Maritime Trends

Maritime security is of critical importance to Japan, a maritime nation surrounded by sea. For example, Japan relies on sea transport to import energy resources. Accordingly, ensuring secure sea lanes is vital for the survival of the nation. Securing the stable use of one of the global commons, the “seas,” is a key security issue for the international community. In recent years, maritime trends in the countries concerned are drawing attention, including their compliance with relevant international norms.¹

1 Trends Related to the “Principle of the Freedom of the High Seas” in the East and South China Seas

The U.N. Convention on the Law of the Sea (UNCLOS) provides for the principles of “freedom of navigation in the high seas” and “freedom of overflight over the high seas.”² Nevertheless, in the waters and airspace in the periphery of Japan, especially the East and South China Seas, it has become increasingly common for countries to unilaterally assert their rights or take actions, based on their unique assertions which are incompatible with the existing international law and order. This has caused situations of undue infringement upon such principles.

Numerous cases of acts which go against the principle of freedom of the high seas have been recently seen in the East China Sea. In March and April 2011 and in April 2012, Chinese helicopters and other aircraft apparently of the State Oceanic Administration (SOA) flew close to Japan Maritime Self-Defense Force (MSDF) destroyers which were engaged in monitoring and surveillance in the East China Sea. In January 2013, a Chinese naval vessel directed its fire-control radar at a MSDF destroyer navigating in the East China Sea and is suspected to have directed fire-control radar at a helicopter carried onboard a MSDF destroyer. In May and June 2014, fighters of the People’s Liberation Army (PLA) of China flew abnormally close to aircraft of the MSDF and of the Japan Air Self-Defense Force which were flying over the East China Sea. In June 2016, a Chinese fighter is speculated to have conducted a dangerous act by approaching a U.S. Air Force reconnaissance aircraft at a high speed over the East China Sea.

On November 23, 2013, the Chinese government declared “the East China Sea Air Defense Identification Zone (ADIZ)” including the Senkaku Islands as if they were a part of China’s “territory.” China’s Ministry of National Defense announced that it would enforce rules it set on any aircraft flying in the ADIZ and that the PLA would take “defensive emergency measures” if aircraft does not follow the instructed procedures. Japan is deeply concerned about such measures, which are profoundly dangerous acts that unilaterally change the status quo in the East China Sea, escalating the situation, and that may cause unintended consequences in the East China Sea. Furthermore, the measures unduly infringe the freedom of overflight over the high seas. Japan is demanding China to revoke any measures that could go against the principle of freedom of overflight over the high seas. The United States, the Republic of Korea (ROK), Australia, and the EU have expressed concern about China’s establishment of such zone.

Such actions have been seen in the South China Sea. In March 2009, Chinese ships, including a naval vessel, a maritime research ship of the SOA, a Bureau of Maritime Fisheries’ patrol ship, and fishing vessels, approached a U.S. Navy acoustic research ship operating in the South China Sea to obstruct its operations. In addition, in December 2013, a Chinese naval vessel cut across the bow of a U.S. Navy cruiser operating in the South China Sea at point blank range. In August 2014, a Chinese fighter is speculated to have flown abnormally close to and obstructed a U.S. Navy patrol aircraft over the South China Sea. In May 2016, Chinese fighters are speculated to have flown abnormally close to a reconnaissance aircraft of the U.S. Navy over the South China Sea.³ These cases go against the principles of freedom of navigation in the high seas and freedom

¹ For example, the U.N. Convention on the Law of the Sea (UNCLOS) comprehensively sets forth the rights and obligations under international law related to the use and development of the oceans and their regulations. UNCLOS was adopted in 1982 and entered into force in 1994 (Japan ratified it in 1996).
² UNCLOS, Article 87, Paragraph 1 (a) and (b).
³ Some analysts have noted that these incidents occur as many countries including the United States regard an exclusive economic zone (EEZ) as being equivalent to the high seas based on UNCLOS from the perspective of freedom of navigation, whereas China views EEZs as areas similar to territorial waters. It is considered that the United States respects the provisions of UNCLOS while it has not concluded the convention.
of overflight over the high seas, and are dangerous acts that could cause unintended consequences.\(^4\)

Additionally, China, on the grounds of the so-called “nine-dash line”\(^5\) whose validity under international law has been described as ambiguous, has asserted sovereignty over the Spratly Islands, among other areas, and friction between China and ASEAN member states and other countries has surfaced over issues including sovereignty. Against this backdrop, China went ahead with land reclamation on multiple features on a rapid and massive scale, as well as proceeded to develop bases such as runways, harbors, and radar facilities without ruling out their use for military purposes. Furthermore, Chinese government vessels have obstructed fishing and other vessels of countries approaching the features, etc. by firing warning shots and water cannons at the vessels. Claimants as well as the international community including the United States have repeatedly said they are deeply concerned about China’s unilateral changes of the status quo, further advancement of efforts to create a fait accompli, and assertive and dangerous acts that could cause unintended consequences.

Despite these numerous acts that could pose risks to securing the stable use of oceans, in recent years progress has been made on efforts to avert and prevent unintended consequences in the sea. In April 2014, navies of participating countries of the Western Pacific Naval Symposium (WPNS), including Japan, the United States, and China, reached agreement on the Code for Unplanned Encounters at Sea (CUES).\(^6\) CUES sets forth a code of conduct for unexpected encounters by vessels or aircraft of the navies of each country. In November 2014, the United States and China agreed on measures pertaining to mutual notification of military activities, as well as on rules of behavior to avert collisions in waters and airspace in accordance with UNCLOS, CUES, and other frameworks. In September 2015, the two countries announced an agreement concerning an additional annex stipulating rules of behavior to avert air encounters. In addition, the Fourth Joint Working Group Consultation and the Fifth Joint Working Group Consultation were held in January and June 2015, respectively, with a view to implementing the “Maritime and Aerial Communication Mechanism between Japan-China Defense Authorities”\(^7\) for averting incidental collisions between Japan and China. Additionally, the two countries confirmed that they would aim to quickly make this mechanism operational at the Japan-China Defense Ministerial Meeting on the margins of the Third ASEAN Defence Ministers’ Meeting plus (ADMM Plus) held in Malaysia in November 2015. It is strongly hoped that these initiatives designed to avert and prevent unintended consequences in the seas and skies will supplement the existing international law and order, and that the countries concerned, including China, refrain from unilateral actions that heighten tension and act on the basis of the principle of the “rule of law.”

\(^{See}>>\) Part I, Chapter 2, Section 3 (China); Part I, Chapter 2, Section 6 (Southeast Asia)

### 2 Trends in the Arctic Ocean

The Arctic Ocean, which covers most of the Arctic Region, borders Russia, the United States, Canada, Denmark, and Norway.\(^8\)

In recent years, decrease in sea ice has increased the potential for utilization of the Northern Sea Route and exploration of natural resources. For these reasons, the Arctic states have been more proactively promoting efforts to secure their interests in resource development and use of the sea route. On the other hand, there are unresolved issues among the Arctic states over the demarcation of maritime boundaries based on UNCLOS and extension of the continental shelf. It is considered that some of these Arctic states including Russia are promoting efforts to deploy new military capabilities for the purpose of securing their interests and defending their territories. Traditionally, the Arctic Ocean has been

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\(^4\) According to the written testimony of U.S. Assistant Secretary of Defense for Asian and Pacific Security Affairs David Shear before the Senate Committee on Foreign Relations dated May 13, 2015, the United States has enhanced its presence in and around the South China Sea to protect U.S. national interests in the South China Sea, such as peaceful resolution of disputes, freedom of navigation in the high seas, and freedom of overflight over the high seas. For example, U.S. military forces are conducting port calls of naval vessels, carrying out ISR activities, and exercising with neighboring countries. In addition, the U.S. Forces conduct the Freedom of Navigation Operations to counter China’s excessive claims over maritime interests. See Paragraph 3 of this section for more details (Maritime Security Efforts of Countries).

\(^5\) CUES sets forth safety procedures and notification methods for unplanned encounters at sea by the naval vessels and air force aircraft of participating countries of the WPNS. CUES is not legally binding and does not supersede the annexes of the Convention on International Civil Aviation and other international treaties.

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\(^7\) During the Fourth Joint Working Group Consultation, the two sides agreed to coordinate on the mechanism’s naming to “Maritime and Aerial Communication Mechanism” in order to clarify its coverage of aircraft.

\(^8\) The Arctic Region is the area north of the latitude line of 66 degrees 33 minutes north latitude. There are eight countries in the Arctic Region—the five countries that border the Arctic Ocean and Finland, Sweden, and Iceland that do not border it. In 1996, the Arctic Council was established, which aims to promote cooperation, coordination, and interaction among the Arctic states, with the involvement of the indigenous communities and other inhabitants on common Arctic issues (e.g., sustainable development and environmental protection).
used for the deployment of strategic nuclear forces and as their transit route. In addition, due to the decrease of sea ice, ships can navigate for a longer period of time and in wider areas than before. In this regard, the region could be used for deploying maritime forces or maneuvering military forces using the maritime transport capabilities of military forces in the future. Therefore, strategic importance of the region is increasing.

In the Russian Federation’s National Security Strategy revised in December 2015, Russia continues to maintain that Russia would secure its interests in resource development and use of the sea route. Russia has been actively involved with the Arctic, underpinned by Russia’s possession of the largest exclusive economic zone (EEZ) among the coastal states, the potential abundance of resources in the waters of the Arctic Ocean, the geographic and security importance of the Northern Sea Route located off the coast of Russia, and Russia’s military superiority ensured by the deployment of military forces directly facing the Arctic Ocean coast.\(^9\)

In the Arctic Strategy released by the U.S. DoD in 2013, the United States expresses its desire for the Arctic to become a secure and stable region where national interests are safeguarded, the U.S. homeland is protected, and nations work cooperatively to address challenges. In March 2016, the U.S. Navy hosted Ice Exercise 2016, a roughly five-week exercise designed to conduct research, tests, and evaluations of operational capabilities in the Arctic. The United Kingdom, Canada, and Norway also participated in the exercise.\(^10\)

Aside from coastal states in the Arctic Ocean, 12 countries including Japan and China have observer status in the Arctic Council. Notably, China has shown active involvement in the Arctic Ocean, deploying the polar research vessel Xue Long to the Arctic Ocean for six times since 1999.\(^11\) In August 2015, it was confirmed for the first time that five Chinese naval vessels sailed in the Bering Sea between the Arctic Ocean and the Pacific. Focus will be on whether or not such activities would have any relation to the Chinese Navy’s future advancements into the Arctic Ocean.

### 3 Maritime Security Efforts of Countries

With regard to oceans, not only for economic development but also for the national security of each country, it has become even more important to promote appropriate rule-making and to make concerted efforts by the international community to address risks and ensure freedom of navigation while respecting such rules. “Open and Stable Seas” constitute the basis for peace and prosperity of the international community as a whole. In this regard, each state has been tackling on its own or with others various issues including piracy, unidentified vessels, illegal dumping, contraband, human smuggling, maritime disasters, and the removal of hazardous substances, for maintaining the stability of sea lanes of communication.

#### United States

The U.S. National Security Strategy unveiled in February 2015 presents that the United States has an enduring interest in freedom of navigation and the safety and sustainability of the maritime environment, and therefore, would maintain the capability to ensure the free flow of commerce, to respond quickly to those in need, and to deter those who might contemplate aggression. Since around May 2015, the United States has repeatedly expressed concerns over China’s reclamation of features in the Spratly Islands in the South China Sea, underpinned by the U.S. position of supporting the principles of rule

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9 See Part I, Chapter 1, Section 4 “Russia” regarding the Northern Joint Strategic Command in charge of the Arctic, the deployment and training of the Northern Fleet vessels, the development of military facilities, strategic patrols by strategic nuclear submarines, patrol flights by long-range bombers, and large-scale exercises and trainings in the Arctic.

10 Since 1958, the U.S. Forces have conducted over 26 exercises in the Arctic involving submarines (as of March 2016). As regards activities of other coastal nations, Canada states that the Arctic is a priority region under its policies in Canada’s Northern Strategy (released in 2008), and every summer since 2007, has conducted the Operation NUNOOK joint exercise among the Navy, Army, Air Force, and Special Operations Forces Command designed to strengthen the capabilities of the Canadian Armed Forces in the Arctic. Denmark and Norway have also developed the Kingdom of Denmark Strategy for the Arctic 2011-2020 (released in 2011) and the Norwegian Government’s High North Strategy (released in 2008), respectively, which outline their stances of attaching importance to the Arctic, including the perspective of security.

11 In 2012, Xue Long became the first polar research vessel to sail across the Arctic Ocean. In 2013, a cargo vessel Yong Sheng became the first Chinese commercial ship to cross the Arctic Ocean. Currently, China is believed to be building its second polar research vessel.
of law and freedom of navigation. In August 2015, the DoD released the Asia-Pacific Maritime Security Strategy, indicating U.S. intentions to have the U.S. Pacific Command maintain a robust presence in and around the South China Sea and engage in wide-ranging activities including trainings, exercises, and port calls with allies and partners, and to have the U.S. Navy, U.S. Air Force, and U.S. Coast Guard conduct Freedom of Navigation operations as part of routine activities. Based on this policy, in order to counter excessive claims over maritime interests asserted by coastal states in the South China Sea, the United States sent the U.S. Navy missile destroyer USS Curtis Wilbur to navigate within 12 nautical miles of Subi Reef of the Spratly Islands in October 2015. In January 2016, the United States sent the U.S. Navy missile destroyer USS William P. Lawrence to navigate within 12 nautical miles of Fiery Cross Reef of the Spratly Islands. In this manner, the United States has consistently made clear that it would continue its Freedom of Navigation operations.

Additionally, the United States deems that its safety and economic security depend upon the secure use of the world’s oceans, and that the United States has a vital interest in maritime security. Based on this recognition, the United States leads the Combined Maritime Forces (CMF) to counter piracy and advance maritime safety, including tackling terrorism in waters surrounding the Middle East and Africa, such as the Gulf of Aden, the Persian Gulf, and the Indian Ocean. In waters surrounding Central America, the United States conducts operations to counter illicit trafficking, primarily drug trafficking with European and Western Hemisphere countries. The United States thus dispatches vessels to the various sea areas of the world and takes actions to combat piracy, organized crime, terrorism, and the proliferation of weapons of mass destruction (WMDs).

NATO has the Standing NATO Maritime Groups, which are a multinational, integrated force made up of vessels from member countries. Through routine exercises and maintenance of rapid deployment capability, NATO has provided deterrence in the sea to member countries. In response to the threat of piracy, NATO has deployed vessels of the Standing NATO Maritime Groups to off the coast of Somalia and the Gulf of Aden. In Operation Ocean Shield that NATO has been conducting since August 2009, NATO’s mission is to carry out counter-piracy activities by boat, as well as to help countries that requested it build up their capacities to counter piracy. NATO also identifies acts of terrorism as a threat to its member countries. Following the 2001 terrorist attacks in the United States, NATO has conducted Operation Active Endeavour since October 2001 and has been implementing counter-terrorism activities, including maritime patrols in the Mediterranean Sea, as part of the collective defense pursuant to Article 5 of the North Atlantic Treaty. Furthermore, in February 2016, NATO decided to deploy the Standing NATO Maritime Groups to the Aegean Sea to deal with the large influx of refugees and migrants, and notifies information regarding refugee boats to Greek and Turkish authorities.

In January 2011, NATO unveiled the Alliance Maritime Strategy. The advancement of globalization has facilitated terrorism and the proliferation of WMDs. Based on this recognition, the Strategy outlines NATO’s intention to carry out efforts to ensure its contribution to deterrence, crisis management, collective defense, maritime security, among other areas. These efforts include: (1) deepening cooperative relations with appropriate countries and international actors, such as the EU and the United Nations; and (2) developing fully capable, flexible, rapidly deployable, interoperable, and sustainable maritime forces. The Wales Summit Declaration adopted at the NATO Summit in September

12 The United States has expressed concerns about China’s land reclamation in the South China Sea and repeatedly hinted at the possibility of conducting a Freedom of Navigation Operation. For example, the U.S. DoD’s “Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2015” unveiled in May 2015 referred to China’s land reclamation in the Spratly Islands. Furthermore, in May 2015, Secretary of Defense Ashton Carter expressed concerns about the pace and scope of land reclamation activities in the South China Sea, and stated that the United States would sail, fly, and operate whenever international law allows to protect freedom of navigation and overflight. In September 2015, Assistant Secretary of Defense for Asian and Pacific Security Affairs David Shear testified at a Congress hearing that the United States was considering conducting Freedom of Navigation Operations. In the same month, President Obama stated at his press conference following talks with President Xi Jinping that “the United States will continue to sail, fly, and operate anywhere that international law allows.”

13 The Freedom of Navigation Operations are operational activities conducted by the U.S. Forces for countering excessive claims over maritime interests asserted by coastal states to protect the rights, freedoms, and uses of the sea and airspace guaranteed to all states under international law. It is deemed that the Operations have been conducted on an ongoing basis since 1979.

14 CMF is a multinational force, which operates to promote maritime security, stability, and prosperity, under the U.S. Central Command. Forces from 31 countries participate in CMF, and the CMF Commander concurrently serves as the Commander of the U.S. Fifth Fleet. CMF is comprised of three combined task forces: Combined Task Force 150 (CTF-150), which is tasked with maritime security operations; Combined Task Force 151 (CTF-151) with counter piracy operations; and Combined Task Force 152 (CTF-152) with maritime security operations in the Persian Gulf. The Japan Self-Defense Forces deploy units to CTF-151.

15 Fourteen European and Western Hemisphere countries, including the United States, conduct Operation Martillo to combat illicit trafficking, including the trafficking of narcotics, precursor chemicals, bulk cash, and weapons, as well as organized crime along the sea areas surrounding Central America. From the U.S. Forces, Joint Interagency Task Force South under the U.S. Southern Command carries out the operation. The Operation’s accomplishments included the disruption of about 192 tons of cocaine in FY2015.
2014 states that NATO would continue to intensify and expand its implementation of the measures outlined in the Strategy, and further enhance the Alliance’s effectiveness in the maritime domain.

**EU**

With many of its member states facing the ocean, the EU has high maritime traffic and economic activity in the sea. To date, the EU has actively engaged in counter-piracy activities off the coast of Somalia and in the Gulf of Aden in order to maintain maritime stability. In June 2014, the European Council adopted the EU Maritime Security Strategy, for purposes including presenting a framework for the development of the maritime policies of EU member states and protecting the strategic maritime interests of the countries. The Strategy construes piracy, terrorism, the proliferation of WMDs, and restrictions to the freedom of navigation as threats. It sets forth comprehensive, cross-sectoral, coherent, and efficient approaches to maritime security, including: (1) promote rules-based good governance at sea; (2) promote coordination amongst member states and with other international organizations and partners; and (3) enhance the role of the EU as an actor that conducts conflict prevention, crisis response, and management of maritime interests.

**United Kingdom**

The United Kingdom is an island nation surrounded by sea, and has a heritage of engaging actively in maritime activities, including maritime trade. Furthermore, the United Kingdom has many overseas territories and has an EEZ which extends about 25 times the U.K. terrestrial extent. Due to these factors, the United Kingdom proactively deploys its forces to NATO-and EU-led multinational forces in order to ensure the maritime security of the sea areas surrounding the United Kingdom, including its overseas territories, and by extension, the seas of its neighboring countries.

In May 2014, the U.K. government released the U.K. National Strategy for Maritime Security. The United Kingdom considers that ensuring maritime security is synonymous with the advancement and protection of the United Kingdom’s national interests, at home and abroad. Based on this recognition, the Strategy identifies objectives, such as promoting a secure international maritime domain and upholding international maritime norms, developing the maritime governance capacity and capabilities of states in areas of strategic maritime importance, and assuring the security of vital maritime trade and energy transportation routes.

To these ends, the Strategy lists measures, including: (1) attain a comprehensive understanding of the maritime domain through the use of information resources across departments and agencies, among other means; (2) work closely with maritime partners through championing regional initiatives as a proponent of freedom of navigation; (3) share information with partners and support capacity-building efforts in areas of strategic importance; and (4) coordinate joint operations between maritime departments and agencies and seek to procure common equipment. In the NSS-SDSR2015 released in November 2015, it was decided that the United Kingdom would introduce nine P-8 patrol aircraft to strengthen maritime patrol capabilities.

**France**

France, with its many overseas territories, is deemed to have the second largest EEZ in the world. About 62% of this EEZ is in the Pacific region, and about 24% is in the Indian Ocean. France attaches importance to its maritime strategy in the Asia-Pacific, identifying itself as “a sovereign power and a player in the security of the Indian Ocean and the Pacific” in the White Paper on Defence and National Security. The French Armed Forces station their units in French territories, including Polynesia and New Caledonia, and deploy frigates, landing ships, and other equipment. “France and Security in the Asia-Pacific,” which the Ministry of Defense released in April 2014, underscores that France is a maritime nation and has participated in various regional cooperation forums on maritime issues. It then outlines France’s intention to build strong partnership relations with Asia-Pacific countries.

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16 The EU has conducted the counter-piracy operation Operation Atalanta in this sea area, which became the EU’s first maritime mission, since December 2008. Vessels and aircraft that countries deploy escort ships, conduct patrols in these waters, among other activities.

17 The United Kingdom rotationally deploys forces to Operation Ocean Shield organized by NATO and Operation Atalanta organized by the EU. The headquarters of both operations are located at the Northwood Maritime Command Headquarters in the United Kingdom. The United Kingdom also deploys forces to CMF-led operations.

18 This Strategy is a strategy document released jointly by four departments: the Foreign and Commonwealth Office; the Home Office; the Ministry of Defence; and the Department for Transport.

19 See Chapter 1, Section 8-5 regarding the NSS-SDSR2015.

20 France has actively taken part in such forums as the ISS Asia Security Summit (Shangri-La Dialogue), the Indian Ocean Naval Symposium, and the South Pacific Defence Ministers’ Meeting.

21 For example, France and India have established a strategic partnership. They conduct joint exercises among their land, naval, and air forces, respectively, and have equipment cooperation. In addition, France carries out close political dialogue with Malaysia and extends cooperation, including capacity-building support for the submarine unit of the Malaysian Armed Forces.
Australia

Australia’s Defence White Paper unveiled in 2016 considers the security of sea lanes as a strategic defense interest, along with the security and resilience of Australia. Especially as Australia depends on maritime trade with Southeast Asia and maritime trade transiting Southeast Asia, Australia sees a need to ensure the security of trade routes in the country’s proximate waters and in Southeast Asia.

Based on this policy, the Australian Defence Force (ADF) conducts patrol activities called “Operation Gateway” in the North Indian Ocean and the South China Sea, which includes establishing a base at the Butterworth airbase in Malaysia. The ADF also engages in expanding naval cooperation with India, providing patrol vessels to South Pacific countries, and conducting coastal patrols by mobilizing ADF assets.

China

China also relies on sea transport for over 90% of its trade cargo. Accordingly, ensuring the security of China’s sea lanes constitutes a critical part of the “basic safeguards for ensuring sustainable economic and social development.” One of China’s “core interests.” Therefore, as a member of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), China shares information and participates in cooperative arrangements related to piracy in Southeast Asia. Since December 2008, China has deployed naval vessels to off the coast of Somalia and the Gulf of Aden and has been involved in international efforts to repress piracy. Through such activities, China has contributed to ensuring maritime security. China’s commitment to ensuring the security of its sea lanes is also considered to be connected to the Chinese Navy’s objective of building up capacity for continuous operations in more distant waters. In particular, China and Djibouti, a country facing the Gulf of Aden, have agreed that China would build facilities for providing logistics support to the military in Djibouti. Additionally, China supports the construction of port infrastructure in Indian Ocean countries. In this regard, China is likely aiming to build bases for conducting operations in the Indian Ocean and other areas.

Meanwhile, in the South China Sea, China and ASEAN member states have conflicting assertions over the sovereignty of such areas as the Spratly Islands and the Paracel Islands. In recent years, the countries concerned, including China, have stepped up their activities to assert their sovereignty. Developments associated with the freedom of navigation in the sea have been subject to increasing international concern.

Southeast Asia

Southeast Asia is located at the crossroads of traffic, linking the Pacific and the Indian Oceans, such as the Straits of Malacca and the South China Sea. This region, however, has maritime security issues, including disputes over the sovereignty of the South China Sea and piracy.

In 2002, ASEAN and China signed the Declaration on the Conduct of Parties in the South China Sea (DOC) aimed at peacefully setting the issues over the South China Sea. Currently, official consultations are held with a view to establishing the Code of the Conduct of Parties in the South China Sea (COC). The COC is deemed to contain more specific content than the DOC and be legally binding. In addition, there have been developments related to settling issues through arbitral proceedings set out in UNCLOS.

Furthermore, there have been developments related to settling issues through arbitral proceedings set out in UNCLOS. In January 2013, the Philippines instituted arbitral proceedings pursuant to UNCLOS for the dispute between the Philippines and China over its assertions and actions in the South China Sea, and the Philippines presented oral arguments in July and November 2015. The arbitral tribunal ruled that it has jurisdiction with respect to the matters raised in some of the Philippines’ submissions, and in July 2016, rendered a final award in...
which nearly all of the Philippines’ submissions were ruled in favor of the Philippines. This award will be legally binding on both parties, and will be final and without appeal. Moreover, Vietnam, another claimant, has requested the tribunal to take into consideration Vietnam’s assertions over the South China Sea. In this regard, there has been a trend among some countries concerned to work towards a peaceful solution of the issue in accordance with international law.

In the Southeast Asia region, multilateral cooperation has also made progress to deal with wide-ranging security issues, including piracy and other transnational issues. With regard to counter-piracy measures, Indonesia, Malaysia, Singapore, and Thailand conduct the Malacca Strait Patrols. Efforts have also been under way to share information related to piracy and build a cooperation arrangement in accordance with ReCAAP.

See>> Part I, Chapter 2, Section 6-4 (Trends concerning Sovereignty and Other Issues over the South China Sea)

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30 See Part I, Chapter 2, Section 6-4, Footnote 52.
31 The Malacca Strait Patrols are comprised of: the Malacca Strait Sea Patrols which commenced in 2004 by the navies of Indonesia, Malaysia, and Singapore to monitor piracy and other activities in the Malacca-Singapore Strait (Thailand participated in 2008); aircraft patrol activities which commenced in 2005; and information sharing activities which commenced in 2006.