General Assembly 4

The Rising Tensions in the South China Sea Region

Research Report

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Introduction

The South China Sea is a western Pacific Ocean marginal sea. It is bordered on the north by the coasts of South China (hence the name), on the west by the Indochinese Peninsula, on the east by Taiwanese islands and the northwestern Philippines, and on the south by Borneo, eastern Sumatra, and the Bangka Belitung Islands, covering an area of approximately 3,500,000 km2.

The South China Sea is a hugely important economic and geostrategic area. It is home to one-third of the world's maritime freight, which carries over $3 trillion in trade per year. Its seabed is thought to have vast oil and natural gas deposits. It also has lucrative fisheries, which are important for the food security of millions of people in Southeast Asia.

Several sovereign states in the region, including Brunei, the People's Republic of China, Taiwan, Indonesia, Malaysia, the Philippines, and Vietnam, have island and maritime claims in the South China Sea. The South China Sea sees an estimated $3.37 trillion in global trade move through it each year, accounting for a third of all global maritime trade. The South China Sea accounts for 80 per cent of China's energy imports and 39.5 per cent of its overall trade. The Spratly Islands, Paracel Islands, Scarborough Shoal, and various Gulf of Tonkin boundaries are among the islands, reefs, banks, and other features of the South China Sea in dispute.

The nine-dash line serves as a boundary for Chinese claims in the South China Sea. The Kuomintang government of the Republic of China first drew an "eleven-dashed-line" for its rights to the South China Sea in 1947. The line was adopted and updated to nine dashes/dots, as supported by Zhou Enlai when the Communist Party of China gained control of mainland China and established the People's Republic of China in 1949. Centred on the nine-dotted line chart, China's claims in the South China Sea islands were identified in a 1958 declaration. Any China government officials and the Chinese military see the nine-dash line's legacy as having historical evidence for their claims to the South China Sea.

China reportedly launched major dredging operations in the Spratly Islands in early 2014, focusing on the seven reefs it controls: Fiery Cross Reef, Subi Reef, Mischief Reef, Cuarteron Reef, Gaven Reef, and Hughes Reef. Although Chinese President Xi Jinping stated that the islands would not be militarized a year later, a study from the Asia Maritime Transparency Initiative (AMTI) revealed that China has built extensive military systems on seven reefs, including anti-aircraft cannons. The islands have been labelled China's "unsinkable aircraft carriers" by some. The South China Sea, which is rich in oil and gas reserves, has become a testbed for whether China will emerge as part of the existing international order or outside of it as it stretches its muscles as a rising powerhouse. In response to China's rising dominance, the US and its allies, notably Australia, have held

huge military drills in the South China Sea.

The South China Sea is also considered to be rich in natural resources, with known oil and gas reserves worth billions of barrels of oil and gas equivalent in some places, notably off the coast of Malaysia and off the coast of Vietnam. At a recent summit of the four Quad nations in Washington, the South China Sea was discussed. At the White House, President Joe Biden held the Quad Summit, which included Australian Prime Minister Scott Morrison, Indian Prime Minister Narendra Modi, and Japanese Prime Minister Yoshihide Suga.

The leaders released a joint statement following the meeting, promising to "respond to threats to the maritime rules-based order, particularly in the East and South China Seas." The issue is crucial to China's standing in the area and throughout the world, and it places a high value on retaining control over islands it claims as "indisputable sovereign territory." They have frequently maintained their right to freedom of passage in the disputed waters, despite the fact that the US and other armies fly and sail near the Chinese-controlled islands.

Definition of Key Terms

Law of the Sea:
The Law of the Sea is a subfield of international law dealing with marine matters. Much of this legislation is defined in the United Nations Convention on the Law of the Sea, which was signed on December 10, 1982.

United Nations Convention on the Law of the Sea (UNCLOS):
The United Nations Convention on the Law of the Sea provides a system of law and order in the world's seas and waterways, with regulations governing all uses and qualities of the oceans. It affirms that all concerns concerning ocean space are interconnected and must be addressed as a whole.

ASEAN
Officially, the Southeast Asian Nations Association is an economic union of ten Southeast Asian nations that promotes intergovernmental cooperation and encourages integration in economics, politics, defence, militarism, education, and socio-culture among its members and other Asian countries.

Artificial Islands
An artificial island, often known as a man-made island, is one that was constructed artificially rather than naturally. Artificial islands range from small islets rebuilt only to support a single foundation of a building or construction to those that sustain entire towns and settlements.

Freedom of Navigation
With few exceptions, the concept of freedom of navigation (FON or FONOP) states that ships carrying the flag of any sovereign state should not be subjected to intervention by other nations. In the realm of international law, it has been characterized as "freedom of movement for vessels, freedom to access ports and make use of plants and docks, to load and unload commodities, and to carry goods and persons." This right is established in Article 87 of the 1982 United Nations Convention on the Law of the Sea. Many UN Member States have not signed or ratified the convention, including the United States.

General Overview

Historical Background

A little outcropping of coral sometimes breaks up the vast expanse of the South China Sea. These are small islands, practically insignificant in comparison to the rest of Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam, yet they are at the focus of a fierce territorial dispute. The interests and responsibilities of these plaintiffs in the surrounding seas, as well as the seabed beneath them, are frequently in dispute. Tensions in the South China Sea have the potential to escalate into a larger regional conflict. Multiple claims dispute over sovereignty concerns that are difficult to settle in the judicial framework. Worse, the stakes are high: the Sea is a major international trade route, and several claims believe the Sea has vast oil deposits as well as great fishing supplies. The conflicts are exacerbated by rampant imperialism, with each claimant imbuing the South China Sea islands with symbolic importance far greater than their objective material resources. Finally, the rivalry between China and the United States for global dominance is tinged with great power politics.

Two different types of islands can be identified in the South China Sea. The Paracel Islands are in the northwest of the Sea, and the Spratly Islands are in the southeast.

The plaintiffs have fought fiercely for the "true" background of these island chains, which symbolizes the conflict's Rashomon existence. Some individuals have tried to prove the legitimacy of their current claims by demonstrating a lengthy and ongoing history of national influence over the claimed features. These nations claim that their people fished along with the Sea's islands or used them as a storm shelter. Beijing, in particular, has been a major funder of archaeological digs to uncover documentation of China's exclusive use of the Sea's various characteristics since the dawn of time.

In reality, no claimant inhabited a single island in the entire South China Sea at the end of WWII. Then, in 1946, China built itself on a few features in the Spratlys, and two weeks before the French and Vietnamese planned to land, it bought Woody Island, part of the Paracel Islands chain. The French and Vietnamese opted for Pattle Island after being denied their first option. Sorting through all of these partisan arguments is difficult, if not impossible. An independent tribunal has yet to take up the issue. To the extent that any inference can be taken from the quagmire, it is reasonable to conclude that no claimant has established a trend of exclusive historical control over the South China Sea or even discrete parts of it.

In any case, the topic was inconsequential to the bulk of the region's culture. For the first part of the twentieth century, the Sea was thunderously quiet as opposing states focused their energies on other issues.

Even at this time, none of the claimants thought the South China Sea was a top concern. As a result of a disappointing loss at the hands of Mao's Communists, the Chiang Kai-armies withdrew to Taiwan and lost their South China Sea stations. Both the French and the Vietnamese were too concerned with the growing conflict in Vietnam to take advantage of the gap in Chinese influence.

Who claims what and how valid are the claims?

On the basis of tradition, exploration, use, governance, and successful regulation, China and Taiwan declare jurisdiction over all of the Spratly features (rocks sometimes referred to as "islands"). Some of them are also claimed and occupied by Vietnam, the Philippines, and Malaysia. In current international law, which involves constant, consistent administration and regulation, as well as acquiescence by other plaintiffs, both of these arguments have significant flaws. China's claims of citizenship are only as legitimate as those of the other claimants.

A nine-dash-line, ‘historic assertion', encompassing most of the South China Sea also cites undefined rights. However, in 2016, an international arbitration court convened under the UN Convention on the Law of the Sea (UNCLOS) to hear a Philippines lawsuit ruled that any such allegation is "contrary to the Convention and without lawful consequence." It also ruled that none of the features in the Spratlies are legitimate islands, and therefore are not eligible for rights to Exclusive Economic Zones (EEZs) or continental shelves of 200 nautical miles.

What are the conflicts between claimants?

Disputes over the jurisdiction of the features and their 12-nautical-mile territorial waters are among the most dangerous. Governments are obliged and under domestic scrutiny to protect their country's sovereignty.

Fishing disputes arise due to the overlap of EEZs and China's historic argument. The crash of two fishing boats in the Philippines' EEZ on June 9 – one a People's Republic of China-flagged vessel and the other a Philippines-flagged fishing boat – sparked widespread outrage in the Philippines.

The biggest point of contention over petroleum supplies is the convergence of China's historic argument with Malaysia's, the Philippines', and Vietnam's EEZ claims. Global oil firms have been 'persuaded' not to search in contested waters by China, and Vietnam has sought to block Chinese exploration in its EEZ.

How is the United States of America involved?

In the South China Sea, the United States and China are fighting for supremacy. The remaining Southeast Asian applicants are stuck in the centre, attempting to strike a balance between the two. 'Beijing is using its strategic and economic strength to coerce its neighbours and erode the free and fair international order,' according to Admiral Harry Harris, the US navy's Pacific Commander.

Furthermore, the US and its backers argue that China is destabilizing the area with its island-building and 'militarization' of occupied features, as well as its illegitimate maritime assertions and increasingly assertive enforcement measures.

However, from China's viewpoint, the US is destabilizing the area with its forward deploying military, public displays of force – such as its "freedom of navigation operations" (FONOPs) – and intelligence, surveillance, and reconnaissance probes toward China in its "near-shore" waters.

The United States of America seem to have made it their task to deter China from threatening its fellow claimants, as well as to interpret and impose UNCLOS in the region. However, the USA's stance is undermined by the fact that it is the only significant maritime force that has failed to ratify the United Nations Convention on the Law of the Sea.

Who is militarizing the area?

China and the United States often accuse each other of militarizing the South China Sea. Militarization refers to the process of giving something a military flavour or adapting something for military use. Both claimants to and occupiers of the Spratly features 'militarized' them years ago, according to this description. Indeed, both have military forces deployed there, as well as airstrips and harbours capable of accommodating military aircraft and warships.

China, on the other hand, points out that, unlike China, the US still has military "places," if not bases, along the Sea's edge in the Philippines and Thailand, as well as more recently in Malaysia and Singapore, for its intelligence flights targeting China's submarines.

Major Parties Involved

Geographically, the South China Sea plays a key role in Indo-Pacific geopolitics. Brunei, Cambodia, China, Indonesia, Malaysia, the Philippines, Singapore, Taiwan, Thailand, and Vietnam all border the South China Sea.

Brunei

Brunei, which has long been considered a "silent claimant" in the South China Sea dispute, recently broke its silence by issuing a rare declaration asking that parties discuss rule of law issues.

Reaffirming Brunei's commitment to regional stability, Brunei's Minister of Foreign Affairs encouraged nations to talk bilaterally and emphasized that negotiations should be governed by the United Nations Convention on the Law of the Sea (UNCLOS) and international law.

Cambodia

Cambodian Foreign Minister Prak Sokhon said Cambodia is working diligently to mediate regional sea claims in the South China Sea between its ally, China, and partners in the Association of Southeast Asian Nations (ASEAN). He also rejected allegations that Cambodia had been kept out from the China issue and had obstructed another ASEAN joint declaration.

China

Chinese calls for sea sovereignty have been faced by opposition from rivals Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam, with reports of 11 trillion barrels of untapped oil and a total of 190 trillion cubic meters of gas from the sea. In the early 1970s, countries with abundant natural resources and fishing grounds, such as the Spratly Islands, began claiming islands and other areas in the South China Sea.

Foreign militaries, according to China, are not allowed to conduct intelligence collection operations in its EEZ, including such reconnaissance flights, under international law. According to the US, Claimant countries should enjoy the freedom of navigation by sea within their EEZ under UNCLOS and should not be required to report military activity to their claimants. In July 2016, the Philippines was brought before the UNCLOS Standing Court of Arbitration in The Hague, which found in favour of the Philippines on nearly every point. Even though China is a party to the Treaties that created the court, it does not recognize its jurisdiction.

Satellite images have revealed Chinese attempts in recent years to reclaim territory in the South China Sea by physically expanding islands or constructing entirely new islands. In addition to piling sand on existing reefs, China has built a harbour, military facilities, and airstrips, particularly in the Paracel and Spratly Islands, where it has twenty-seven outposts. China militarized Woody Island with fighter jets, cruise missiles, and a radar system.

Tensions between China and the Philippines, as well as Vietnam, have recently eased, notwithstanding China's expansion of its military presence in the South China Sea through a series of naval drills and exercises in March and April 2018. Meanwhile, China continues to build military and commercial outposts on artificial islands in disputed waters.

The US has increased its military involvement and naval presence in the area in recent years, including Free Navigation Operations in January and March 2018.

During his November 2017 tour to Southeast Asia, former President Donald J. Trump emphasized the importance of such activities and maintaining open and transparent connectivity in the South China Sea. Since May 2017, the United States has held six FONOPs in the area.

Indonesia

"There is no territorial conflict between Indonesia and China," Indonesia's authorities have said for decades. Although the declaration is the truth. Though there is no territorial conflict between China and Indonesia, there is undoubtedly a maritime dispute. This was demonstrated in December 2019 when a Chinese coast guard vessel escorted six Chinese fishing boats into the South Chinese Sea in waters that fall inside China's self-declared "nine-cash belt" but are located in Indonesia's unique economic zone near the Natuna Islands.

The recent event corresponds to Chinese ship activity patterns in maritime areas where China has border claims with Malaysia, the Philippines, and Vietnam. Jakarta, well aware of the pattern, summoned China's ambassador and made a formal diplomatic complaint. Meanwhile, the Indian military sent 10 naval ships and four F-16 military aircraft to Natuna Island. Indonesian President Joko Widodo has gone to the island to investigate the situation. In the first week of 2020, Chinese coastguards and Indonesian maritime ships were locked in a standoff that mirrored similar standoffs between Chinese and Philippine forces and Vietnamese forces in the past decade.

Malaysia

According to a report from a US think tank, China and Malaysia are in conflict over hydrocarbon exploration in the South China Sea.

According to the Asia Maritime Transparency Institute, a Chinese vessel "harassed" a drilling plant and supplying ships last week off the coast of Malaysia (AMTI).

'On November 19, Chinese Coast Guard Ship 5402 harassed a drilling plant and its delivery vessels operating barely 44 nautical miles from the Sarawak state of Malaysia,' according to the paper.

The event appears to have occurred after "two weeks of rising tensions between the CCG and the RMN in the region."

According to the AMTI article, the Chinese ship left the Chinese province of Hainan on October 30.

The Philippines

Rodrigo Duterte, the Philippines' president, addressed China's envoy about the contested South China Sea warships with "sensitivity," while Vietnam urged Beijing to preserve its maritime sovereignty.

The Philippines' description of more than 200 vessels it believes are part of China's maritime militia as "a sweeping and dangerous presence" has sparked international concern in recent days.

The boats moored near Whitsun Reef, which is positioned within Manila's 200-mile exclusive economic zone (EEZ), as defined by the United Nations Convention on the Law of the Sea and supported by an international court in The Hague.

In the midst of the separate announcement of China's "major building activities," Duterte is pressed to adopt a harder stance against Beijing on an artificial island on the Subi Reef still within the Philippine EEZ.

United States of America

In order to maintain its diplomatic, defensive, and economic interests in the area, the US has questioned China's territorial claims and land clearing activities by launching FONOPs and increasing support for Southeast Asian allies. In reaction to China's unfair involvement in the disputed territories, Japan provided military ships and equipment to the Philippines and Vietnam to strengthen maritime defence systems and prevent provocation by China.

The United States, which has a vital interest in protecting the freedom of navigation

and sustaining maritime lines of communication, is in favour of a binding Code of Conduct resolution and other confidence-building measures (SLOCs). China's claims threaten to include SLOCs or important maritime passages that facilitate commerce and the movement of naval assets.

The United States has a role to play in preventing a territorial conflict from developing. Through Washington's Security Treaty with Manila, the US may be pulled into a potential conflict between China and the Philippines over large natural gas reserves and lucrative fishing grounds in the disputed area.

Timeline of Events

1000 BCE–2nd century CE	Sa Hu Tiennh culture flourished along the South China Sea coast from the Mekong Delta to Qua Tieng Binh Province, particularly in the south and central Vietnam.
6th–15th centuries;	The South China Bay was called "The Ocean Sea" by ShauShau's explorers and merchants in the area.
1884–1885 Sino-French War:	In December 1884, Empress Dowager Cixi issued a notice to her ministers to just get China out of the undeclared war with France, which began on August 23 and was prompted by Japanese ambitions in Korea.
11 May 1884	The Tientsin Agreement, also referred to as the Li–Fournier Convention, was signed on May 11, 1884, to end an informal disagreement between France and China over Tonkin's jurisdiction (northern Vietnam).
1902	China deploys naval forces to inspect the Paracel Islands.
1907	This time to scheme for resource extraction, China sends another naval force.
1911	The recently founded Republic of China, heir to the Qing Dynasty, transfers the Paracel Islands administration to Hainan which, until 1988, will become an independent province in China
1917	Japanese stockpile (guano) of phosphate used in the main island of Spratly, Itu Aba.
1927	In the Spratly Islands, Japan had the first recorded assertion
1928	The Republic of China declares the southern ends of its territory of the Paracel Islands
31 March 1939	Tokyo informed the French Ambassador

	that the Spratly Islands were occupied by the Japanese and were administered by a police detachment under the Japanese control of Formosa (Japan)
1939	In 1939 Japan defeated the Spratlies and the Paracels.
2 July 1945	Woody Island, which was struck by US forces on 6 February and 8 March, surrendered to the USS submarine, Cabrilla.
20 November 1945:	Itu Aba was disembarked by a U.S. Navy recognition mission and saw Japan's forces pulling out.
1956	The communist government of North Vietnam officially recognized the previously Chinese Paracel and the Spratly Islands.
4 September 1958	China issued the "People's Republic of China's Government Declaration on the Chinese territorial sea published on 4 September 1958" in which it legally defined the true sense of the South China Sea 'nine dotted lines.'
1969	The exploration team funded by the UN finds oil in the island group beneath the seafloor.
8 May 1984	**T**he Philippines ratified and proclaimed itself an archipelagic territory, the 1982 Third United Nations Convention on the Law of the Sea (UNCLOS III).
2002	ASEAN and China decided in the Declaration on the Actions of South China Seas Parties a Code of Conduct.
13 May 2009	The deadline for States under the UN Convention on Sea Law to make hydrocarbon seabed claims
7 July 2015	The Philippines v. China, under UN Convention on the Law of the Sea, is an outstanding case of arbitration over the validity of the Chinese 'nine dotted' claim to South China' (UNCLOS).

January 13 2016	The 10,000-ton cutter built for patrollers in the South China Sea has been completed in China
23 May 2016	A Chinese government office plans to construct a Spratly Islands bastion to help troubled fishing boats and to shorten their reach.
22 December 2020	The PRC declared the expulsion of Guided Missile Destructor John S McCain into the territorial waters of China close to the islands of Spratly.

Possible Solutions

Chinese and competitor regional claimants are hoping for a structured Code of Conduct that can deter and contain clashes. They would then have to address major differences in the description, legal status and compliance methods of the region to be covered by the Code if any.

But China's-US rivalry for domination in the South China Sea is part of a more basic competition that will probably not disappear.

There is an increasing chance of harmful accidents. The latest of several near-misses was just the recent close collision between the United States' Decatur warship and China's warship.

The USA and the Soviet Union were encouraged in their 1972 groundbreaking Agreement on Prevention of High Seas accidents by a string of related risky military incidents. It could be time for a similar deal between the United States and China.

China and the United States are expected to continue their battle for supremacy in the Southeast China Sea and to conquer Southeast Asia's hearts and minds.

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