

PEACEFUL SETTLEMENT OF SOVEREIGNTY DISPUTES IN THE EAST SEA IN THE CURRENT CONTEXT***Dr. Nguyen Thanh Minh**

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Abstract

The East Sea is one of the world's most strategically important regions, while also being an area where numerous complex and prolonged sovereignty disputes exist among coastal states. In the current international context, as non-traditional security challenges continue to increase and strategic competition among major powers intensifies, resolving disputes through peaceful means is not only an urgent requirement but also an inevitable trend consistent with international law. This article analyzes the theoretical and practical foundations of peaceful dispute settlement in the East Sea, assesses the current situation and emerging challenges, and proposes several solutions to promote this process in the present period.

Keywords: Settlement, disputes, East Sea, Peace.

INTRODUCTION

The East Sea is not only a vital maritime route connecting the Pacific Ocean and the Indian Ocean, but also a region rich in natural resources, particularly oil and gas, fisheries, and marine biodiversity. As a result, this area has long become a hotspot for sovereignty disputes, mainly related to the Paracel Islands, the Spratly Islands, and overlapping maritime zones. In the context of globalization and deep international integration, countries are increasingly aware that the use of force or the threat of the use of force not only violates international law but also seriously undermines regional peace and stability. Therefore, the peaceful settlement of sovereignty disputes in the East Sea has become an urgent requirement, not only for the states directly concerned but also for the international community as a whole.

Theoretical Foundations of the Peaceful Settlement of Disputes

The peaceful settlement of sovereignty disputes refers to the use by states of various mechanisms such as negotiation, mediation, conciliation, arbitration, and international adjudication to resolve disagreements without resorting to the use of force. This principle is enshrined in a number of important international legal instruments, including the 1970 Declaration on Principles of International Law, the Charter of the United Nations (particularly Articles 2 and 33), and the 1982 United Nations Convention on the Law of the Sea - UNCLOS. The choice of methods for resolving sovereignty disputes depends on multiple factors, including the nature of the dispute, its level of complexity, the balance of power, and the political will of the parties concerned. Among these, negotiation is always regarded as the first and most important step, as it reflects both goodwill and the capacity of states to settle disputes independently. When negotiations fail to produce results, parties may resort to legal mechanisms such as arbitration or international courts in order to ensure objectivity and legally binding outcomes.

Methods of Peaceful Settlement of Maritime Sovereignty Disputes: States may engage in bilateral or multilateral negotiations to seek appropriate solutions. This is the most common method, enabling parties to communicate directly and reduce tensions. In addition, third-party mediation or conciliation may be employed to facilitate agreement. Certain international organizations can also play a role in promoting dialogue and building mutual trust. International arbitration allows disputing parties to submit their cases to an independent adjudicative body. International courts also serve as an important legal mechanism for the fair settlement of disputes. Furthermore, parties may adopt joint fact-finding and verification measures to clarify relevant issues. The conclusion of provisional arrangements can help manage conflicts and maintain regional stability. The principles of international law, particularly those enshrined in the UNCLOS, provide a fundamental framework. All of these methods aim to resolve disputes without resorting to the use of force. In practice, the settlement of sovereignty disputes in the East Sea has relied primarily on negotiation and regional mechanisms such as ASEAN. Moreover, the peaceful settlement of disputes is closely associated with other fundamental principles of international law, including sovereign equality among states, non-interference in internal affairs, respect for territorial integrity, and the right of peoples to self-determination. These principles constitute a legal foundation and common standards of conduct, guiding states in addressing disagreements in a civilized and responsible manner, particularly in a global context marked by numerous complex and persistent hotspots. Amid ongoing tensions in the East Sea, the flexible combination of diplomatic and legal measures, together with the mediating role of regional organizations such as ASEAN, is of particular importance in maintaining dialogue, managing conflicts, and working toward long-term and sustainable solutions.

Current Situation of Sovereignty Disputes in the East Sea

The complex and multidimensional nature of the disputes: Disputes in the East Sea include those related to the unlawful occupation by certain countries of the Paracel Islands and the

Spratly Islands, which fall under the sovereignty of the Socialist Republic of Viet Nam; disputes over exclusive economic zones - EEZs and continental shelves; as well as disputes concerning rights to exploit natural resources. The parties involved comprise multiple states and territories, including Viet Nam, China, the Philippines, Malaysia, Brunei, and Taiwan. Moreover, maritime sovereignty disputes in the East Sea are intertwined with historical, legal, economic, and strategic factors, making delimitation particularly challenging. Each state advances different arguments and evidence to support its claims. The overlap of maritime rights and interests, together with the strategic importance of international shipping routes, has rendered these disputes not only regional in nature but also of broad concern to the international community.

Rising tensions and strategic competition: In recent years, the situation in the East Sea has evolved in increasingly complex, tense, and unpredictable ways. Certain countries have intensified militarization and undertaken unilateral actions to alter the status quo. The involvement of extra-regional major powers, along with recent confrontations between law enforcement forces of the Philippines and China in disputed areas, has further escalated tensions, increasing the risk of conflict and posing threats to regional peace and stability. Recent developments indicate that the security environment in the East Sea has become increasingly complex and fraught with risks. The intensification of militarization, coupled with unilateral actions, has eroded trust among the parties concerned. In addition, the growing involvement of extra-regional powers has made the situation more sensitive, while frequent confrontations among disputing parties in the East Sea have further escalated tensions. These factors heighten the risk of miscalculation and pose serious threats to regional peace and stability.

The role of international law in the settlement of maritime sovereignty disputes at present: International law provides a common legal framework for states to address disputes through peaceful means. UNCLOS constitute an important basis for determining the rights and obligations of the parties. They help clarify the scope of sovereignty, sovereign rights, and jurisdiction at sea. International law also contributes to limiting unilateral actions that may increase tensions, while facilitating the use of dispute settlement mechanisms such as international courts and arbitration. Compliance with international law helps strengthen trust and promote cooperation among states. It also serves as a basis for the international community to monitor and assess the conduct of the parties involved. In the context of increasingly complex disputes, international law plays a stabilizing role in maintaining order at sea. Furthermore, it contributes to safeguarding the legitimate rights and interests of states, particularly smaller ones. Therefore, respect for and strict implementation of international law are key factors in maintaining maritime peace and security.

The 2016 arbitral award in the case initiated by the Philippines against China has established an important legal foundation for the interpretation and application of UNCLOS, thereby shaping approaches to disputes in the East Sea. The ruling not only rejected claims inconsistent with international law but also reinforced confidence in international adjudicative mechanisms. However, in practice, the enforcement of the award continues to face significant challenges due to the absence of effective enforcement mechanisms, requiring the

parties to further promote respect for and compliance with international law.

The Urgency of Peaceful Settlement of Disputes in the Current Context

Ensuring peace and stability in the East Sea: Maintaining peace and stability in the East Sea is a shared interest of both regional and extra-regional countries. Therefore, states need to enhance dialogue and build trust among the parties concerned, exercise restraint, and refrain from actions that may escalate tensions or alter the status quo. To achieve this objective, compliance with international law, particularly the UNCLOS, constitutes a fundamental basis for maintaining order at sea.

In addition, the parties concerned should accelerate efforts to finalize an effective and legally binding Code of Conduct - COC, while strengthening regional cooperation in areas such as marine environmental protection and search and rescue. These measures would contribute to minimizing disagreements and conflicts, thereby reducing the risk of escalation.

In the current context, as the East Sea lies along one of the busiest maritime shipping routes in the world, any instability could generate far-reaching global repercussions. Such instability would not only affect coastal states but also have direct impacts on supply chains, energy security, and international trade. Moreover, the increasing military presence and unilateral activities may lead to miscalculations, further escalating tensions. Therefore, the peaceful settlement of disputes is a prerequisite for maintaining a stable environment conducive to cooperation and sustainable development in the region.

In line with international trends: In the context of deepening globalization, states increasingly prioritize cooperation over confrontation in order to safeguard common interests and achieve sustainable development. International law has become a crucial foundation for regulating relations among states, helping to limit conflicts and promote a rules-based international order. At the same time, the role of multilateral mechanisms is increasingly emphasized, providing platforms for dialogue and dispute resolution. Therefore, the peaceful settlement of disputes in the East Sea represents an inevitable and long-term choice.

Safeguarding long-term national interests: Persisting in the peaceful settlement of disputes concerning sovereignty, sovereign rights, and jurisdiction in the East Sea brings long-term strategic benefits to each state. First, it helps avoid severe losses in human lives, economic resources, and infrastructure caused by conflicts. At the same time, adherence to international law and responsible conduct contribute to enhancing a country's credibility and standing in the international community. More importantly, a peaceful and stable environment creates favorable conditions for attracting investment, developing the maritime economy, and ensuring security and sustainable development in the future.

Challenges to the Peaceful Settlement of Sovereignty Disputes

Differences in interests and positions: In addition to the aforementioned challenges, the peaceful settlement of disputes faces difficulties due to the lack of strategic trust among the

parties concerned. Unilateral actions and attempts to alter the status quo on the ground have made the environment for dialogue increasingly complex. Furthermore, differences in the interpretation and application of international law, particularly UNCLOS, have further intensified disagreements. Although certain international dispute settlement mechanisms possess legal value, they often lack effective enforcement mechanisms, resulting in limited effectiveness and prolonging the dispute resolution process.

Lack of effective binding mechanisms: One of the major obstacles to resolving disputes in the East Sea is the absence of sufficiently strong legally binding mechanisms. The 2002 Declaration on the Conduct of Parties in the East Sea – DOC is primarily political in nature and lacks specific monitoring and enforcement measures, thereby limiting its effectiveness. Meanwhile, although the COC has been under negotiation for many years, it has yet to be finalized, delaying the establishment of a stable legal framework. This situation creates conditions for unilateral actions, increasing tensions and making the situation more difficult to control.

Impact of major power competition: The increasing military presence, expansion of influence, and implementation of geopolitical strategies have turned the region into a potential hotspot fraught with risks. This not only heightens tensions but also makes it more difficult for the parties involved to reach consensus in negotiations. Moreover, the involvement of major powers sometimes diverts regional cooperation efforts, negatively affecting the process of peaceful dispute settlement.

Solutions to Promote Peaceful Settlement of Disputes

Compliance with international law: To promote the peaceful settlement of disputes, the parties concerned should strengthen trust-building among states through greater transparency in maritime activities and the establishment of regular dialogue mechanisms. At the same time, the role of international law should be enhanced as a tool to regulate behavior, ensuring fairness and objectivity. States must respect UNCLOS, comply with international rulings, and resolve disputes on a legal basis. In addition, the mediating role of regional and international organizations should be strengthened to support effective dispute resolution.

Promoting regional cooperation in the East Sea: Enhancing regional cooperation in the East Sea is essential for maintaining peace and sustainable development. States should strengthen dialogue and establish effective multilateral cooperation mechanisms. Cooperation in the maritime economy, such as resource exploitation and tourism development, brings shared benefits. At the same time, coordinated efforts to protect the marine environment are urgently needed in response to increasing pollution. Joint marine scientific research activities help improve mutual understanding and reduce conflicts. Cooperation in non-traditional security areas, such as search and rescue and anti-piracy efforts, is also necessary. The establishment of information-sharing mechanisms can enhance trust among states. Countries should respect each other's legitimate interests and comply with international law. The active participation of regional organizations such as ASEAN contributes to promoting comprehensive cooperation. As a result, the East Sea can become a region of peace, stability, and shared development.

Promoting ASEAN's central role and accelerating the COC process: SEAN should continue to promote its central role and accelerate the development of the COC. In the process of resolving disputes in the East Sea, ASEAN needs to reaffirm its central position in the regional security architecture. The organization should actively promote internal unity and a common position in order to enhance the effectiveness of negotiations with relevant partners. In particular, accelerating the conclusion of a legally binding COC is an urgent requirement to regulate the behavior of the parties. At the same time, ASEAN should strengthen dialogue mechanisms and substantive cooperation with China in order to build trust, reduce tensions, and lay the foundation for long-term peaceful solutions.

Restraint from unilateral actions: Restraint from unilateral actions is a crucial requirement for maintaining peace and stability at sea. States should refrain from actions that may alter the status quo or escalate tensions. Compliance with international commitments and regional agreements serves as a basis for regulating behavior. The parties concerned should resolve disagreements through dialogue and peaceful means. Transparency in policies and maritime activities helps minimize misunderstandings and conflicts. In addition, the establishment of monitoring and early-warning mechanisms is necessary. States must demonstrate responsibility in safeguarding regional peace. The involvement of the international community can exert positive pressure to limit unilateral actions. Strengthening strategic trust will help reduce the risk of conflict. Thus, restraint from unilateral actions is a key condition for ensuring long-term security and stability. Such restraint is particularly important in maintaining stability in the East Sea. The parties should avoid activities that alter the status quo, such as land reclamation, construction of artificial islands, or increased military presence. At the same time, compliance with international and regional commitments, especially the DOC, is essential to minimize the risk of escalation. Restraint not only reflects the responsibility of each state but also contributes to creating a favorable environment for dialogue and cooperation, thereby opening opportunities for peaceful and sustainable dispute resolution.

Enhancing dialogue and diplomacy: Dialogue and diplomacy are among the most important tools in resolving sovereignty disputes in the East Sea. States should maintain regular channels of communication, both bilateral and multilateral, to exchange views and promptly address emerging disagreements. The establishment of crisis management mechanisms, such as hotlines or rules of conduct at sea, can help prevent unintended conflicts. In addition, strengthening people-to-people diplomacy and regional cooperation contributes to building strategic trust and provides a foundation for long-term and stable solutions.

Conclusion

The peaceful settlement of sovereignty disputes in the East Sea is not merely an option but an urgent necessity in the current context. In the face of increasing challenges, persistently pursuing peaceful dispute resolution based on international law and multilateral cooperation is the only viable path to ensuring long-term regional stability. For Viet Nam, maintaining a consistent stance on peaceful settlement, combined with legal and diplomatic measures, not only contributes to safeguarding national sovereignty but also enhances its standing in the international arena.

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