

**CRITICAL ANALYSIS ON THE EFFECTIVENESS OF  
THE LAW OF THE SEA IN DELIMITING TROUBLED  
WATERS OF  
SOUTH CHINA SEA**



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## ABSTRACT

This dissertation critically analyzes the effectiveness of the Law of the Sea in delimiting the contested waters of the South China Sea. It provides a historical overview of the South China Sea conflict, tracing the roots of the territorial disputes and the evolution of claims made by China, the Philippines, Vietnam, Malaysia, Brunei, and Taiwan. The core analysis examines the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), evaluating its role and limitations in addressing these disputes. The study reviews the steps taken under UNCLOS to mitigate the conflict, including arbitration cases and diplomatic negotiations, and identifies the gaps within UNCLOS in addressing the broader geopolitical and strategic concerns that exacerbate regional tensions. In addition to legal analysis, the dissertation explores economic interests, military presence, and regional power dynamics, factors that UNCLOS alone cannot resolve. It considers the strategic importance of the South China Sea for claimant states and global maritime trade and security. The concluding sections synthesize the findings and propose recommendations to enhance the effectiveness of UNCLOS, including reinforcing regional cooperation mechanisms, promoting multilateral dialogues, and encouraging confidence-building measures. The research methodology integrates doctrinal research to identify state claims and analyze UNCLOS provisions, complemented by non-doctrinal methods to understand the socio-political impact of the dispute. The study employs an interpretivist philosophy to comprehend the subjective viewpoints of involved parties, using an inductive approach to develop hypotheses from specific observations. Data collection includes primary sources like international conventions and legal proceedings, and secondary sources such as scholarly articles and press releases. The study employs a longitudinal time horizon and qualitative research techniques, including case studies and thematic analysis, to draw comprehensive conclusions. This dissertation contributes to informed policy discussions and efforts to promote peace, stability, and cooperation in the South China Sea, offering potential pathways for a peaceful and equitable resolution. The success of these recommendations will depend on the willingness of all parties to engage in good faith negotiations and the support of the international community.