

Maritime Disputes from a Global Perspective and Solutions under International Law

Zi Ding^{1,a,*}

¹Law School, Southwest Petroleum University, Xindu Street, Chengdu, China

a. 202331111102@stu.swpu.edu.cn

*corresponding author

Abstract: This study explores the utilization and challenges of international laws in resolving global maritime disputes through a detailed analysis of representative cases from South America, Africa, and Asia. It highlights the crucial role of international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS), in providing a legal framework and dispute resolution mechanisms. However, the study also identifies significant challenges, including political interference, legal ambiguity, and enforcement issues. By comparing regional dispute settlement mechanisms, the study demonstrates the effectiveness of multilateral negotiations in South America, regional legal frameworks in Africa, and a combination of multilateral and unilateral actions in Asia. Based on these insights, the study proposes several recommendations to enhance the international legal framework, promote regional cooperation, and innovate dispute resolution mechanisms. These measures aim to ensure fair and effective resolution of maritime disputes, maintain maritime peace and stability, and promote the healthy development of global ocean governance.

Keywords: Maritime disputes, international law, UNCLOS, dispute resolution mechanisms.

1. Introduction

In today's globalization, the ocean, as a blue link connecting countries, is increasingly prominent in its strategic position. The ocean is not only an important channel for international trade and transportation, but also a treasure trove of rich natural resources, including fishery resources, mineral resources and energy resources. However, with the growth of global population and economic development, the demand for these resources in various countries continues to grow, which has triggered a fierce competition for marine rights and interests. The frequent occurrence of maritime disputes has become one of the important challenges to global peace and stability.

These disputes not only involve the core interests of territorial sovereignty and the distribution of marine resources, but also deeply affect regional and global security and stability. For example, the sovereignty dispute in the South China Sea and the island dispute in the East China Sea not only involve China, Japan, the Philippines, Vietnam and other countries, but also attract the attention and intervention of foreign countries such as the United States, increasing the complexity of the dispute and the difficulty of resolution. Similarly, the division of seas between Argentina and Uruguay, Somalia and Kenya become more tense due to resource development. In addition, maritime disputes also involve environmental protection, marine ecology and sustainable development. The phenomena of illegal fishing, overexploitation and marine pollution have further exacerbated the seriousness of

disputes and the urgency of resolution. The international community must face the dual challenge of protecting the marine environment and achieving sustainable development while developing and utilizing marine resources.

In this context, international law, as a vital tool for resolving sea areas disputes, plays an increasingly important role. International law provides a basic legal framework and principles, such as the United Nations Convention on the Law of the Sea (UNCLOS), which provides a legal basis for the implementation of maritime rights and resource development among countries. However, due to the differences in the interpretation and application of international law among countries, as well as the lack of the implementation mechanism of international law, there are still many challenges in practical operation. Therefore, from the perspective of international law, it is of great significance to maintain international order and promote global peace and development to study maritime disputes and their settlement mechanisms in depth.

At present, scholars at home and abroad have conducted extensive research on the settlement of disputes in the sea areas [1], the application of national laws and regulations in the settlement of disputes in international law [2], and the dispute in the sea area from a global perspective [3]. Through the sorting out of existing literature, it's obvious that with the complex and changeable international situation and the development and application of new technologies, maritime disputes have shown new characteristics and trends. For example, South American countries tend to resolve disputes through multilateral negotiations, while African countries rely on regional legal frameworks and organization, while Asian countries often take a combination of multilateral and unilateral actions. On the basis of the research results of predecessors, this article will conduct an in-depth and comprehensive discussion on maritime disputes and its settlement mechanism, and put forward suggestions on the global sea dispute resolution path.

This research consists of five parts. Following the introduction, the second part will introduce global representative cases of maritime disputes, showcasing the current situation and characteristics of disputes in different regions. The third part will explore the application, shortcomings, and challenges of international law in the settlement of maritime disputes by region. The fourth part will propose pathways for global maritime dispute resolution based on the previous analysis. The fifth part will summarize the main findings of the research and point out future research directions.

2. Case Analysis About Global Maritime Disputes

Maritime disputes around the world have their own characteristics, reflecting the geopolitical, legal framework and historical background of different regions. Analyzing these disputes enhances our understanding of the role and limitations of international law in resolving maritime conflicts.

2.1. South American Maritime Disputes Cases

The maritime dispute between Argentina and Uruguay is mainly focused on the La Plata River and its estuary. This area is a crucial fishing and shipping channel between the two countries and contains significant oil and gas resources. The focus of the dispute is on how the two countries demarcate their respective maritime borders to ensure their exclusive right to develop resources. Although the two countries signed the Treaty of the La Plata River in 1973 and the Additional Protocol in 1974, there are still many frictions and conflicts in practice. In recent years, the two sides have tried to resolve the dispute through bilateral negotiations and international arbitration, but the effect is limited and the problem has not been completely resolved. For example, in 2006, Uruguay built a pulp mill on the La Plata River. Argentina believes that the project will have a serious impact on the water quality and ecological environment of the river, leading to tension between the two countries and causing years of legal and diplomatic disputes. In 2010, the International Court of Justice (ICJ) ruled that

Uruguay and Argentina cooperate fully on environmental impacts and strengthen environmental protection measures, but the two countries still disagree in the implementation process [4].

Brazil and its neighbors also have disputes over maritime delimitation, especially with countries such as Uruguay and Guyana. The demarcation of Brazil's sea areas is closely related to its territorial expansion and colonial history. Since independence in 1822, Brazil's borders have undergone many adjustments and expansions, many of which are determined by signing treaties with adjacent countries, which often involve the division of sea areas. Brazil has a vast coastline and rich marine resources, especially the large oil fields found off the coast of Brazil, which makes the demarcation of sea areas more sensitive and complex. Brazil and Uruguay mainly focus on the overlapping areas of the continental shelves and exclusive economic zones of the two countries on the demarcation of the South Atlantic. Brazil advocates demarcation of boundaries in accordance with international law to ensure the right to develop the region's rich oil and gas resources. In 1997, Brazil and Uruguay reached a preliminary maritime delimitation agreement through bilateral negotiations, but controversies persist in its implementation. The maritime delimitation issue between Brazil and Guyana involves their continental shelves. In 1999, Brazil and Guyana launched negotiations through diplomatic channels in an attempt to resolve the dispute, and although they reached a delimitation agreement in 2004, conflicts over resource development interests continue [5].

2.2. African Maritime Disputes Cases

Disputes in African waters are also representative. The center of the maritime dispute between Somalia and Kenya is the triangular sea between northern Kenya and southern Somalia, which is considered to be rich in oil and gas resources. The dispute began in 1979, when Kenya passed domestic legislation to unilaterally declare its exclusive economic zone in the Indian Ocean but was opposed by Somalia. Somalia advocates demarcation according to the principle of natural extension of the continental shelf of coastal countries, while Kenya advocates parallel demarcation according to the latitude. In 2014, Somalia referred the dispute to the ICJ for judicial adjudication. The ICJ decided to accept the case in 2017 and began its formal trial in 2019. In 2021, the ICJ made a preliminary ruling in favor of some of Somalia's claims, but the dispute is still pending because Kenya is dissatisfied with the outcome of the ruling [6].

In addition, the multinational maritime disputes in the Gulf of Guinea are even more complex, involving the interests and demands of many countries. The Gulf of Guinea is rich in oil and natural gas resources, and the exploitation and distribution of these resources have become the focus of disputes among countries. In addition, due to historical reasons and natural geographical conditions, there is ambiguity and controversy in the demarcation of the maritime areas of countries along the Gulf of Guinea, leading to frequent disputes. For example, the sovereignty dispute between Nigeria and Cameroun on the Bakassi Peninsula has lasted for many years. The Bakassi Peninsula is located in the Gulf of Guinea. It is rich in resources and has an important strategic location. In 1994, Cameroun submitted the dispute to the ICJ, seeking a ruling on sovereignty over the region. In 2002, the ICJ ruled that the Bakassi Peninsula belonged to Cameroun, but Nigeria was dissatisfied with the outcome of the ruling. After years of negotiations and international mediation, the two countries signed the Greentree Agreement in 2006 under UN mediation, where Nigeria agreed to gradually withdraw its troops, partially resolving the dispute [7].

2.3. Asian Maritime Disputes Cases

In Asia, the sovereignty dispute over the South China Sea islands is the focus of attention. The South China Sea is not only rich in oil and gas resources and fishery resources, but also strategically important. It is one of the busiest shipping channels in the world. About one-third of global shipping

passes through this place every year. The core of the dispute is the sovereignty claim of the South China Sea islands and their surrounding waters. China claims indisputable sovereignty over the South China Sea islands and their surrounding sea areas on the basis of historical rights and international law. China's "nine-line" claim covers most areas of the South China Sea, while countries such as Vietnam and the Philippines claim sovereignty over some islands and sea areas. Vietnam's claims are based on historical use and international law, especially the provisions of the UNCLOS on the exclusive economic zone and the continental shelf. In 2013, the Philippines unilaterally referred the dispute to the Permanent Court of Arbitration in The Hague, seeking to adjudicate the legitimacy of China's claim in the South China Sea. In 2016, the arbitral tribunal ruled, denying most of China's historic claims in the South China Sea and supporting some of the Philippine claims. China refused to accept the award, believing that the arbitral tribunal had no jurisdiction and reaffirmed its sovereignty over the South China Sea. This ruling not only failed to ease tensions in the South China Sea, but also exacerbated regional instability [8].

Meanwhile, the Dokdo (Takeshima) dispute between Japan and South Korea also reflects the complexity of the East Asian maritime dispute. The origin of the Dokdo dispute can be traced back to the early 20th century. In 1905, Japan officially incorporated Dokdo into Shimane Prefecture during the Russo-Japanese War, and continued to actually control the island after the war. After the end of World War II in 1945, with the defeat of Japan and the signing of the San Francisco Peace Treaty, the sovereignty of Dokdo was once again controversial. After 1954, South Korea actually controlled Dokdo and stationed troops on the island and set up administrative facilities to strengthen its sovereignty claim. Japan has repeatedly proposed to resolve the dispute through the ICJ, but South Korea insists that Dokdo is its inherent territory and refuses international judicial intervention. The Dokdo dispute is not only a territorial issue, but also involves history and national emotions. It has become a long-term sensitive issue in bilateral relations between Japan and South Korea. In 2005, the Japanese government announced "Takeshima Day", which triggered a strong protest from South Korea, and the relations between the two countries were once tense. Despite recent economic and cultural cooperation, the Dokdo dispute remains unresolved. Calls from the international community and regional organizations for peaceful dispute resolution have yet to yield practical results [9].

These cases of maritime disputes reveal the competition and conflict between countries in the rights and interests of the sea area, and also reflect many factors in the formation of maritime disputes in various countries, mainly the seizure of resource development, the ambiguity of the division of the sea area, and the historical impact. Besides, it also shows various measures taken by countries to deal with maritime disputes, such as dialogue and negotiation, submission to the ICJ and international arbitration institutions for adjudication, and cooperation.

3. The Utilization and Challenges of International Laws and Regional Comparative Analysis

3.1. Application of International Law in Maritime Dispute Settlement

The UNCLOS is hailed as the "Constitution of the Ocean", which is an important part of modern international law, and is particularly applicable to global maritime disputes. It provides clear legal guidance on maritime rights and interests and offers mechanisms for peaceful dispute resolution. The UNCLOS defines the demarcation of national sea areas, rights, and obligations, and lays out pathways for international dispute resolution. Provisions like the width of the exclusive economic zone, the definition of the continental shelf, and the rights to resource development provide a framework for negotiation in disputes. Additionally, its dispute resolution mechanisms—negotiation, mediation, arbitration, and litigation—facilitate peaceful settlements. For instance, Brazil and its neighbors seek fair maritime boundary agreements through diplomatic negotiations or international arbitration under

UNCLOS provisions. The UNCLOS also guides and normalizes maritime disputes in Africa, such as the Somalia-Kenya dispute and Gulf of Guinea conflicts.

The ICJ and international arbitration play crucial roles in maritime dispute resolution, offering authoritative platforms for legal interpretation, application, and adjudication. They help promote peaceful and fair dispute resolution. For example, in the sovereignty dispute over the South China Sea islands, although the ICJ is not directly involved in the dispute settlement process, its status as an authoritative institution of international law provides an important reference for the parties to the dispute for legal interpretation and application. Through the previous jurisprudence and advisory opinions of the ICJ, countries can more clearly understand the application of the principles of international law in maritime disputes, so as to promote the settlement of disputes through diplomatic negotiations, consultations and other peaceful means. International arbitration, exemplified by the South China Sea arbitration initiated by the Philippines, demonstrates the potential of arbitration in complex disputes, offering a relatively fair and transparent resolution platform through professionalism, neutrality, and procedural flexibility.

3.2. Limitations of International Law in Practical Application

In the process of the implementation of international law, practical application is restricted by a variety of limitations, mainly including the interference of political factors, the ambiguity of legal provisions and the ineffectiveness of legal implementation.

Political factors play an important role in the implementation of international law. Countries often take flexible positions in international affairs based on their own interests, which makes it difficult for international law to play its due role on some sensitive issues. The fierceness of the political game has made the legal framework originally aimed at maintaining international order and fairness possible to become a tool for the competition of major powers in practice, thus weakening the authority and universal applicability of international law.

The ambiguity of the provisions of international law is also a major obstacle in the application of international law. Because international law involves many sovereign countries, its formulation process is often full of compromise and balance, resulting in the abstract and generalization of legal provisions in some cases. In specific cases, how to accurately interpret and apply these vague provisions has become a difficult problem for international scholars and the judiciary. Ambiguity not only increases the uncertainty of the application of the law, but may also cause disputes and conflicts among countries, further hindering the effective implementation of international law.

The inadequacy of legal enforcement is another serious challenge to international law. Compared with domestic law, international law lacks a strong enforcement mechanism. Although the international community has established international judicial institutions such as the ICJ, it is often limited by various factors in handling transnational disputes, making it difficult to ensure the timely implementation of judgements. In addition, some countries may selectively abide by or circumvent international law out of various considerations, which undoubtedly weakens the binding force and practical effect of international law.

3.3. Regional Differences in Dispute Settlement Mechanisms

Dispute settlement mechanisms show significant differences in different regions. South America, Africa and Asia each have unique multilateral negotiations, mediation models and regional legal frameworks and organizational roles.

Dispute resolution in South America is mainly carried out through multilateral negotiations and mediation mechanisms. For example, the maritime demarcation dispute between Brazil and Uruguay reached a preliminary agreement through bilateral negotiations and promoted the peaceful settlement

of the dispute with the support of the international community. The African continent relies on its regional legal framework and organizations, such as the African Union and the African Continental Free Trade Zone, to promote the construction and improvement of the dispute settlement mechanism. For example, the African Continental Free Trade Area promotes the liberalization of trade and investment in the region through a unified legal framework, and at the same time establishes a dispute settlement mechanism to provide an efficient and fair solution to disputes between member countries. The Asian region has shown the coexistence of multilateral and unilateral actions in dispute resolution. On the one hand, Asian countries actively participate in multilateral cooperation mechanisms, such as ASEAN and its leading Regional Comprehensive Economic Partnership Agreement (RCEP), which resolve regional disputes through multilateral negotiations and consultations; on the other hand, in the face of a complex and changing international environment, some countries have to take unilateral actions to safeguard their own interests.

3.4. Implementation and Coordination of International Law Rules

The implementation and coordination of the rules of international law face many challenges around the world. Different regions have different interpretations and practices of international law, and the implementation effect of international law is also different. Compared with Europe and Africa, Europe can often implement the rules of international law more effectively with its profound rule of law tradition and perfect legal system. For example, EU member states have successfully promoted the in-depth development of regional economic integration and cross-border cooperation through joint compliance with EU laws and international laws. In contrast, although the African region has made some progress in strengthening the regional legal framework and organizational construction in recent years, it still faces many difficulties in the implementation of international law, such as lack of resources and limited enforcement capacity.

Countries must balance domestic law with international law. For example, China, while actively participating in global governance, faces challenges in harmonizing domestic laws with international conventions, especially in environmental protection. Efforts to revise domestic laws and strengthen cooperation with international organizations have advanced China's legal framework and contributed positively to global environmental protection.

4. Suggestions on the Path for the Settlement of Global Maritime Disputes

In today's globalization, the ocean, as a blue link connecting countries, has an increasingly prominent strategic position. However, the development and utilization of marine resources and the rise in international maritime activities have led to frequent maritime disputes, impacting international peace and stability. Post-World War II, the UN Charter prohibited the use of force or threats in resolving member state disputes, promoting a trend towards diverse and peaceful dispute resolution methods [10].

4.1. Improving the Framework of International Law

The framework of international law is the basis for resolving disputes over sea areas. However, in the current international law system, some rules are vague and lagging, and it is difficult to adapt to the rapidly changing international ocean situation. Therefore, improving the clarity and applicability of the rules of international law is the primary task of resolving disputes in sea areas. Taking the UNCLOS as an example, as the basic law of international sea law, it provides a legal framework for the rights and obligations of countries in the field of oceans. However, in practice, some provisions of the UNCLOS, such as the demarcation of exclusive economic zones and the demarcation of the continental shelf, are often controversial due to the lack of specific and clear operating guidelines. To

this end, the international community should strengthen the study of the interpretation and applicability of the UNCLOS and clarify the specific meaning and scope of application of relevant provisions by formulating more operational rules or guidelines for implementation, so as to reduce misunderstandings and differences. At the same time, in response to emerging marine issues, such as marine environmental protection, marine biodiversity protection, and the utilization of marine genetic resources, the international community should speed up the formulation and improvement of relevant international law to ensure that these fields have laws and regulations to follow and enhance the applicability of international law. For example, in response to the problem of marine plastic pollution, the international community can formulate special international treaties or agreements to clarify the responsibilities and obligations of countries and jointly promote marine environmental protection.

It is equally important to enhance the authority and execution of international judicial institutions, so it is necessary to strengthen the independence and impartiality of international judicial institutions. International judicial institutions should ensure that cases are tried independently and impartially without any external interference and influence during the trial process. To this end, the international community should increase its support for international judicial institutions and ensure that they have sufficient resources and capacity to fulfil their responsibilities. Promote countries to respect and implement the rulings and decisions of the international judiciary. The rulings and decisions of international judicial institutions are an important cornerstone of maintaining the international rule of law and international order. However, in practice, some countries refuse to implement the rulings and decisions of international judicial institutions for various reasons, which seriously undermines the authority and enforcement of international judicial institutions. To this end, the international community should strengthen supervision and restraint on these countries and promote their respect for and implementation of the rulings of international judicial institutions.

4.2. Promoting Regional Cooperation

Regional cooperation is one of the effective ways to resolve disputes in sea areas. By establishing a regional dispute settlement mechanism, maritime disputes in the region can be handled more flexibly and efficiently. Take Southeast Asia as an example. There are frequent maritime disputes in this region, involving territorial sovereignty and maritime rights and interests disputes between many countries. In order to mitigate the impact of these disputes on regional peace and stability, Southeast Asian countries have strengthened regional cooperation and established multiple regional dispute resolution mechanisms. Among them, the most representative is the Declaration on the Behavior of the Parties in the South China Sea and its follow-up documents, which provide important guidance and norms for countries in the South China Sea to deal disputes. By complying with and implementing these documents, countries in the South China Sea have maintained restraint and rationality in maritime disputes and have made positive contributions to peace and stability in the region.

Cross-border cooperation and information sharing are also important means for resolving maritime disputes. By strengthening transnational cooperation, countries can jointly meet marine challenges, share marine resources, and maintain marine order. At the same time, through information sharing, countries can keep abreast of the dynamics of the sea area, grasp the situation of disputes, and formulate coping strategies. Take combatting piracy and maritime terrorism as an example. These activities seriously threaten international maritime security and stability. In order to effectively respond to these threats, countries have strengthened transnational cooperation and information sharing. Through the establishment of a joint patrol mechanism, the sharing of intelligence information, the development of joint drills, etc., all countries cooperate to fight and jointly combat piracy and maritime terrorism. These efforts not only improve the efficiency and quality of the crackdown, but also enhance mutual trust and cooperation among countries.

In the settlement of maritime disputes, cross-border cooperation and information sharing are also of great significance. Countries can enhance the understanding and understanding of maritime disputes and provide strong support for dispute resolution by establishing joint investigation mechanisms, sharing sea area data, and carrying out joint scientific research. At the same time, by strengthening transnational cooperation and information sharing, countries can also jointly meet global challenges such as marine environmental protection and marine resource utilization, and promote the improvement and development of the global marine governance system.

4.3. Innovating Dispute Resolution Mechanism

Multilateral cooperation and resource sharing are an innovative way to resolve disputes in the sea. Through multilateral cooperation to develop sea resources and share development results, countries can resolve maritime disputes on the basis of mutual benefit and win-win results. For example, with global warming and the acceleration of ice melting in the Arctic, the strategic position and resource value of the Arctic region are becoming increasingly prominent. However, the Arctic region involves territorial sovereignty and maritime rights disputes among many countries. In order to mitigate the impact of these disputes on peace and stability in the Arctic region, countries have strengthened multilateral cooperation, development and resource sharing, and achieved the goal of resource sharing and mutual benefit and win-win results by jointly formulating plans for resource development and environmental protection in the Arctic region, establishing joint scientific research institutions, and carrying out joint scientific research. These efforts not only promote the development of the Arctic region, but also provide a valuable reference for the settlement of global disputes.

Traditional international arbitration and mediation mechanisms have played a certain role in resolving disputes in the sea area, but there are still some shortcomings. In order to better adapt to the rapidly changing international maritime situation and dispute resolution needs, the international community should actively explore a new type of international arbitration and mediation mechanism. A possible new arbitration mechanism is to establish a professional international arbitration institution or arbitral tribunal. These institutions or tribunals can conduct specialized arbitration for specific types of maritime disputes (such as fisheries disputes, oil and gas resources disputes, etc.) to improve the professionalism and efficiency of arbitration. At the same time, these institutions or tribunals can also learn from the experience and practices of international commercial arbitration and introduce more flexible and convenient arbitration procedures and rules to meet the actual needs of both parties to the dispute. Another possible new mediation mechanism is the establishment of a multi-party mediation platform or mechanism. These platforms or mechanisms can invite both parties to the dispute and relevant stakeholders to participate in the mediation process and seek consensus and solutions through dialogue, consultation and other means. This method can not only enhance the fairness and transparency of mediation, but also improve the success rate and execution of mediation.

5. Conclusion

This study has explored various representative cases of global maritime disputes, highlighting the core role of international law in their resolution. From South America to Africa to Asia, detailed analysis reveals both the potential and challenges of international law, including political interference, legal ambiguity, and enforcement issues.

By comparing regional dispute settlement mechanisms, the study illustrates the effectiveness of multilateral negotiations and mediation in South America, the regional legal framework and organization in Africa, and the unique multilateral and unilateral action model in Asia. These differences not only reflect the formation factors of disputes in various regions, but also provide a diversified perspective and reference for the resolution of disputes in global sea areas.

Based on the above analysis, this study puts forward suggestions for improving the dispute settlement mechanism. First, enhancing the framework of international law by clarifying and improving its rules, and strengthening the authority and enforcement of international judicial institutions, is essential for fair and effective dispute resolution. Second, promoting regional cooperation, establishing regional dispute resolution mechanisms, and strengthening cross-border cooperation and information sharing can help resolve conflicts at the regional level and reduce the risk of conflict escalation. Finally, innovative dispute resolution mechanisms, such as promoting multilateral cooperation and resource sharing, and exploring new international arbitration and mediation mechanisms, will provide more flexible and efficient solutions for maritime disputes.

In a word, the settlement of global maritime disputes is a long-term and complex task, which requires the joint efforts of the international community to continuously improve the international legal system, strengthen regional cooperation, and innovate the dispute settlement mechanism. Only in this way can we maintain the peace and stability of the oceans and promote the benign development of global ocean governance while respecting the sovereignty and maritime rights and interests of all countries.

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