese coast guard expelled Filipino fishermen from the area near Scarborough Shoal. As the Scarborough Shoal is situated less than 125 miles from the main Philippine islands, by the UNCLOS it would be, as previously mentioned, part of its EEZ, which made the Chinese illegal under the international convention and law. As a result, the Philippines took the case of China claims to the Permanent Court of Arbitration\(^{33}\).

Also, as mentioned before, the area is an extremely important trading route, which makes it an imperative to preserve freedom of navigation in the region. It was in order to preserve this freedom by all means that the United States inserted themselves in the case. As the Philippines are not only their former colony but also an ally, the US showed its support to the Philippine claims in the conflict and in the PCA\(^{34}\). The outcome was joint military exercises in the region, and statements by the American government that, based on UNCLOS, China has no sovereignty over the area\(^{35}\).

\(^{32}\) Benner, *Tensions escalate over South China Sea claims*, 2016.

\(^{33}\) Bader, *The U.S. and China’s nine-dash line: ending the ambiguity*, 2014.

\(^{34}\) Ibidem.

\(^{35}\) Ibidem.
Both China and the US claim to have their own explanations and interpretations on keeping freedom of navigation as well as militarization of the South China Sea, which range from territoriality to the maintenance of regional status quo. As it could be expected, both are accuse the other of irregular militarization and lack of right for actions in the region, even if it is order to preserve freedom of navigation\textsuperscript{36-37}. Unsolved actions and declarations led to more tensions in the area, which escalated with major arming up of all parties with the help of their allies\textsuperscript{38}. This alarmed not only the states in the region but the international community as well.

**ECONOMIC IMPORTANCE AND RISKS**

The South China Sea is economically vital not only for the countries in the area, but for the global market. It is not only one of the largest world trade routes, but is also estimated to be rich with natural gas and oil, and it has some of the world’s richest reef systems representing more than 12 percent of the worldwide fishing\textsuperscript{39}. In this section, economic importance and economic risks that the conflict could cause will be explained.

**Trade route**

One of the things that make South China Sea stay the focus of the international society is its significance for global trade. Around 90% of global trade goes through sea and roughly half of it passes through South China Sea\textsuperscript{40}.

The Indian and the Pacific Oceans are connected through Malacca Strait, which runs between Indonesia, Malaysia and Singapore, and South China Sea. This getaway has its

\textsuperscript{36} Benner, *Tensions escalate over South China Sea claims*, 2016.
\textsuperscript{38} Benner, *Tensions escalate over South China Sea claims*, 2016.
\textsuperscript{39} Greer, *The South China Sea is really a fishery dispute*, 2016
\textsuperscript{40} International Chamber of Shipping [ICS], *Shipping and World Trade*. [no date] Available at http://www.ics-shipping.org/shipping-facts/shipping-and-world-trade (Accessed 06/06/2017)
historical importance, allowing international trade to and from Asia dating all the way back to
15\textsuperscript{th} century\textsuperscript{41}. As the Suez Canal opened in 1869, the importance of the route became even
bigger since it shortened the distance between Europe and far East by a third\textsuperscript{42}.

Nowadays, if we put it in numbers, USD 5.3 trillion of total annual trade is passing
through the South China Sea\textsuperscript{43} which shows its continuous global importance. Even more
notably, is that USD 1.2 trillion represents US trade\textsuperscript{44}, which is to show part of the reasons why
the country has interest in the region.

Moreover, oil transported through the South China Sea represents triple the amount that
passes through the Suez Canal and fifteen times the amount that transits the Panama Canal
boosting fast growing economies of Asia. Apart from US share in the total trade estimated
above, roughly two thirds of South Korea’s energy supplies, as well as nearly 60 per cent of
Japan’s and Taiwan’s, and 80 per cent of China’s crude oil imports come through the South
China Sea\textsuperscript{45}. Notably is that not only oil is transferred through the South China Sea but also
energy, finished and unfinished goods.

\textsuperscript{41} Thomas Hirst, \textit{The World Most Important Trade Route?} World Economic Forum. May 2014. Available at
https://www.weforum.org/agenda/2014/05/world-most-important-trade-route/ (Accessed 06/06/2017)
\textsuperscript{42} Ibidem.
\textsuperscript{44} Rory Callinan, US inflates trade level in South China Sea. \textit{The Australian}. April, 2017. Available at
story/80d891eb2faaec05aff3ce0ee5b5a3fe (Accessed 06/06/2017)
\textsuperscript{45} Kaplan, \textit{Why the South China Sea is so crucial}, 2015.
The image above shows oil trade flows through South China Sea. As it can be seen, not only it connects Europe to far East but is also the shortest way between African and Persian Gulf. When looking at the numbers of an oil trade that daily passes through South China Sea and having in mind the part of the world that it connects, it is obvious that no one would really prosper from a major armed clash in this area.

Furthermore, if there was the need for rerouting, via the Lombok Strait and east of the Philippines, in case the South China Sea route was closed, supposedly by China, the costs would be bigger for certain countries. According Anthony Fensom\textsuperscript{46}, this rerouting would, in millions, cost per annum to Japan USD 60, South Korea USD 270, and Australia USD 20.

Oil and natural gas discovery

South China Sea richness in oil and natural gas is one of the reasons why countries around it claim their rights in the Sea. Interestingly, to develop said resources would be the way to mark their territorial claims since it could establish some sort of control over the area, which is needed to justify the claims\textsuperscript{47}. Moreover, it is estimated by EIA\textsuperscript{48} that the South China Sea region holds 11 billion barrels of oil and 190 trillion cubic feet of natural gas. This gas reserves, according to Anthony Fensom\textsuperscript{49}, would be enough to supply China's gas needs for twenty-eight years. Not only that, but China has invested around $20 billion in its attempt to prove that the estimated numbers are even bigger, only for oil reserves it is believed it could get up to 130 billion barrels, which is almost comparable to Saudi Arabic\textsuperscript{50}. If the numbers are correct, some say that South China Sea could be “second Persian Gulf”\textsuperscript{51}.

In addition, with the Asian fast-growing economy, the need for energy supplies is consequently higher. Each of countries surrounding South China Sea have invested in exploitation. Most of them, lacking onshore resource wealth, moved to exploring and exploiting offshore potential and invested in technology, pipeline networks, and drilling\textsuperscript{52}. Most of the current reserves are in shallow water basins on the boundaries of the sea. Because of declining fields over the years, national oil companies begun moving their research further offshore. Since it is costly, they partner with foreign companies. That is one of the reasons why for instance Vietnam, Malaysia and Brunei have the highest oil and gas reserves in the sea\textsuperscript{53}.

\textsuperscript{47} Global Security, \textit{South China Sea Oil and Natural Gas. Military}. [not date] Available at http://www.globalsecurity.org/military/world/war/spratly-oil.htm (Accessed 06/06/2017)
\textsuperscript{48} EIA, \textit{South China Sea}, 2013.
\textsuperscript{49} Fensom, \textit{$5 Trillion Meltdown: What if China Shuts Down the South China Sea?}, 2016
\textsuperscript{50} Kaplan, \textit{Why the South China Sea is so crucial}, 2015.
\textsuperscript{51} Fensom, \textit{$5 Trillion Meltdown: What if China Shuts Down the South China Sea?}, 2016
\textsuperscript{52} EIA, \textit{South China Sea}, 2013.
\textsuperscript{53} Ibidem.
Ongoing territorial disputes have a great influence on natural gas and oil discoveries and its exploitation. Hot spot of territorial disputes are, as mentioned in the beginning, Spratly and Paracel Islands. Even though EIA estimated that Spratly Islands and its surrounding have no virtually proved or probable oil reserves, it may contain significant deposits of undiscovered hydrocarbons\(^{54}\). That area is claimed by Vietnam, Taiwan and China. Nevertheless, in 1970 the Philippines started exploring and six years later discovered natural gas. In 2002, the concession was given to US Sterling Energy and in 2005 it was acquired by U.K. based Forum Energy. China consequently opposed to these actions so the concession remained undeveloped.

As mentioned, countries national oil companies partnered with foreign ones in order to more successfully explore of the area. In the Philippines, there are Exxonmobil, an US based company, and Shell, also US based but of Anglo-Dutch origin\(^{55}\). In Brunei, there are quite a lot of them, most based in the US, but also in Australia, Japan and others. In Vietnam, the configuration is almost the same, with the difference that Russia is in the picture. Even China partnered with some foreign companies. Those are, among others, Chevron, Shell, Exxonmobil all based in the US. China National Offshore Oil Corporation (CNOOC) is the one that invested the most into exploring the sea and closed its first contracts with foreign companies, such as Petrobras, Petro-Canada, and BHP Billiton allowing them to jointly develop several blocks in the Pearl of River Basin. In 2011, CNOOC offered bidding blocks, most of them in Pear River Mouth of South China Sea. However, it failed to award most bidding blocks because of overlapping territorial claims and limited availability of geologic dana\(^{56}\). This shows how big private oil companies based all around the world, but mostly US, together with national oil companies are exploring the area. Having this in mind, it seems obvious that is of nobody’s interest to have any kind of armed conflict in the area.

\(^{54}\) Ibidem.
\(^{55}\) Ibidem.
\(^{56}\) EIA, *South China Sea*, 2013.
In this section, it was shown not only public but also private interests, like trade and oil companies, have its share of economic interest in the area of South China Sea which only rises a value to its importance. As seen, conflicts are the reason why concession that the Philippines gave to US and UK remind undeveloped and why CNOOC was unable to award majority of bidding blocks. Consequently, we do not see any serious armed clash anytime soon on the horizon but it sure raises the risks for undisturbed trade and exploitation.

Furthermore, having in mind the trade numbers and global economic interdependence, it seems clear that peace and stability should be more than wanted in South China Sea, but to achieve such things are still two of the biggest challenges faced in the region. Challenges that, as this paper will try to show and recommend, would be better addressed from a different security perspective rather than the traditional one. Thus, international legal aspects should still be observed, which will be done next.

**Legal aspects**

From legal point of view, one of the concerns of international society are effects of China's claims on international navigation. Namely, it is, as seen, still not clear which rights China are claiming\(^{57}\). Tensions tend to escalate because of the US patrolling in South China Sea, when the American vessels sail and pass through the area that is 12 nautical miles from the disputed Spratly Islands claimed by China. Usually, when it occurs, China states that the US is violating its rights and that such has nothing to do with freedom of navigation\(^{58}\).

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In UNCLOS sea zones are regulated and in each of them the right of a passage is not the same. That is the reason why it would be more than helpful to have a clearer overview of concrete China claims.

Namely, under the Article 17 of UNCLOS\(^{59}\), in territorial waters, expanding 12 nautical miles from the baselines, ships of all States whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea. The right of innocent passage is so to say the most “restricted” one, because there the state to whom those territorial waters belong has specific rights and obligations. For example, the passage needs to be continuous and expeditious, and the coastal state can regulate with its laws the safety of navigation and the regulation of maritime traffic, once the coastal state's sovereignty expands from land to territorial waters and air above.

Moving further into the sea, there is contiguous zone, expanding up to 24 nautical miles from the baselines. There the coastal state may, according to Article 33 of UNCLOS, exercise the control necessary to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea and to punish infringement of the above laws and regulations committed within its territory or territorial sea.

In EEZ under the Article 58 of UNCLOS “all States, whether coastal or land-locked, enjoy… the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms”. Referred Article 87 regulates freedoms of the high seas. In EEZ the coastal State has “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds”.

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\(^{59}\) UNCLOS, 1982.
It also has a jurisdiction regard to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment.

Finally, there are the high seas, which are in UNCLOS under Article 86 defined as “all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State”. In high seas, all states enjoy freedom of navigation, overflight, freedom to lay submarine cables and pipeline, freedom to construct artificial islands and other installations, freedom of fishing and freedom of scientific research. Naturally, all states can exercise these freedoms with due regard for the interests of other. Furthermore, under the Articles 88, 89 and 90, high seas should be reserved for peaceful purposes, no State can claim its sovereignty in high seas and every State has the right to sail ships flying its flag on the high seas.\(^{60}\)

Having all this in mind, it is of no surprise that for the states the best would be to keep parts of the South China Sea as high seas with respect to EEZ. However, since the South China Sea is not a large area, most of it falls within EEZ from coastal states. As seen from the conflict background, EEZ of coastal states in the area are overlapping causing territorial disputes. With China's overflying in the attempts of controlling the area and building artificial islands, it violates the UNCLOS as the PCA established in its award. States involved in this major trade route are more than concerned about China's claims and doings, while it brings instability and unpredictability to the area. If China really succeed in its attempt to assert sovereignty or sovereign rights to most of the South China Sea that it claims, the states doing trade there would fall under at least some kind of Chinese jurisdiction and no one, but the Chinese themselves, feels good about it.

\[^{60}\text{UNCLOS, 1982.}\]
So, the US keeps justifying its presence sailing and overflying the area as a response to Chinese attempts to show or assert the control over the area and in order to preserve the freedom of navigation. China at the same time keep opposing to the US presence in the area not backing out of its claims, even declaring the South China Sea as a “core interest”\(^{61}\). The resolution to this part of the problem is not near or clear, at least not as it is seen.

**SECURITY RISKS**

In order to avoid repetition of previously stated facts, only a remark on security risk will be given in this section as a way to show how a conflict in the region presents risks for all states involved. Furthermore, it will be brought to light the usual concept of tradition security that is used to explain the South China Sea conflict. As such, it will help to pave the way for the human security approach this paper aims to recommend as needed for the analysis and mitigation of this conflict.

In the past decade, the security risk in South China Sea have risen mostly due to China’s more assertive presence in the area through a series of measures that escalated the tensions of the conflict. As seen from the conflict background, China changed the nature of various islands and increased their size in order to reclaim land. In addition, China has used these new, larger islands to create military bases that recently seemed not only prepared to hold active personnel, but also to deploy military assets to the Spratly Islands at any time\(^{62}\). Moreover, China also exercised its power around Spratly and Paracel Islands in a way that prevented Filipino fishermen from fishing in the area. Because of conflicted claims, even situations of mutual boat sinking occurred. All the situations above present a threat to peace and stability in the region.


In trying to maintain their own national security, each country takes measures that it believes to be right, but end up escalating the tensions in the conflict. Thus, one could argue that by trying to maintain peace and stability a state endangers it even more. China has been, as mentioned, patrolling the area, prohibiting the Filipinos from fishing. At the same time the Philippines conducted military exercises with the US. Due to lack of communication and unilateral actions, peace is not ensured, rather, more instability is created.

One can also argue that disrespect of international law contributes to rising of security risk in the area. In this case, it could be seen that China's decision to ignore the PCA award arose concerns in the international society. International law, especially for matters of this conflict, UNCLOS, as it is stated in its Preamble, aims to maintain peace, justice and progress for all peoples of the world and all in a spirit of mutual understanding and cooperation. Also, all disputes should be resolved in peaceful manner, even in extremely difficult cases. Already the existence of international law proves the consciousness of international societies for a need of an efficient system for regulating areas of common interests. So, even though it sometimes fails, it is there and it is needed. The international law seems almost perfect and clear, until politic and economy show up, then things get more complicated and law gets blocked or pushed aside.

That is what happened in the South China Sea. All conflicted coastal states ratified the UNCLOS and need to obey it. Nonetheless, it is not the case and the overlapping claims and disputes are proof of that. Not only that, but there were also problems with interpretation of UNCLOS as seen in the Philippines vs China case. Thus, instead of following the norms and trying to settle the disputes peacefully, the states are still in the middle of a conflict where different claims are made and security is in jeopardy.

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63 UNCLOS, 1982.
SOCIAL RISKS

Social risk in this dispute can be presented in the light of environmental damages, fishery problems and endangering of human rights.

In the section about the conflict background, the ruling of PCA about South China Sea arbitration was mentioned. Namely, China in attempts of reclaiming the land has physically increased the size of islands or created new islands by piling sand onto existing reefs. With this ‘new islands’ it changed their natural state. By doing so, China, as PCA in its award concluded, “has caused severe harm to the coral reef environment and that China has violated its obligation under Articles 192 and 194 of the Convention to preserve and protect the marine environment with respect to fragile ecosystems and the habitat of depleted, threatened, or endangered species”\(^{64}\). In addition, as stated in the Award, “Chinese fishermen have engaged in the harvesting of endangered sea turtles, coral, and giant clams on a substantial scale in the South China Sea, using methods that inflict severe damage on the coral reef environment”. The Tribunal noted that even though Chinese authorities were aware of these activities they nonetheless failed to fulfil their due diligent obligations under the Convention to stop them. This is important because coral reefs play a role in replenishing fish stocks that are vital for this area’s population. By destroying reefs, reef fish lose their habitat and consequently pelagic fish like tuna lose their food source.

The South China Sea has, as mentioned, some of the world’s richest reef systems and over 3,000 indigenous and migratory fish species, representing more than 12 percent of the worldwide fishing\(^{65}\). The Sea’s richness in fish is of a great importance for the surrounding


\(^{65}\) Greer, The South China Sea is really a fishery dispute, 2016.
countries and territories. Namely, it provides food and job for millions of people. Around 3.7 million people have their jobs in fishery and it is one of the main food sources for the people in this region.

Furthermore, since the economies of the disputed countries in the region depend also on fishery, overfishing occurred and became a big problem and part of the conflict. Countries in a lack of fish during the years moved further into the sea, closer to each other’s EEZ’s. That was also a consequence of UNCLOS. As it is there to arrange the overuse of sea wealth, it also caused countries rapidly declaring it’s EEZ’s moving and fishing further in sea. This all resulted in an alarming level of overfishing and overexploitation of the area. Thus, it is safe to say that if this conflict results in significant deprivation of food source, every country in the region will face food supply problems graver than the ones they already might be.

Nonetheless, in awareness of this problem and in an attempt to possibly solve the territorial dispute without further military power involved, in 2002, ASEAN and China signed Declaration on the Conduct of the parties in the South China Sea. There they declared that they would “undertake to exercise self-restraint in the conduct of the activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner”. Unfortunately, they continued with exploitation and now are about to negotiate a new one.

Nevertheless, it is extremely relevant to point out that the first ones to suffer with a conflict that damage the environment and a substance practice are the ordinary people who are making their living and lives in this area. They are the ones who are affected by this conflict on daily basis and the ones about whom for a change countries should take care. Instead of caring for them properly, they put them in the front line, making them fish as much as they can and disposing them to the threats of the conflict.

It can be argued that with this some basic human rights are violated. For example, in UN Universal Declaration of Human Rights in Article 25\textsuperscript{70} is stated that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing…”.

It is unfortunate fact that in every conflict, people are the ones who suffer the most and whose rights are violated the most, because their security is not in the mind of the decision-makers. Moreover, it is hard to ensure them their basic rights when, the interests of states are put in the forefront, such as economy or politic, and the individuals are ignored. Although states usually state they are concerned with their people by explaining that by dealing with this “bigger” economic and political issues, they are actually taking care of their people, it is clear that the referent object of security is still the state, when it should be balanced between people and state.

Which way is right and what is better is hard to say and matter of many discussions. Yet, people need to be heard, their basic needs should be preserved and not be put aside for some “greater” good. Rather, it is advocated in this paper that human security should be one of the goals of the state and should be put in, and not excluded from, the national interest. It is

only by reaching a balance between national interests and human security that a reasonable solution can be found in conflicts like the one in the South China Sea.

**HUMAN SECURITY AND REGIONAL STABILITY**

Following the end of the Cold War, a new concept of security was born due to the new configuration of the international relations: the one of Human Security. According to Leaning and Arie\textsuperscript{71}, before and during the Cold War, the idea of national security was based on the traditional notion that the use of military forces to protect national sovereignty, territorial boundaries and political independence was needed, once war was seen as the main threat to security. Nonetheless, as the Cold War ended, there has been a broadening in the issues that represented threats to the national security of states, where security became freedom from every sort of want and fear\textsuperscript{72}.

Perceived as non-traditional security threats, these ‘new’ concerns represented a shift from the focus on hard power to protect the state to areas focused on the individual, such as life quality, people’s welfare and human development\textsuperscript{73}\textsuperscript{74}. Hence, this approach to security indicated a shift from the referent object, it was not only the state that needed to be secured, but also the people. For this reason, in the last decade of the 20\textsuperscript{th} century, the notion that the concept of security should be reconsidered and go beyond the traditional one, with issues like economic security, immigration, scientific research, and environmental protection being high in the new security agenda\textsuperscript{75}.


\textsuperscript{72} United Nations Development Programme [UNDP] (1994)


\textsuperscript{74} UNDP, 1994.

Therefore, human security is a paradigm that skews away from the idea of traditional, military security as the only one that should be pursued by the states. Rather, by focusing on the individual and not on the state, it encourages the security agenda to look beyond and within the state borders and their defence in order to consider a better relationship between security issues and human welfare. In this sense, security is not only about national interests, but about providing safety and freedom to people.

Nonetheless, there are critics to this idea of security beyond the national interests of a state, once a universal notion of human security could prove detrimental to the security of the state\textsuperscript{76}. Thus, critics of this notion of human security beyond state borders postulate that, although the security of individuals is important, the respect of state sovereignty in inter-state relations should always be respect\textsuperscript{77}. In this sense, human security should not be used as a ruse to intervene in other states affairs, rather a balance between national interests and the protection of people’s rights should be paramount for every state to pursue.

Moreover, human security should be an inter-state goal, once state stability is directly connected to regional peace and vice-versa. Thus, if state stability leads to regional peace and security, it can be said that the same happens in the inverse order: regional security solidifies state peace and stability. In this way, human security is not only about what states do for their own people, but how they behave with each other. It is about states cooperating and collaborating rather than fighting, even when their decision-makers have different point of views, or if they are in opposite sides\textsuperscript{78}.


Therefore, human security emphasizes the need for states to cooperate, especially when facing common threats of non-traditional security that endanger or put their people at risk, and consequently, their region. In this way, a notion of regional security would be able to take form based on human security. It is this notion that this paper aims to explore when pointing how the conflict and the tensions like the one at the South China Sea region could be avoided or mitigated without the sole use of tradition security concept.

**EAST ASIA AND REGIONAL SECURITY**

At first, the idea of a cooperative regional security in East Asia, regarding human security and how to deal with conflicts might be seen as complicated and ludicrous due to the history of multiple conflicts and disputes among the regional states. It is not as if there was only one conflict or one threat to peace happening in the region, rather there are a myriad of potential threats and risks to peace and stability in the region, going from the proliferation of weapons of mass destruction, the China-Taiwan Strait relations, the Korean Peninsula, and, the issue treated in this paper, overlapping claims in the South China Sea.\(^{79}\)

Therefore, the historical and current competition of states for more influence and power in the region fuels inter-state tensions. In addition, the race for economic development in the post-Cold War years served to complicate even more the relationship between countries, once one always seemed to try to outdo the other. Moreover, it is a region where many states faced issues in achieving a good position in the international forums and almost did not had voice in international matters.

Thus, it would only seem plausible that the states would retain the notion of national security and preserve their national interests to protect their sovereignty and territorial integrity. However, due to their own status as small countries, with low voice in the international

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community, and with interdependent economies, a better way to approach security would be to make the whole region safe, and not aim for the security of each state individually.

Nonetheless, the region already presents such propensity to regional assembly and security in the form of the Association of Southeast Asian Nations (ASEAN), which aims to facilitate the economic, political, educational, military and cultural cooperation and integration between its members. As it stands, the ASEAN faces security concerns through a cooperative and comprehensive way, meaning that although the security of the nation remains the focus of their concerns, it also includes issues like human rights, individual dignity and human welfare. Hence, it is just not only a step in the direction of human security, but it serves to show that the concern for national security would not be disregarded when covering the matters of individuals, human lives and environmental preservation in conflicts. Rather, human security would encompass it all.

Therefore, to deal with security issues, such as conflicts like the South China Sea one, in East Asia there should be a regional organization focused in promoting integration, cooperation and collaboration amongst its members, just as ASEAN does for Southeast Asia. Moreover, it should be an organization based on regional customs and rules, rather than solely universal ones. When establishing a broader sense of security, one should not pretend the same norms are easily followed and accepted by every state.

According to Abad Jr, the institution would have to have four qualities in order to impact and influence the region in a way that human security is fomented: (1) some power of

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81 However, this is by no means a way of saying that the authors agree that human rights should be forgone or diminished due to local culture or customs. On the contrary, rules, norms and laws should be done taking into consideration the specifics of the region because in this way it will be easier for countries to transition them from the international level to the domestic sphere.
agency over the members, as well as the necessary resources and mandate to alter situations; (2) hear and work with other agents, like the civil society, to understand their needs and to give them more power; (3) be accountable and transparent; (4) must follow the global human security agenda, in spite of having its own rules and proceeding, the ultimate goal of free humans from fear and want should be maintained.

Various steps for this type of organization in East Asia have been made, even if indirectly, with the ASEAN expansions: ASEAN+3 and ASEAN+6, which allowed for a larger part of East Asia, like China, Japan, South Korea and India to be involved in the regional integration and cooperation that are the purposes of the association. In addition, in 1994, there was the creation of the ASEAN Regional Forum (ARF), aiming to solidify inter-state stability in East Asia. Although the ARF is not only comprised by members from East Asia, with countries like US, Canada, Russia and the members of the European Union, it is still an important forum because it enables countries Sri Lanka and East Timor to participate and have voice among states with more influence. In this sense, the ARF seeks to build trust and confidence among the participants in order to reach a consensus on the principles of security cooperation in the Asia-Pacific region.

Furthermore, security cooperation is also fuelled by the economic interdependence between East Asia countries. In 2010, the free trade agreement between ASEAN and China came into effect, becoming the largest free trade area in the world in terms of population and the third largest in nominal GDP. This represents a progressive stone in creating a notion of regional security based on the people, because economic security is a vital part of human security once it promotes human development.

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In this sense, as economic cooperation is being established in the area, it will become easier to approach other issues of human security, like environmental degradation and food security. Although it seems hypocritical to focus on the economic part first, once it would be a direct link to national interests being upheld over people’s, in this case, the development would benefit both part even if not in the same level. Nevertheless, it is paramount to remember that state security is as important as human security, once the former leads to the latter. And if economic security helps to build state security, it will also aid in the promotion of human security. With economic growth and development as the result of a regional association, they will continually foment national and inter-state peace, sustaining a human security approach to any tension and conflicts that might happen in the East Asia region.

In what concerns conflicts, ASEAN has proven to be an effective mechanism in the maintenance of Southeast Asia’s stability. Since it was established, in 1967, none of its members have gone into war with another, and treaties aiming the adherence to the process of pacific settlement of disputes and the rejection of weapons of mass destruction were created. As such, one of ASEAN principles is to always nurture good relationship between its members to maintain peace and regional stability.

As in Southeast Asia, regional security in East Asia depends on the relationship of states, especially the ones with more power and influence in the region, like China and Japan, with any hiccups between them causing tensions. In this way, a regional institution would need to have a mandate with a strong set of principles designed to give voice to the less powerful states, and foment leadership authority and capabilities to whomever is chair, otherwise, it would fail to ensure the pacific settlement of disputes, and to have enough autonomy to keep its agenda rolling in the event of conflicts rising between its members.

Moreover, the stability of the region is also based on the behaviour of the US, a major power that maintains its alliances in the region to preserve its own interests. Thus, it would be imperative for the institution to be able to deal with security multilateralism in order to provide a balance to any power play that might happen, while still maintaining human security as an objective. In doing so, a regional governance would be established in pillars that surpass the traditional idea of national security as the only interest of the states, with humans also being in the centre of the agenda. This would enable the states to deal with a multitude of issues without focus solely on the use of hard power to solve them.

Albeit this paper does not claim such would happen quickly or seamlessly, it is believed that as the states started to feel more comfortable through cooperation and as more trust was built between them through a regional institution, they would use more of its mechanisms to reach consensus regarding inter-state matters. Thus, the following section will deal with the South China Sea conflict and why it would be better suited to try to solve it focusing on human security and regional governance.

SOUTH CHINA SEA, HUMAN SECURITY AND REGIONAL GOVERNANCE

The main issue in using the human security approach to address the South China Sea conflict and find a solution to ensure peace and stability in the area have to do with the history of western colonization and unrequested influence in the area\(^6\). Thus, a concept that does not focus in national security, but aim to make human security on par with national interests, can face resistance by states that had their domestic affairs controlled or interfered by others. In this sense, their state interests will understandably be the defence of borders and the guarantee of their sovereignty.

In addition, the colonized past also plays an important role when states from other regions show interest in East Asia assets and resources, like the US, the European Union and Russia have. Such is even more evident due to US remaining allies in the region and its recent policy to pivot to Asia in order to preserve its preponderance in the region and contain China’s rising influence in the region. This kind of power play causes animosity between the states of in the region, once those allies to US feel they must remain loyal, and impedes the solidification of a trusting regional governance and a stable community focused on a broader sense of security.

Furthermore, when the conflict is closely analysed, the need for a strong regional governance makes even more sense, once the countries claiming rights over part or the entirety of South China Sea did not have a common and regionally recognized set of rules to follow. They had the UNCLOS to follow and the UN to look up to and ask for guidance, but they did not have a consolidate regional institution where they could present their claims and have a peaceful solution for the matter.

The role of a regional institution with focus on human security is to provide the states and the people with a place where rules, norms, principles and laws are based on that region’s customs and cultures in order to facilitate their embrace of universal norms, such as human rights. However, in the case of South China Sea, there is a problem, there are universal guidelines to follow, but there are no regional principle or sense of community in place that provide the link between regional and universal.

Thus, without this the states with claims in the South China Sea dispute went in various directions to win what they wanted, such as bilateral negotiations and submissions to the UN for arbitration. Nonetheless, there are issues with both methods of problem-solving. First, in

bilateral negotiations, as the ones China has proposed\textsuperscript{88}, one state might end up accepting the other’s terms without imposing their own concerns and priorities due to the difference in power. In such cases, it is difficult to sustain a human security agenda, because if the more powerful state has as main interest the defence of borders and resource allocation or exploitation that requires military security, the less powerful one will not be able to push for a different position. Moreover, it can be even more complicated to establish such approach, because states and decision-makers might not regard the priorities and concerns of the civil society as relevant to their security agenda. Second, when a state submits a case to the UN Permanent Court of Arbitration, the problem is not, in this case, that the Philippines are following the universal principles, but rather, that the other part, China, was not. If one of the parts does not recognize the ruling and the PCA has no authority to impose its decision over China, then, it is not just a loss of time, but a showcase of the universal principles being undermined by said state.

In the case, it fell to the Philippines to carry out the ruling of the PCA, since it stated that China had no legal basis to claim historic rights over the resources in the sea. As it felt pressures from the international society and its allies, such as Japan and US\textsuperscript{89}, to uphold the award, it was also approached by China for bilateral talks\textsuperscript{90}, once the PRC realized the new government would be more amenable to those.

Therefore, it can be said that the absence of a regional institution promoting regional governance and stability made the states involved in the conflict not only distrust one another, but also not progress in finding a solution, even when universal principles and institutions were used. Moreover, most of the focus were in trying to figure out national interests and security,


\textsuperscript{90} Lim, \textit{China, Philippines to Start South China Sea Talks}, 2017.
ignoring the other issues that should also have been in the forefront of the negotiations. Like the needs of the people, the preservation of the environment, food security, protection for fishermen from every nation, to avoid repetition of the cases where some had been chased away or shot down from the region.

In this sense, there is a necessity for a regional institution to focus on building trust and integrating the states of East Asia, as well as promoting human security, without forgetting that there should always be a balance between the need for a state-centric agenda and the need for a human-centric one. Such institution would have clear rules to promote peaceful conflict resolution and security multilateralism in order to avoid bilateral talks that would alienate the other states of the region.

Nevertheless, as it is difficult to create an institution with this kind of power and strength, it would be wise to use the mechanisms put in place by ASEAN+3, or even by the ASEAN Regional Forum, to develop and practice the policy of comprehensive security among the members. This way, human security would start to gain weight and be part of the discussions.

In addition, ASEAN or any regional institution that should arise should be a political one, and should aim for strong and solid inter-state peace and stability. To do so, principles and norms fomenting human rights and human security should be in the core of the association. In this sense, the regional principles should function as a link between the local and the global, continuously connecting the region with the universal norms.

Finally, as the pursuit for security should be balanced between human and national securities, more attention and voice should be given to the civil society and its priorities. Also, due to the growing interdependence in the region, state should always nurture the non-interference principle in order to avoid conflicts, but also, they should always aim for a political
governance. This way, conflicts like the one in South China Sea would be solved in a way to ensure peace for everyone involved, down to their very individuals.

CONCLUSION

Conflicts are, unfortunately, one of the things that endure time and nations. They have helped to shape the world as it is known. It might have been directly or indirectly, but tensions, disputes and wars have had a huge saying in how territories were delimited; how governments have fallen and risen; and how countries have been born. Moreover, wars between and within states have also formed the current international system. They have pushed for conventions, treaties, international laws and norms to be made, and for peace to be sought and ensured.

However, even with a long history of trying to overcome conflict, the world still faces them, and they are the ones that jeopardize peace and security around the globe. The aim of this paper was to analyze the reasons, risks and give recommendation on how to solve one of these conflicts: the one happening in South China Sea. First, we explained the reasons behind the tensions, which range from the presence of natural resources like oil and gas in the region; the importance of it as a trading route; and the relevance to the fishery industry. Also, the claims from all the parties involved in the broader conflict were explored, with focus on the claims of China and the Philippines, and the dispute between both countries.

Then, this paper proceeded to identify and explain the risks this conflict presents to the region. First, economic risks, with focus on the volume of trade that passes through the region, as well as the economic interdependence between the nations involved in the conflict, but also some that are not. Moreover, it showed how the presence of oil and gas reserves is a risk rather than a benefit, once states, like China that is huge dependent of those resources, are more prone to dispute the area. Then, it focused on the legal aspects due to question of freedom of navigation that could be endangered due to the conflict. Second, security risks, where it was
showed that China has been pilling sand in coral reefs to forms islands, and then, building military basis. It has not only increased the insecurity in the region, but also raised the alarms with the US. Third, social security, which focused on how the environment, the fisheries and the people have been suffering with this conflict, but little attention has been given to them in the security agendas, because the traditional sense of national security and interest are imperative.

The last part of this paper brought up the concept of human security and how it can represent a better way to build a security governance in the East Asia Region. As such, it was shown that through the adoption of this concept to deal with matters of security, states would be able to balance a state-centric and a human-centric agenda in order to create a favorable environment where integration and cooperation can develop and reinforce each other in a regional way. In the case of South China Sea, such regional governance would be vital to provide a peaceful resolution of the conflict through regional principles and norms that embrace the universal ones.

Therefore, as national security should remain a concern of the states, human security, such as matters related to human dignity, environment protection and food security, would become part of the decision-making of states. Hence, regional security would also figure in the states’ interests to generate stability and ensure peace.