South China sea issue

1. What is the strategic importance of the South China Sea?

The South China Sea, one of the world’s busiest waterways, is a subject for territorial disputes involving China, Vietnam, the Philippines, Taiwan, Malaysia and Brunei. The conflict has remained unresolved for decades and is crucial in China-US relations in Asia.

As a commercial hub between Asia and Europe, South China sea is of a high strategic importance. Each year one third of global shipping and international trade passes through the South China sea. Needless to say, this is an unoccupied officially territory yet and territory is the most valuable currency of modernity, especially in Asia with its huge population rates. South China sea seabed is full of natural resources, such as oil, natural gas, energy and minerals. It also contains 10 per cent of the world’s fisheries.[[1]](#footnote-1) Besides, it is about a defense ability and broader power and influence in the region, including China’s main competitor – the USA, which has a better ties with China’s neighbors – Japan, South Korea, Taiwan, the Philippines, Thailand, Singapore, Australia and New Zealand.[[2]](#footnote-2) The South China Sea area is the international’s secondbusiest sea lane. Over half of the world’s supertanker traffic goes through its Ethel waters.

The conflict in the South China Sea is driven by the desire for control of natural resources between states claiming sovereignty over the regional archipelagos, such as the Spratly and Paracel Islands. The dispute in SCS is based on vital issues of territorial sovereignty, military security, economic development and political legitimacy for China and other claimants.

1. What is the position of China on the SCS issue?

China claims that “maritime features” – islands, islets, sandbanks, rocks and shoals are a part of China’s historical territory. Geographically this area is represented by a 9-dash line.

China is being extremely active in the region! Chinese government builds artificial islands to allow more of its bases stay there and insure its great intensions. Recently the world has witnessed the creation of Xi Jinping’s personal political ideology; which will entrench his position in the legacy of the Communist Party on a footing equal to that of Mao Zedong or Deng Xiaoping. Xi’s “theory” emphasizes China’s nascent ascension to the status of a great power, as can be evidenced through such statements by Xi himself as “It is time for us to take center stage in the world and to make a greater contribution to humankind”. This shows a leader with confidence asserting that his country has already become a great power; while also reinforcing china’s political culture. For Xi Jinping, China’s socialist democracy is the world’s most genuine and most effective democracy to safeguard his people; China doesn’t need to copy any other political system. Regarding the South China Sea, Xi Jinping noted that the artificial islands were a significant development of the last five years; heightening tensions with other stakeholders, including the United States.[[3]](#footnote-3)

China’s claim is rooted in its understanding that the territorial features of the South China Sea constitute territory over which China has historically held sovereign jurisdiction – that is, “ancestral properties” passed down from previous generations. In its abovementioned Position Paper, China expresses that “Chinese activities in the South China Sea date back over 2000 years ago” with China being “the first country to discover, name, explore and exploit the resources of the South China Sea islands and the first to continuously exercise sovereign powers over them.” For instance, Chinese sources claim that maps of the South China Sea islands were published throughout the Ming and Qing dynasties, including in navigational charts drawn up by China’s thirteenth-century admiral and explorer Zheng He.[[4]](#footnote-4)

Chinese sources confirm that Chinese possession of South China Sea islands has been acknowledged by a number of international sources throughout modern history. These include listings in, for example, British, (East and West-) German, French, and Soviet atlases of the area published in the 1950s and 1960s. Moreover, the Chinese government’s Position Paper highlights that territorial claims by other South China Sea claimants (notably the Philippines) did not encompass the marine features within the dashed-line area until the 1970s. From Beijing’s perspective, this suggests that other countries’ claims are relatively recent, politically motivated, and stimulated by resource extraction.[[5]](#footnote-5)

If China succeeds in territorial expansion into the South China Sea and it becomes permanent and codified, global geopolitics will enter into a new era: Southeast Asian countries will be subordinate and compliant to China’s decisions, Australia will be isolated and can loose its ties with the region, Japan and South Korea will share control of vital to their existence maritime space, US will not have the ability to support its allies. The era of Chinese international leadership and predominance begins.[[6]](#footnote-6)

1. What is the position of the ASEAN countries?

Leaders of ASEAN member countries have consistently proclaimed and promoted the bloc’s “centrality” in the guidance, mitigation, and mediation of regional security issues. Since its founding in August 1967, ASEAN has had some successes — like playing a role in averting war or major crises between its members, including over territorial and jurisdictional disputes in the South China Sea. ASEAN also hosts the most meaningful official multilateral security forums in the region. But the grouping has become ever more divided in regards to the South China Sea disputes. Indeed, for ASEAN, resolving or even mitigating the South China Sea issues between China and the United States may be a bridge too far. The contest between China and the U.S. for dominance there and in the region has exposed the reality that ASEAN is not sufficiently politically and militarily unified to be “central” to the region’s security when it is threatened by a clash between major powers.[[7]](#footnote-7)

Some ASEAN members, including the Philippines and Vietnam, have territorial disputes with China over the Spratly Islands and the Paracel Islands. Because abundant natural resources are supposed to exist in the South China Sea, contesting countries claim territorial rights by formulating various domestic measures to secure their marine interests. Seizure of fishing boats and face-offs between patrol ships and the navies occur intermittently nowadays between China and the Philippines and between China and Vietnam.[[8]](#footnote-8)

In 1992 ASEAN created a guideline for managing the SCS dispute called the ASEAN Declaration on the South China Sea (Manila Declaration). Since this time, the ASEAN foreign ministers have dealt each year with the dispute, as it involves its members Brunei, Malaysia, the Philippines and Vietnam, as well as the People´s Republic of China (PRC) and Taiwan. ASEAN aims to establish a framework for dispute management, leading to a legally binding Code of Conduct (COC) that the dispute parties would be bound to utilize.[[9]](#footnote-9) However, due to lack of consensus among ASEAN’s members, the Declaration has failed.

In short, it would be right to explain the ASEAN position by a quote of Cambodian Prime Minister Hun Sen for Xinhua: “It is not the issue of the whole of ASEAN, but the issue between claimant countries and China,” he said during a graduation ceremony at the National Institute of Education. “They need to negotiate with each other.”[[10]](#footnote-10) But, besides their social and cultural diversity, ASEAN countries are also natural competitors in economic development due to their similarities in key economic sectors ( IT or low-skilled labor industries like textiles), food (similar cuisines due to similar vegetation), tourism (similar landscapes), or technological development. There is no outstanding leader in ASEAN that is capable of leading, gaining respect and submission from other member states. While Singapore is an exemplary success, the country is too small to lead other big states such as the Philippines or Malaysia.

1. U.S. Position

One of the main reasons behind US interest in SCS is the growing military and economic power of China, which threatens US global leadership. The USA is turning to the Southern China Sea to meet its next strategic challenge after a decade of operations in the mountains and desert of Middle East. In particular, the US is keen to contain China’s growing political, military and economic influence in the region. The US containment policy has resulted in increased military presence in SCS which is threatening trade and world peace as tensions continue to grow. Asia has become a priority in American foreign policy, politics, and ideology. Asia is transcending the present dimensions of geopolitical power, and restructuring the dynamic of geopolitics towards one that focuses on economic efficiency rather than military might. America’s concern with the South China Sea is not merely due to any fear of a potential military escalation in the region or even commitment to treaty allies; rather America’s involvement in the dispute is an attempt to contain an ascendant China.

Geopolitically, containing China reduces her to the status of a regional power. Geo-strategically, containing China ensures the continuing dominance of the American hegemony. This view is supported by Navarro and Peter who observes, “The United States does not tolerate peer competitors. As it demonstrated in the twentieth century, it is determined to remain the world’s only regional hegemony. Therefore, the United States can be expected to go to great length to contain China”. According to Navarro and Peter, America’s major concerns in Asia is not finding a resolution to the Southern China Sea conflict, but balancing Chinese growing influence. The US policymakers’ obsession with China’s growing popularity is ill-advised and bound to bring more harm than good.

The traditionally considered US’s key Southern Asia region interests are: promotion of balance and stability of power: with the main objective of keeping Southeast Asia from being solely dominated by any hegemony; prevention of itself from being edged out of the region by another power or group of powers; protection of sea lanes and freedom of navigation; trade and investment interests; supporting treaty friends and allies; democracy promotion, rule of law, religious freedom, and human rights. A recent addition to this list is the prevention of the region from becoming a base for support of terrorists.

Also, the US Navy has long dominated this maritime region, which is a crucial pass for the US warships cruising from the Pacific to the Middle East. The treaty between the United States and Japan also obligates the US to defend Japan and its maritime lifelines. Therefore, freedom of navigation in the East and South China Seas is a declared US national security priority.[[11]](#footnote-11)

1. Ways to resolve the SCS issue and their effectiveness.

First of all, while most analysts are turning to ASEAN as the last hope for negotiating a Code of Conduct on the South China Sea issue, in reality ASEAN does not have the capacity to meet such high expectations. ASEAN is a much more fragile intergovernmental organization than the EU. Now that even the EU has gone through the Brexit nightmare because of inseparable individual national interests, ASEAN has little hope of leading Southeast Asian countries toward a common position against China. The South China Sea dispute is inherently a sensitive issue that ASEAN states cannot agree on due to their different interests. It is exactly this issue that helped China divide ASEAN unity from inside. This could be an additional explanation for China’s increasing aggression in the South China Sea — China does not want a strong and united regional organization next door and was trying its best to prevent ASEAN integration. Therefore, it is counterproductive to force ASEAN to come up with a Code of Conduct and conduct bilateral talks with China.

Second, international law is not an effective tool to alter superpowers’ behaviors. This is not the first failure of international law. There is a reason the system has been long regarded as laws for the smaller states alone; superpowers like China, the United States, Russia, or the U.K. would never bring themselves to follow the laws if the laws work against their national interests. After observing the negligible impacts of the tribunal’s decision on China, it is obvious that future legal cases from Vietnam or any other claimants would not achieve any more tangible result.

Finally, China and the claimants are caught in a mutually reinforcing cycle. The bigger state will keep acting as it wishes, and the smaller states can only suffer what they have to. China, as a regional hegemon, will continue to behave aggressively and the other claimants, though small, would never give up their territorial integrity. This is a chaotic asymmetric relationship because the big state (China) does not respect the autonomy of the smaller ones, and the smaller states (the other claimants) appear as aggressors against the leadership of the bigger.

The ASEAN countries have to learn how to work with the regional hegemon, China, in a proportionately mutual beneficial way. Quoting international law or forcing China to agree with ASEAN’s proposal for a Code of Conduct is indeed unfair to this superpower. The realist school of thought would be more honest and support China’s higher position in every negotiation.

The only thing that ASEAN nations can do, should they really want to stand together against China, is to first focus on developing the individual countries’ economies and together gradually try to reduce their dependence on Chinese products, markets, and aid. ASEAN should reduce competition among its members, increase internal aid programs, and exchange technology and experiences. Only when each and every ASEAN nation is strong enough and really enjoys cooperation within the organization, can a common approach finally be considered. But in the age of a prosperous ASEAN, there would no longer be a need to raise this sensitive issue against China. Seeing ASEAN growing stronger economically will entice China to behave moderately — to cooperate rather than take the offensive in the South China Sea. This is the only peaceful solution to the conflict.[[12]](#footnote-12)

1. <https://www.scmp.com/week-asia/article/2186449/explained-south-china-sea-dispute> [↑](#footnote-ref-1)
2. <https://www.wilsoncenter.org/blog-post/the-south-china-sea-strategic-terms> [↑](#footnote-ref-2)
3. <https://www.innovationinfo.org/articles/SJASR-6-163.pdf> [↑](#footnote-ref-3)
4. <https://www.fmprc.gov.cn/nanhai/eng/snhwtlcwj_1/t1379492.htm> [↑](#footnote-ref-4)
5. <https://isdp.eu/publication/understanding-chinas-position-south-china-sea-disputes/> [↑](#footnote-ref-5)
6. <https://www.wilsoncenter.org/blog-post/the-south-china-sea-strategic-terms> [↑](#footnote-ref-6)
7. <https://thediplomat.com/2018/08/asean-security-centrality-and-the-south-china-sea/> [↑](#footnote-ref-7)
8. <https://www.ide.go.jp/library/English/Research/Region/Asia/pdf/201209_suzuki.pdf> [↑](#footnote-ref-8)
9. <https://www.researchgate.net/publication/328879756_The_South_China_Sea_Dispute_A_Shift_to_a_more_Proactive_Role_in_ASEANs_Discourse_and_Policies_since_2012_The_South_China_Sea_Dispute_A_Shift_to_a_more_Proactive_Role_in_ASEANs_Discourse_and_Policies_s> [↑](#footnote-ref-9)
10. <https://www.imoa.ph/does-asean-have-a-south-china-sea-position/> [↑](#footnote-ref-10)
11. <https://www.innovationinfo.org/articles/SJASR-6-163.pdf> [↑](#footnote-ref-11)
12. <https://thediplomat.com/2016/07/seeking-a-solution-to-the-south-china-sea-disputes/> [↑](#footnote-ref-12)