



**THE SOUTH CHINA SEA'S NINE-DASH LINE: KEY DISPUTES AND
CHINA'S HISTORICAL RIGHTS CLAIMS**

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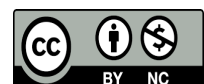
Abstract

The South China Sea (SCS) has a 2.1 million-square-kilometer u-shaped line on China's sovereignty map. The Philippines, Vietnam, Malaysia, and other interested countries have raised many questions about the nine-dash line in recent years. The article has studied such materials as the official statement of China, the treaties and conventions signed by China, and the arbitration award obtained from the Philippines' lawsuit to the Permanent Court of Arbitration (PCA) in 2013 and has made an in-depth study of the legal nature, types of rights and specific rights of the nine-dash line. The study concluded that, first, China's delimitation of the nine-dash line is in line with international customary law and international practice, and this action does not violate the territorial sea regime of the United Nations Convention on the Law of the Sea (UNCLOS); Second, the nine-dash line in the SCS is not the "national boundary", but it is China's "island ownership line", and also the dividing line between China's maritime rights in the SCS and other countries; Third, the historical rights that China strongly advocates include but are not limited to fishing rights, navigation rights, and oil and gas resources rights; Fourth, the international community should attach importance to and respect China's historical rights view of the nine-dash line sea area. Any ruling that does not respect China's historical rights will not be accepted by China.

Key words : Nine-dash line ; Arbitration case ; UNCLOS ; Historic rights

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Introduction

In 2013, the Philippines asked the Permanent Court of Arbitration (PCA) and China to define the nine-dash line. On July 12, 2016, the PCA's interim arbitration tribunal granted all Philippine requests after more than three years of arbitration. Chinese Mainland officials have rejected the arbitral award for six years. Chinese academics examine the SCS nine-dash line's qualities and rights more, yet some major aspects remain vague and even conflicting. Solving many SCS issues requires clarifying the nine-dash line's properties and privileges. China's maritime rights theorists will lose international discourse authority on SCS sovereignty and rights if they can't agree on numerous nine-dash line issues. This paper examines the legal qualities and specific rights of the nine-dash line from three perspectives: idea and historical changing process; crucial issue between China and the Philippines arbitration case and The third is the specific content of China's historic rights.

Research Problem

A u-shaped line covering over 2.1 million square kilometers in the South China Sea (SCS) region may be seen on the official China sovereignty map. The nine-dash line has been the subject of numerous inquiries from the Philippines, Vietnam, Malaysia, and other interested nations in recent years.

Research Questions

Is the nine-dash line itself effective?

Does China's membership in the UNCLOS mean that the UNCLOS territorial sea and high seas system has taken the place of the nine-dash line's legal status?

Are there any other interested nations participating, and how effective is China's erroneous line?

Do maps with discontinuous lines that were published by Chinese officials and citizens throughout history have varying framing ranges? Do discontinuous line boundaries become increasingly arbitrary over time?

Why is China so concerned about historical Chinese claims?

How many different types of historical rights does China primarily seek to preserve?

Is it not a good idea to partially negate China's historical rights? Why does the Chinese

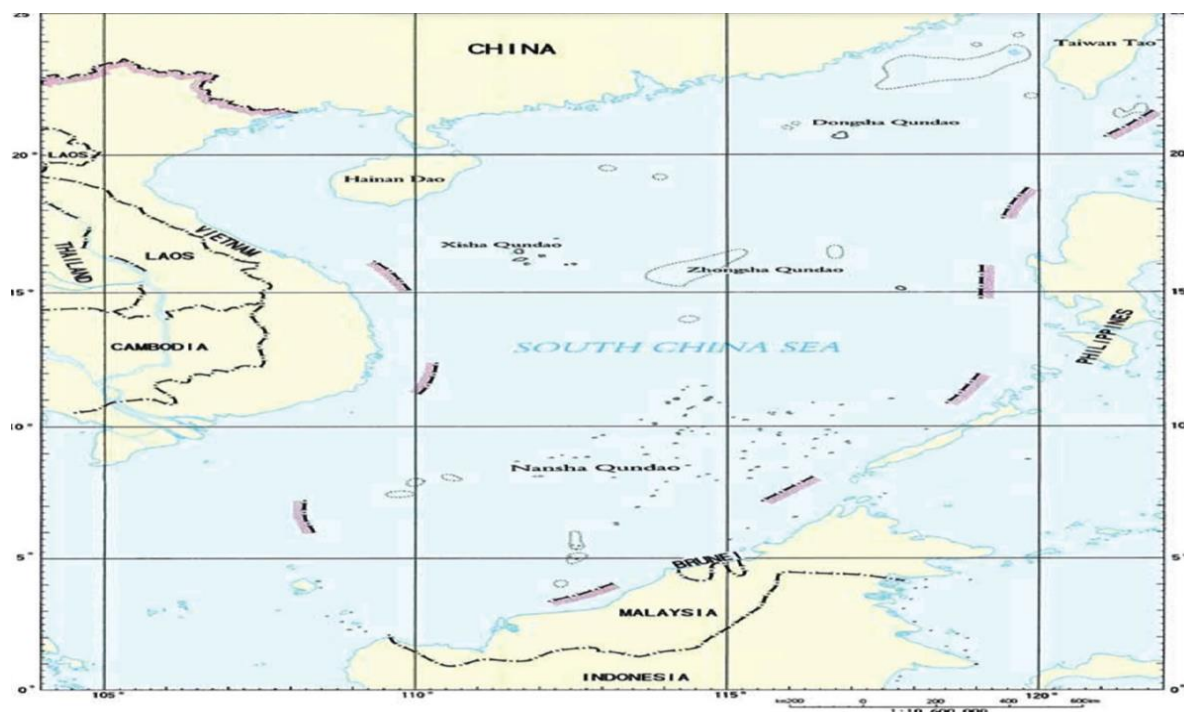
government strongly advocate the theory of maritime rights?

Research Objectives

Objective of this study is to clarify the legal attributes and specific rights of the nine-dash line from three aspects: the first is the concept and historical change process; the second is the key dispute between China and the Philippines arbitration case; the third is the specific content of China's historic rights?

Background of The Study: The Concept, Significance, and Historical evolution Process of The Nine-Dash Line

On the map of China, the SCS islands' outer sea region is delineated by the nine-dash line (see picture 1). There are nine broken line segments that characterize it. It is also known as the "U-shaped line" or "cow's tongue line" and it is a means of delineating the border of China's rights and interests in the SCS. The U-shaped line is drawn on the officially published map of China after being proposed and authorized by the Chinese government agency. The SCS reflects China's specific sovereign stance and requirements for some marine areas.



Picture1 : Location and shape diagram of the nine-dash line

Source: MAP ATTACHED TO CHINA'S NOTES VERBALES nos. cml/17/2009&cml/18/2009 (7 May 2009)

There are many different opinions and interpretations about the nature of the nine-dash line, and it can be roughly divided into the following four categories:

First, national borders. The national boundary defines China's SCS territory. China has jurisdiction over islands, reefs, beaches, sand, and sea areas within the line. Off-line territories belong to other countries or the high seas. The nine-dash line surrounds the water, not land. It combines western "territorial sea" and traditional "border" practices. The scholar distinguished "sea boundary" from "territory" and "sovereignty" as the place under national administrative jurisdiction.(Korkut, Kang, & Aff., 2017). In fact, it is not China's initiative to delimit the ownership of islands or reefs by the nine-dash line. There are international precedents. For example, in 1898, the United States and Spain used an imaginary line to delimit the Western Philippines to the United States.

Second, the marine historical rights line. According to the historical water area line disputes, China enjoys historical rights to the islands, reefs, beaches, sand, and sea areas within the line, and the entire sea area within the line is China's historical water area.

Third, the overall sovereignty line of SCS islands. According to the theory of island ownership line or island scope line, the islands within the line and the surrounding waters are part of China's territory and are subject to China's jurisdiction and control.

Fourth, the sovereignty line of islands in the SCS plus the historical maritime rights line. According to the theory of the historical right line or traditional frontier line, the line marks China's historical ownership. This right includes the sovereignty over all islands, reefs, beaches, and sands within the line and the sovereignty over the sea areas and natural resources on the seabed outside the water within the line. At the same time, it recognizes the freedom of other countries to navigate, overfly, and lay submarine cables and pipelines in this sea area. In other words, while advocating that the islands, reefs, beaches, and sand within the line belong to China's territory, this view regards the sea areas outside the internal waters as China's exclusive economic zone and continental shelf.

All these debates and disputes should be considered reasonable and not groundless. However, it is also obvious that only one of these propositions and interpretations can meet the

requirements of objective reality and international maritime law, and only such propositions and interpretations can better uphold and safeguard China's rights and interests in the SCS, and also be conducive to the settlement of the SCS issue.

Historical Evolutionary Process in the South China Sea

China, with the best ship-casting, controlled most SCS marine areas in ancient and current times. Historical data like the SCS Folk Geng Lu Book,(Yuan & Yan, 2021) Chinese fishermen in SCS fish and exploit islands. The SCS was popular under the Ming, Qing, and Kuomintang dynasties. Historical control over the Nansha Islands, etc. On October 28, 2015, British and American naval navigation records showed that only Chinese fishermen in the Qing Dynasty and Kuomintang regime of China extended throughout the SCS and lived on several islands year-round. (Kaplan, 2015).

In 1930s China, the Kuomintang ruled. China decreed a three-nautical-mile territorial sea. China's domestic legislation distinguished "three nautical miles inland sea" and "the outer sea outside the SCS" before this ruling. The latter is the SCS's nine parts' approximate scope. These two parts of the sea area are China's historical sea areas. During the Qing Dynasty and the Kuomintang regime, they exercised the rights of cruising, security, rescue, inspection, and other rights currently regarded as territorial sea sovereignty in this area.

Since then, the Ministry of the Interior of the Kuomintang dictatorship has established a land and water map review committee, which conducted its 25th meeting in December 1934 to compare Chinese and British names in the SCS. In 1935, the Kuomintang regime published the Chinese and English names of SCS islands and reefs without drawing a line on the map. The Kuomintang is considered Zengmu Beach at 4 degrees north latitude China's southernmost point. France dispatched 30 Vietnamese warship-bound to Nansha in April 1935. (Nguyen, 2022). Finally, under the pressure and resistance of many countries, the French changed their attitude, claiming that the occupation of the nine islands was only to place buoys, and had no intention of being a naval base. However, the Chinese government was limited in its capabilities at that time and was unable to take military measures in addition to diplomatic protests.

The 1948 modified SCS Eleven-dashed line became the official map of the new Chinese government in 1949. After State Council approval in 1953, the Chinese mainland government had bilateral agreements with Vietnam and deleted the two sections of the nine-dash line between Hainan Island and the Vietnamese coast in the Beibu Gulf from the official map. (Gao & Jia, 2013). The sea area within the nine-dash line is China's historical sovereignty inheritance area with a clear context. It is the result of China's victory after World War II as a major participating country. France, the United States, and other countries that have long ruled and colonized Southeast Asia also respect the sea area within the line for a long time.

Until the 1970s, no country had raised any objection to the nine-dash line of the SCS, and even many countries had used this line on their maps. In 2000, China and Vietnam demarcated the boundary of the territorial sea, exclusive economic zone, and continental shelf in the Beibu Gulf (Keyuan & Law, 2005). Because Bailongwei Island belongs to Vietnam and for other reasons, the boundary of the Beibu Gulf does not completely coincide with the specific positions of the two discontinuous lines removed from the sea area, but the starting point, end point, and overall trend of the two lines are the same. The former does not deviate from the latter obviously but has made certain adjustments based on the latter. This method of maritime delimitation reflects its inheritance of the original nine-dash line, and also reflects the Chinese government's right to dispose of its rights, which was accepted by the Vietnamese government in this case.

In summary, the historical territory of the SCS on the map has gone through the historical process of drawing the SCS islands into China but not drawing the maritime boundary line in the Ming and Qing dynasties, folk scholars drawing the maritime boundary line since 1914, and the government determining it in 1947. The line's marine area is undefined legally. The nine-dash line has become China's "islands and reefs ownership line" and "historic rights line" after years of practice. Successive Chinese regimes have maintained their claims to marine rights within the nine-dash line.

4: Key Disputes in The Arbitration Case

In 2016, PCA made an award on the dispute between China and the Philippines over the nine-

dash line, in support of the Philippines' two arbitration requests. One of the arbitration requests asserts that China's maritime rights in the SCS, similar to the Philippines' rights, cannot go beyond the range expressly permitted by the UNCLOS; the second arbitration request asserts that China's claims to the sovereign rights and "historic rights" of the SCS waters inside the so-called "nine-dash line" are in violation of the Convention and, as a result, have no legal standing because they go beyond the geographical and physical boundaries of the SCS. (Scott, 2016). The disagreements over the nine-dash line during the arbitration procedure centered on the following two issues: first, whether the nine-dash line is valid in and of itself; and second, what sort of maritime rights are contained in the nine-dash line.

Dispute one: Is the nine-dash line itself effective?

First, the nine-dash line is ambiguous, and there is an effect vacuum because of its intermittent running. To deny the validity of the nine-dash line, the Philippines proposed in the arbitration process that "the nine-dash line lacks clear location coordinates... These lines are delineated in a rough way and cannot be interpreted as the result of the application of any standard maritime delimitation method". Some foreign scholars also questioned: "Because there is a blank space between each section of the nine-dash line, it is difficult to be regarded as the basis of maritime delimitation." In this regard, some Chinese scholars believed that "the nine-dash line is almost the 'middle line' between the Chinese island and the coast of Vietnam, Indonesia, North Borneo, East Malaysia, and the Philippines." From the overall presentation of the nine-dash line, although there is a blank space between each section, it is not completely independent, It is coordinated with each other, and the direction of extension is the same. Even if it is not connected as a whole, it can roughly show a "U" shape. According to this, although the "middle line" is the main delimitation method, to achieve this effect, some middle lines should also be adjusted in combination with other methods.

Some scholars put forward the view that the discontinuous line is the middle line between the SCS islands and the coast of neighboring countries, and part of it is consistent with the 200m isobath. Other scholars have measured the geographical coordinates of the nine-dash line and concluded that the trend and shape of the nine-dash line are consistent with the underlying

topographic features. Although there are differences between the above two methods, it is at least certain that the delimitation of the nine-dash line follows a certain method and law related to maritime delimitation. Therefore, the nine-dash line aims to distinguish the sea space between China and other countries around the SCS.

Second, does China's accession to the UNCLOS mean that the validity of the nine-dash line is replaced by the territorial sea and high sea system of the UNCLOS? PCA held that if China's historical rights enabled it to enjoy a privileged position in the resources of these sea areas, the fact that China abandoned international customary law to accept the legal system of the territorial sea, exclusive economic zone, and continental shelf, as well as the fact that China ratified the UNCLOS in 1996, changed the legal choice to comply with international customary law. Through the UNCLOS, China has obtained additional rights in the sea area near its coast that has become its exclusive economic zone, including in the sea area near any island eligible for such an exclusive economic zone. These additional rights are that the continental shelf or exclusive economic zone that was not under the jurisdiction of China in history was assigned to the jurisdiction of China.

China contends that the nine-dash line's marine rights and interests are based on a distinct legal basis and do not follow post-law primacy. The Truman Proclamation established the continental shelf as a natural extension of land territory, which has since evolved into a new legal basis for coastal countries to enjoy sovereign rights over the natural resources on the seabed and subsoil of adjacent sea areas, replacing the dichotomy of territorial sea or high sea. The current law should be used to evaluate China's SCS statement. The countries bordering the SCS misapplied the 1982 UNCLOS to oppose the effect of the 1947 international customary law system's SCS nine-dash line. To observe the UNCLOS, China has also given up its rights in the exclusive economic zone allotted to other countries. (O'Rourke, 2015).

Third, China unilaterally drew a discontinuous line, which may not work. In the 2014 143rd issue of the *Maritime Border*, the US State Department advocated for bilateral or multilateral international law-based maritime delimitation by surrounding countries. China finds this statement and conclusion unconvincing. China only uses the undefined national

boundaries to separate its four major islands from the coasts of other nations, leaving a blank in other sea areas due to the international background that the international maritime delimitation was not universal at that time. Bilateral or international negotiations must determine marine delimitation. China arbitrarily divided the maritime area with the nine-dash line, claiming its land and marine region under its control without precise coordinates. The nine-dash line does not set the marine boundary but allows for future formal maritime delimitation.

China maintains that the nine-dash line was drawn with the consent of the world community, including the Philippines and its colonial suzerain. China's 1948 SCS nine-dash line did not violate neighboring countries' marine interests. The nine-dash line was ignored by SCS nations for a long time. The line did not violate the marine rights of SCS countries at that time or for a long time afterward. Order 1599 of the Philippine President established the exclusive economic zone in 1978. By 1978, the nine-dash line was 30 years old. The Philippines signed the 1982 UNCLOS without protesting the SCS nine-dash line. The Philippines hasn't complained since. In 2010, it was evident that it did not accept and questioned the line. The former colonial suzerain governments of the countries bordering the SCS have acknowledged the nine-dash line in their publicly published maps, which has embraced China's views and represents the international community's approval of the line. (Fu, 2019).

The Philippines accepted China's nine-dash line after 60 years. Like the 1951 "Fisheries Case" (Britain v. Norway), (Green, 1952) in which Norway's territorial sea baseline system did not conform to international law at that time, but it had existed for nearly 60 years. The International Court of Justice noted that no foreign countries, including the United Kingdom, objected during this period, so Norway's territorial sea baseline system should enjoy the benefits of the tolerance of the international community. The International Court of Justice held that before the dispute arose, Norway's territorial sea baseline had been consolidated by continuous and sufficient long-term practice, and foreign governments had witnessed the fact that they did not believe that Norway's practice conflicted with international law. Finally, the

International Court of Justice found that Norway's domestic legislation did not violate international law (Gielis, 2020). Other similar cases include the case "Land, Island, and Maritime Boundary Dispute" (El Salvador v. Honduras, Nicaragua's "Meinguera" sovereignty ownership) (Wei, 2013).

Fourth, maps with discontinuous lines issued by Chinese officials and people in different historical periods have different framing ranges, and the delimitation of discontinuous lines is more arbitrary. China believes that the nine-dash line has been marked on the map of China since its publication. Although it has been slightly changed due to the adjustment of the map drawing method, the range of changes in the sea area delineated is relatively small, reflecting the consistency of China's claims on the SCS. The Philippines believes that the different marine areas defined by the nine sections of the map in different versions of China are a manifestation of the prohibition of overturning the principle of self-admission under international law. The Philippines believes that another manifestation is that China mentioned the Nansha Islands in the Statement of the Government of the People's Republic of China on China's Territorial Sea, saying that they are "separated from the mainland and its coastal islands by the high seas", rather than any sea area where China has special historical rights. This is the strongest evidence for China to recognize the nature of the high seas in some waters within the line. In response, China raised a rebuttal, arguing that Vietnam's violation of the principle of prohibiting the overthrow of self-admission was more serious. The maps of Vietnam and other countries have made it clear for a long time that there is only a limited amount of sovereignty in the SCS.

Dispute two: If the nine-dash line is effective, what is the nature of the line? Island sovereignty line? Or the maritime right line?

Controversy over maritime sovereignty in the line sea area

The claim of maritime sovereignty line is held by early Chinese radical scholars and politicians. In addition to the claims of some Chinese personnel, there are similar misunderstandings in the Philippines and the international community. The reasons are as follows: First, from the specific drawing of the nine lines in the Map of the Location of the SCS Islands, each line segment is marked by "-<·>-", which is completely consistent with the marking method of the

official boundary between China and its neighboring countries at that time. China and Vietnam are connected with a section of a nine-dash line in the Beibu Gulf , and the land boundary and nine-dash line are both delineated by "-<·>". How the symbol of "national boundary" marks each segment of the nine segments of the line is how the land boundary was divided in the historical period at that time. Chinese officials denied this view. Chinese Foreign Minister Wang Yi said that China did not regard all the waters within the nine-dash line as internal waters and territorial waters. Frankly speaking, China actually wants to exercise its sovereign rights over the SCS, but because it accedes to the UNCLOS, China is willing to abide by the general code of conduct for international maritime management and has voluntarily transferred part of its rights. On the premise of respecting China's historic rights, China is willing to shelve disputes and jointly develop with countries around the SCS.

The island sovereignty dispute in the nine-dash line sea area

The understanding of the island sovereignty line is the understanding of the Philippines scholars, including some Chinese scholars on the nature of the discontinuous line. In 2014, the United States released a research report on the nine-dash line in the SCS, entitled "Marine Limits - China: Claims in the SCS". According to the report, the 1947 official map uses the legend of the national boundary to mark each paragraph, and the discontinuous line is usually used to summarize the sovereignty of the islands within the line. When analyzing the nature and purpose of the nine-segment map, the report pointed out that "it is not uncommon to draw lines on the sea of the map as a practical and effective way to identify a group of islands."

Practically and policy-wise, Taiwan authorities likely consider the nine-dash line as the island sovereignty line. After PCA in the SCS arbitration case held a hearing on the substantive issues of the case, on March 21, 2016, the Taiwan authorities issued an English version of Taiwan's SCS policy position document, which clearly stated in its preface: the Nansha Islands, the Xisha Islands, the Zhongsha Islands, and the Dongsha Islands (collectively referred to as "SCS Islands") were discovered, named, and used by our ancestors and were officially incorporated into the territory to From the perspective of history, geography, and international

law, the islands in the SCS and the surrounding waters are China's inherent territory and waters, and no country can claim or occupy them.

Disputes over maritime history rights in the line sea area

The government calls China's traditional maritime right line the nine-dash line. China has historical claims along the SCS border, but not all nearby waters constitute territory. China asserts sovereignty over SCS islands, waterways, seabed, and subsoil. China claims ancient non-sovereign rights over additional waterways inside the nine-dash line. China allows other nations to exercise historical non-sovereign rights over the whole nine-dash line marine area.

Historic rights are sovereign and non-sovereign. Non-sovereign rights are more comprehensive and allow multiple countries to exercise them simultaneously, while sovereign rights are exclusive to sovereign nations. The UNCLOS systems create exclusive sovereign rights and jurisdictions. The goal of marine rights under UNCLOS is to get sovereign rights, while historical rights under international customary law are to obtain relevant rights and value non-sovereign rights.

China's SCS activities include cruising, fishing, navigation, anti-piracy, marine rescue, and scientific survey and inquiry. Hence, China's historical non-sovereign rights within the nine-dash line in the SCS include normal historical fishing and navigation rights and other rights needed to exercise them. (Lanteigne, 2016). Frankly speaking, these rights are not exclusive. The nine-dash line: maritime rights, island sovereignty, or maritime sovereignty? Countries around the SCS prioritize clarifying these issues. The UN Directorate for Ocean Affairs and the Law of the Sea preserve the translation of the historical rights document. Article 14 reads: "This Act must not damage the historical rights of the People's Republic of China."

On the one hand, from the perspective of linguistics, just as the Philippines and European and American countries hold, historical rights cannot be completely equated with historical sovereignty, and the theory of maritime sovereignty is not feasible. The legal status of historical rights which was proposed at the end of the 20th century is still difficult to be recognized by the mainstream of the international community. The English equivalent of historical rights is not directly applied in the UNCLOS. The relevant concept involved in the UNCLOS is the

historic bay. As for "historical bays", the academic community has a relatively unified view. It is believed that this concept refers to the non-internal waters with the coast owned by a country, but the width of the bay mouth is more than twice the width of the territorial sea. One country or different countries in this water area continue to exercise certain sovereign rights for a long time and gain the tolerance or recognition of other countries.

However, domestic scholars have different opinions on the Chinese meaning of "historical title". It is believed that "historical title" refers to historical ownership because when "title" refers to rights, it emphasizes the legal relationship between the owner and the property. In the law of the sea, this concept refers to sovereignty, which is the exclusive right enjoyed by a country based on its status as a sovereign, that is, historical ownership means historical sovereignty. There is a view that "historical title" refers to the historical source of rights and is the upper concept of historical rights; There are also views that in legal English, "title" refers to rights and interests, so "historical title" refers to "historical rights". From "historical rights" to "historical title" is only the conversion from political language to legal language, and there is no essential difference between the two.

"Historical title" is exclusively used in UNCLOS articles 15 and 298. Article 15 addresses "the delimitation of the territorial maritime boundary between neighboring or opposite countries". The territorial sea is under a country's sovereignty, indicating that "historical title" means ownership. Article 298 depicts "historical bays or titles" with "historical title," emphasizing their closeness. "Historical bays" emphasize Gulf countries' sovereignty. Hence, Article 298's "historical title" must be historical ownership.

The Philippines claimed that the UNCLOS history title is historical sovereignty, not rights, and needs actual occupying action. China closed its borders during the late Ming and Qing dynasties. No historical sovereignty over the nine-dash line exists, making SCS occupation impossible. The phrase "historic right" used by China in the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf 165 has always differed from the word "historic ownership" used in Article 298 and other UNCLOS provisions. The Philippines maintained that China's "historical rights" did not fit under Article 298's historical

sovereignty. The Philippines thinks that China must show that it has always endeavored to ban or restrict the effective occupation of other nations' nationals to develop biological and non-biological resources within the "nine-dash line" to establish exclusive historical rights. The standard of proof for this effective occupation action is very strict, so the Chinese government prefers the view that the sea area within the line is the sea area where China has historical rights.

The Key to The Dispute Over the Nine-Dash Line: Respect China's Historical Claims in the South China Sea (SCS)

China's Historical Claims and its important

As demonstrated above, the nine-dash line is not a sovereign sea area determined by the UNCLOS and China does not claim the same sovereignty as the land, but historical rights. The Statement of the Government of the People's Republic of China on Marine Rights and Interests in the SCS is very clear about China's rights and interests in the SCS, in which territorial sovereignty does not include most of the sea areas within the line. As for the sea area within the line, at the end of the 20th century, the official position has always been to advocate historical rights. For the nine-dash line, only claiming maritime rights, not sovereignty, has been the biggest concession made by the Chinese government after verifying and weighing the situation around the SCS.

The line declares and protects China's rights and interests: First, China can have territorial sovereignty over the islands in the SCS, including islands, reefs, beaches, and sand within the nine-dash line, based on the principle of archipelagic integrity; Second, China can claim various sea area rights of the SCS islands following the UNCLOS; Third, China has a non-exclusive historical right in the waters within the line; Fourth, the nine-dash line

Two Kinds of Historical Rights That China Mainly Wants to Retain

For the marine space delineated by the nine-dash line, the key question is, what historical rights have China formed in the nine-dash line? Here we focus on fishing rights and oil and gas exploration rights.

The first right is fishing right. In the "SCS Arbitration Case", PCA ruled to exclude China's historical claim of exclusive fishing rights within the nine-dash line because the exclusive

economic zone system had included exclusive fishing rights(Symmons, 2019). The Philippines believes that the oceans before the entry into force of the UNCLOS in 1994 were mainly divided into territorial waters and high seas. China's early fishing activities in the waters within the nine-dash line were based on the principle of freedom of the high seas. Therefore, China has not established a historical exclusive fishing right. That means historical fishing rights can be fully absorbed by modern high seas, continental shelves, and exclusive economic zones. There are no so-called historical exclusive fishing rights.

In the SCS arbitration case, the Philippines believed that China's claim based on history or tradition had no legal basis except for the territorial sea and that historical rights such as fishing rights had been replaced by the exclusive economic zone system. The exclusive economic zone system is comprehensive in scope. A country cannot derogate from the provisions of the system in the UNCLOS beyond this system. A further explanation is that it cannot claim the historical fishing rights of international customary law in the exclusive economic zone of other countries. In any case, the international legal community has shown that the economic exclusive jurisdiction of coastal States over fisheries is superior to the exercise of any foreign rights related to it before in the waters. China may have fishing rights in the SCS that exceed but exceed the provisions of the UNCLOS, but when China joins the UNCLOS, these "exceeding" fishing rights should be abolished.

China believes that the UNCLOS's lack of rights diversity prevents it from replacing historical rights under international customary law. Nonetheless, maritime rights under the UNCLOS do not impact past non-sovereign rights or restrict historical sovereign rights. Historical and UNCLOS rights are compatible. They cannot replace or conflict, proving that historical rights are compatible with UNCLOS rights.(Peng & Wegge, 2014). The purpose of China's claim is also very clear. It uses historical rights to break through the exclusive economic zones of countries around the SCS and the exclusive fishing rights on the continental shelf.

The second right is the right to exploit mineral resources, oil, natural gas, and other resources. Historical rights are limited to fishing and navigation in the Philippines. Some call the SCS the second Persian Gulf because of its enormous oil reserves. CNOOC puts the SCS's

oil reserves at 125 billion barrels, five times China's proven reserves. The US Energy Department calculated that the SCS had more than 50 billion tons of oil or 350 billion barrels. This may be US news to stimulate SCS nations. 350 billion barrels dwarf US oil reserves. The SCS is rich in oil and gas because the nations bordering it have drilled over 1000 oil wells, even though the aforementioned numbers are not accurate. Because of SCS oil and gas extraction, Vietnam, Malaysia, Brunei, and other countries have achieved self-sufficiency and exported a lot of oil.

China insists that historical rights follow international law, even if the UNCLOS does not explicitly state them. No global historical rights pact exists. Before the nine-dash line, China enjoyed jurisdictional jurisdiction, fishing, and navigation over the SCS islands and their internal and neighboring waters. The UNCLOS and international customary law are compatible. The UNCLOS allows international customary law-specific instances. "If it is required to delimit the boundary of the territorial sea of the two countries diverge from the preceding rules due to historical ownership or other specific circumstances, the aforementioned provisions shall not apply," states Article 15 of the UNCLOS. Historical ownership and particular circumstances are juxtaposed.

Being narrow and selfish and ignoring China's fair historical claims for rights in the SCS will fall into the trap of European and American countries with ulterior motivations and undermine peace and stability in the SCS. China insists on SCS's historical rights. Maintaining the SCS's political and economic order requires honoring China's historical rights. The SCS issue is complicated, but it should stay regional. The SCS arbitration case reflects the US and other western powers. In the 2014 143rd issue of the *Maritime Frontier*, the US State Department ruled that the nine-dash line exclusively applies to China's territorial claims on SCS islands and reefs and has nothing to do with historical rights. (Suryadinata, 2020). Western nations benefit from substantial oil and gas resources and navigation rights if most SCS areas are high seas. Malaysia and other SCS island owners are compromised by China. Malaysia has less involvement in the Nansha Islands than in the Natuna Islands, which China recognizes. Malaysia also wants to maximize navigation, fishing, and other high seas rights. In any event,

ignoring facts and China's historical rights to pursue short-term objectives is selfish, foolish, and irresponsible.

Conclusion

Through the analysis of the historical context of the nine-dash line, the key disputes in the Sino-Philippines SCS arbitration case, and other materials, this study believes that the maritime rights within the nine-dash line are inherited from China's traditional maritime rights, which include fishing rights, cruise rights, and other rights. China's delimitation of the nine-dash line is in line with international customary law and international practice, and this action does not violate the territorial sea system of the UNCLOS.

The line in the SCS is not only the "island ownership line", but also the dividing line between China's maritime rights and other countries. The line in the SCS is not the "national boundary", and the delimitation of the nine-dash line in the SCS is not intended to delimit all the SCS waters into China's territorial sovereignty. However, the SCS is not an open sea. The line of the SCS is to bring the relevant islands and their surrounding waters into the jurisdiction of China's territorial sovereignty, exercise sovereign rights over the seabed and subsoil of relevant waters and exercise historical fishing rights over other waters except for islands, waters near islands, and relevant waters historical non-sovereign rights such as historical navigation rights.

Regarding the maritime rights within the nine-dash line, China advocates the view of historical rights and is willing to shelve disputes and jointly develop with the countries surrounding the SCS, including but not limited to fishing rights, navigation rights, and oil and gas resources rights. The SCS issue is very complex, but we should limit the conflict to the surrounding countries and try to properly deal with the game actions of all parties in the SCS through negotiation, rather than internationalizing the regional issues.

The international community should pay attention to and respect the historical rights of the line sea area proposed by China. Any ruling that does not respect China's historical rights will not be accepted by China. China's claim to the historical rights of the SCS is firm. Only

by respecting China's historical rights can we maintain the stability of the current political and economic order in the SCS.

Further discussion, some believe China's line coil determines over 60% of the SCS's marine area. Is it exaggerated? Answer this. China's discontinuous line maritime rights delimitation is not its idea. Greece-11-section Turkey's line divides love waters more than China's nine-dash line. The SCS is complex with numerous countries. The US, distant from the east coast of the Pacific, also contributes. The US and EU want SCS turmoil. The goal is to make much of the SCS a high sea. Long-term, the SCS problem is meant to divide China, ASEAN, and other nations. Nations around the SCS must have a broader view of the nine SCS components.

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