

SPRATLY ISLAND DISPUTE: MALAYSIA'S PERSPECTIVE

By

Muhamad Razman Bin Sahat (2011413628)

Muhammad Amirul Arif Bin Jamal (2011450918)

Ahmad Qayyum Razzirullah Bin Ahmad Effendi (2011254026)

Amir Sharifuddin Bin Hashim (2011421692)

Submitted in Partial Requirement Fulfillment of the Requirement for the Bachelor of
Legal Studies (Hons)

Universiti Teknologi Mara
Faculty of Law

December 2013

The students/authors confirms that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

ABSTRACT

This research is regarding the disputes in the Spratly Island. The disputes in this area arose when the nations surrounding the area put up the claim on some part of the archipelago. The country that put up the claim on this archipelago is People's Republic of China, Vietnam, Malaysia, Philippines, Brunei and Republic of China (Taiwan). This archipelago became an issue of claim as it contains much significance that can gear up the economy and political power of the nation involve. In order to prevent this dispute from turning into arms conflict, peaceful dispute settlement needs to be applied. One of the peaceful dispute settlements that can be use is United Nation Convention on Law of Sea 1982 that are going to discuss further in this research. Under UNCLOS 1982, the law of Exclusive Economic Zone (EEZ) can be applied to solve this dispute. The law of EEZ alone cannot resolve this dispute when it comes to the overlapping claim. Thus, the decision in the previous case regarding the area dispute such as the case Island of Palmas are also going to be applied in this research to overcome this lacunae. Besides that, this research also will suggest any possible peaceful dispute settlement that is available in order to resolve these issues.

ACKNOWLEDGEMENT

This research paper has been carried out by a team which included Amir Sharifuddin Bin Hashim, Muhammad Amirul Arif Bin Jamal, Ahmad Qayyum Razzirullah Bin Ahmad Effendi, and Muhamad Razman Bin Sahat. First of all, we would like to show our gratitude to Allah Almighty for giving us strength and health in the process of completing this research. We also would like to show our deepest gratitude to the respected Mrs Azlena Khaled, our supervisor for her valuable time, supervision and guidance for this research paper. Without her it would be impossible for us to finish this research on time. She is willing to provide us with her knowledge which we consider valuable for us. Besides that the time and effort that she gave us is priceless. Thank you for your support, motivation and guidance. May Allah give His blessing to you for helping us.

We would like to express thousands of gratitude to Dr. Hartini Saripan for her early guidance on us, which inspired us in doing our research paper and to our parents and family for supporting us mentally and financially.

Last but not least, a million thanks to our dear friends who gave us a lot of brilliant ideas, healthy critics and the willingness to share their knowledge with us to all involved in our research whether directly or indirectly.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	iv
List of Cases	vi

CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Background	2
1.2 Research Questions	5
1.3 Research Objectives	5
1.4 Research Methodology	6
1.5 Scope	7
1.6 Limitation	8
1.7 Significance	9

CHAPTER TWO: LEGAL PROVISIONS

2.0 Introduction	10
2.1 ASEAN	10
2.2 UN CHARTER	13
2.3 UNCLOS	16
2.4 General Assembly	20
2.5 Case Review	25
2.6 Conclusion	32

CHAPTER THREE: OVERLAPPING CLAIMS BY OTHER STATES

3.0 Introduction	33
3.1 Malaysia	34
3.2 China	38
3.3 Taiwan	41
3.4 Vietnam	43
3.5 Philippines	45
3.6 Brunei	48
3.7 Similarities and Differences	50
3.8 Conclusion	50

CHAPTER FOUR: RECOMMENDATIONS AND CONCLUSION

4.0 Introduction	51
4.1 Recommendations	51
4.2 Conclusion	63
 Bibliography	 64
Appendices	79
Appendix 1: UNCLOS	80
Appendix 2: ASEAN Declaration	83
Appendix 3: UN CHARTER	85
Appendix 4: Maps and Pictures	86