



Maritime Territorial Disputes in East Asia: Issues for Congress

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Tensions surrounding numerous maritime territorial disputes in East Asia have become a pressing challenge for U.S. foreign policymakers. Beginning around 2005-2006, long-disputed waters in the South China Sea and, more recently, the East China Sea have become the site of increasingly aggressive behavior from nations trying to strengthen claims to disputed areas or to explore and develop offshore energy and fishery resources. Rising tensions in these waters raise a number of important issues for the 113th Congress.

The tensions have been fed by a series of aggressive actions by maritime authorities, including harassing vessels, destroying equipment, and blockading islets and shoals. The increasing frequency of such events raises the possibility of miscalculations that could lead to overt conflict at sea. It also poses complex questions about security and U.S. diplomacy in the region, and represents one of the most complicated challenges for the Obama Administration's strategy of "rebalancing" foreign policy priorities towards the Asia-Pacific.

The territorial disputes at the heart of these tensions are decades old, and incidents between the parties to the disputes have been ongoing for many years.

- In the South China Sea, the People's Republic of China (PRC) makes extensive claims, including marking on its maps an ambiguous "nine dash line" that covers most of the sea, including the Spratly and Paracel island groups. These claims overlap with those of four Southeast Asian nations—Brunei, Malaysia, the Philippines, and Vietnam, which themselves have claims that conflict with each other. Taiwan also makes extensive claims mirroring those of the PRC.
- In the East China Sea, China, Japan, and Taiwan each claim a Japan-administered island group that Japan calls the Senkakus, China the Diaoyu Islands, and Taiwan the Diaoyutai Islands.
- Other territorial disputes exist between Japan and South Korea in the Sea of Japan, and between China and South Korea in the Yellow Sea.

Although the United States has no territorial claim in these waters and does not take a position on the various specific territorial disputes, it does have treaty obligations with Japan and the Philippines that could be invoked if they become involved in an active conflict with another of the claimants. It is longstanding U.S. policy that the U.S.-Japan Security Treaty, which stipulates that the United States is bound to protect Japan, covers the Senkaku islets, raising the prospect that the United States could become militarily involved in a Sino-Japanese conflict over the islets. The applicability of the U.S.-Philippines Mutual Defense Treaty to Philippine-claimed islands and waters in the South China Sea is less clear. This ambiguity presents a dilemma, in that the United States seeks to avoid being drawn into a potential conflict, but also seeks to support its treaty ally and deter a use of force against it.

The ability of the disputing countries, and of the United States and other parties, to manage tensions touches on numerous other U.S. interests including:

- protecting free and unimpeded commerce along some of the world's busiest maritime trade routes;
- maintaining peace and stability among maritime nations in the Asia-Pacific;
- encouraging rules-based regional norms that discourage coercion or the use of force;
- protecting the U.S. Navy's ability to operate in these areas;
- managing U.S. treaty alliances with nations involved in the disputes; and
- avoiding intimidation of U.S. companies which may seek to operate in the region.

The 113th Congress may address East Asian maritime territorial disputes and the issues surrounding them in various ways. The Senate may consider offering its advice and consent on the United States becoming a party to the United Nations Convention on the Law of the Sea (UNCLOS). Congress may also choose to examine the economic and security implications of a greater U.S. military presence in disputed areas [...]

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