
China's growing assertiveness in the South China Sea

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Theme

This paper examines China's growing assertiveness and its strategic interests in the South China Sea and sheds some light on the changing strategic realities in East Asia and the nature of the South China Sea disputes.

Summary

The conflict and tension on competing sovereignty claims over the South China Sea have grown considerably in the past five years. China has adopted an increasingly assertive posture towards its own claims by elevating it to a core interest, strengthening its fishery law enforcement and building civilian and military facilities in the disputed islands and waters. China's rising military power and political influence in East Asia has generated anxiety and suspicion among some of its neighbours and in Washington. In particular, its growing assertiveness over sovereignty and maritime rights in the South China Sea is viewed as a serious challenge to the status quo in the region. This paper examines these issues and the country's strategic interests in the South China Sea to help better understand the changing strategic realities in East Asia and the nature of the disputes in the area.

Analysis

The South China Sea consists of over 200 tiny islands, reefs, shoals, atolls, and sandbanks grouped into three archipelagos –the Spratlys, the Paracels and the Pratas–, Macclesfield Bank and Scarborough Shoal. The strategic importance of the South China Sea is mainly due to its geographical location as the area is one of world's busiest and most strategic shipping lanes. More than 50% of world trade passes through the Strait of Malacca, the Sunda Strait and Lombok Strait over the islands and waters of the South China Sea. More importantly, it also covers the most crucial energy routes for East Asian countries such as China, Japan and South Korea to transport oil and natural gas from the Persian Gulf. Thus, the South China Sea has geopolitical and geostrategic importance for the energy and economic security of China and East Asian countries. In addition, it has huge proved oil and gas reserves, so the sovereignty of the disputed islands not only involves the possession of territorial and maritime rights in the surrounding area but also the legal rights to exploit its resources, which represent extensive strategic and economic interests. From a strategic perspective, the geographical significance of the South China Sea is that whoever has dominance over it will dominate the future of East Asia.

Several countries in the area, including China, the Philippines, Vietnam, Malaysia, Brunei and Indonesia, make overlapping sovereignty claims over the islands and maritime rights in the South China Sea. The key elements of the disputes are conflicting claims over the Paracels by China and Vietnam, over the Scarborough Reef by China and the Philippines, over the Spratlys by China, Vietnam, the Philippines, Malaysia and Brunei, and over the Exclusive Economic Zone by China, Vietnam and Indonesia. Taiwan has also joined the 'sovereignty claim battle' over the South China Sea. Based on the existing literatures and documents, there are various factors to explain the escalating territorial disputes. On the one hand, the ambiguous provision of the existing international maritime laws and treaties is one of the key elements to have complicated the sovereignty disputes over the islands and maritime rights in the Sea itself. First some states (China and Vietnam) have different laws to define the 200-nautical-mile Exclusive Economic Zone (EEZ), which contradicts the United Nations Convention on the Law of the Sea (UNCLOS). Secondly, there is no a feasible approach to resolve the disputes over the overlapping EEZ in the framework of the UNCLOS. Thirdly, the 'islands' and 'rocks' have different sovereign and maritime rights, but there is definition for the legal status of elevations (tidal islands) that are exposed at low tide and submerged at high tide.¹

The tension over disputed sovereignty in the South China Sea has escalated considerably in recent years. In 2009 China officially and unofficially called its sovereignty over the South China Sea a core interest. In 2010 the US declared its freedom of navigation in the South China Sea to be a national interest in response to China's increasingly assertive moves over the disputes in the area. China's State Council released the white paper 'China's peaceful development 2011' in which it explicitly defined state sovereignty and territorial integrity as core Chinese interests. In January 2012 Washington announced its foreign policy of a 'Pivot to Asia' to rebalance China's growing economic and military power in the region. As Vietnam and the Philippines sought to consolidate their partnership and alliance with the US in order to rebalance China's military power and enhance their strategic position over the South China Sea disputes, so did Japan with the US over the East China Sea disputes. Thus the US plays a 'key' role in influencing the resolution of South China Sea (and also East China Sea) disputes. Furthermore, Vietnam and the Philippines attempted to forge a strategic alliance (in a symbolic move) with Japan in their struggle with China for their sovereignty claims in the South and East China Seas. In 2013 and 2014 it was reported that China had started to reclaim land and build civilian infrastructures on the Fiery Cross Reef in the disputed Spratly Islands and the US explicitly announced its opposition to the construction of artificial islands and to reclamation activities in the South China Sea. While China continued building civilian and military facilities on the disputed islands in May 2015, US surveillance planes flew over the artificial islands in the South China Sea, with the situation escalating to a truly dangerous level.

¹ M. Taylor Fravel (2011), 'China's Strategy in the South China Sea', *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol. 33, nr 3, p. 292-319.

China's sovereignty claims over the South China Sea

According to the existing literature and documents, China's sovereignty claims mainly rely on historical discovery, occupation and governance. Ancient maps and official records indicate that China's sovereignty over the South China Sea can be taken back to the Han (206-220 AD), Tang (618-906 AD), Song (960-1279 AD) and Ming (1368-1644 AD) dynasties. More recently, the Chinese ambassador (under the Qing dynasty, 1644-1912 AD) to Great Britain proclaimed his country's sovereignty over the Parcels in 1876 during the Opium Wars, while China deported a German survey team in the Spratlys in 1883.² Based on modern international law, any state to claim sovereignty over any land that is discovered must provide evidence of permanent settlement, but China argues that symbolic sovereignty claims were already sufficient in the Great Age of Discovery and that the requirement of permanent settlement and actual possession only began in the 18th century. In the 20th century China effectively occupied two principal islands on the Paracels and the Spratlys –Yongxing and Taiping respectively–, arguing that the effective occupation of two principal islands in the South China Sea also applied to the other uninhabitable islands (rocks and reefs), similarly to the case of Indonesian or Canada, whose unpopulated islands in no way affect their sovereignty. Hence, China has persistently insisted that its sovereign claims over the islands and its maritime rights in the South China Sea should not be influenced by an unreasonable requirement of permanent settlement.

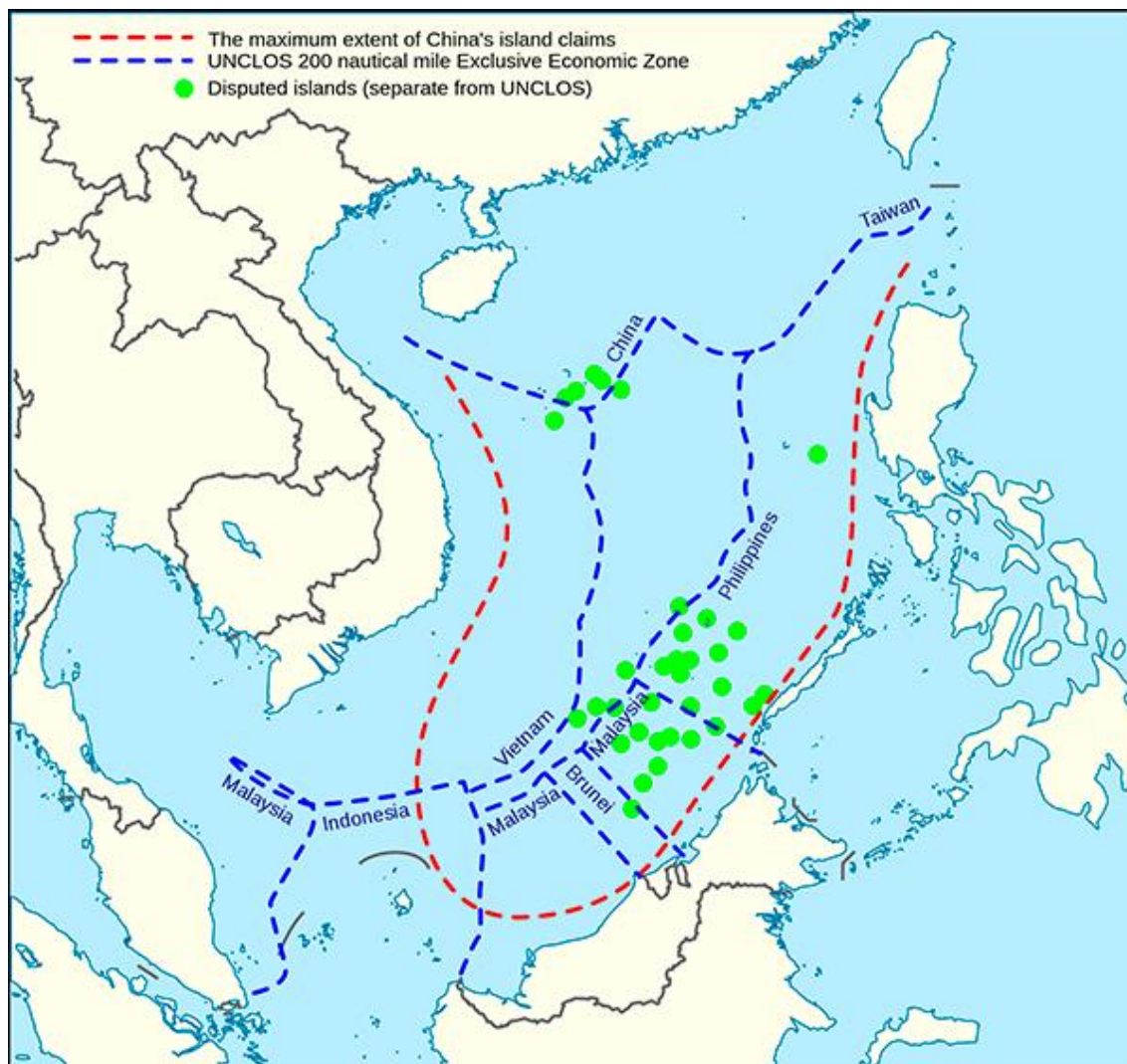
China's sovereignty claim over the South China Sea is mainly attached to the 'Nine-dash-line' (*jiudashixian*) doctrine, which was released in a Chinese map in 1947 and proclaims its sovereignty and maritime rights over all the islands and waters within the Nine-dash-line area, although Beijing officially published a new map in 2014 using a ten-dash-line as the demarcation. Figure 1 shows the overlapping sovereignty claims in the South China Sea, with China's claims according to the Nine-dash-line doctrine in red. The area marked with a blue line is based on the UNCLOS 200 nautical mile Exclusive Economic Zone (EEZ), separately linked to the sovereignty claims of Vietnam, the Philippines, Malaysia, Brunei and Indonesia. The islands marked as green points are the ones over which sovereignty is disputed in the Paracels and Spratlys between China and other ASEAN countries. As of 1996, China drew the baselines for the Paracels but failed to do so for the Spratlys.³ As China's claims over the legal status and maritime rights of the Nine-dash-line remain ambiguous, evidence of its assertive sovereignty claims can be found in: (1) the 2009 *note verbale* to the UN Secretary General responding to the jointly submitted documents by Malaysia and Vietnam on the Outer Limit of the Continental Shelf; (2) the 2009 Preliminary Information Indicative of the Outer Limits of the Continental Shelf; and (3) the 2011 *note verbale* to the UN Secretary General responding to a Philippine *note verbale*. The first document provides a Chinese map with the Nine-dash-line issued in 1947 in support of its sovereignty claims but fails to give any interpretation of it. The second documents proclaims, based on the UNCLOS, the islands' entitlement to extend beyond the 200 nautical mile EEZ and continental shelf in

² Jon M. Van Dyke & Dale L. Bennett (1993), 'Islands and the Delimitation of Ocean Space in SCS', in E. M. Borgese, N. Ginsburg & J.R. Morgan (Eds.), *Ocean Yearbook 10*, University of Chicago Press, Chicago.

³ Xinhua News Agency (1995), 'Qian Qichen explains China's "Clear-cut" Position on Spratlys Issue', *Xinhua News Agency*, 1/VIII/1995.

the East China Sea and other territorial sea areas. The third document reiterates China's sovereign claims as previously submitted in the 2009 *note verbale* to the UN.

Figure 1. Overlapping sovereignty claims in the South China Sea



Source: Council on Foreign Relations, Washington, <http://www.cfr.org>.

Since 2009 China has growingly asserted its sovereignty over the South China Sea by enforcing an annual fishing ban, conducting regular maritime patrols, and undertaking scientific surveys and military exercises in the disputed islands and waters of the South China Sea.⁴ In particular, China's maritime law enforcement in the disputed islands and waters caused rising tensions between China and Vietnam. The clash between Chinese patrol boats and Vietnamese oil exploration vessels that occurred in 2011 attracted widespread attention.⁵ Obviously, China's action is apparently a response to Vietnam's

⁴ Michael D. Swaine (2011), 'China's Assertive Behavior- Part One: On "Core Interests"', *China Leadership Monitor*, nr 34, p. 1-25, <http://carnegieendowment.org/2010/11/15/china-s-assertive-behavior-part-one-on-core-interests>.

⁵ Ben Bland & Kathrin Hille (2011), 'Vietnam and China Oil Clashes Intensify', *Financial Times*, 27/V/2011.

unilateral exploration of oil and gas resources in the disputed area while China's 'shelving disputes, joint exploration' proposal for undersea natural resources in the South China sea was ignored or rejected by Vietnam. On the incident that occurred in the disputed waters, China's Vice Foreign Minister Cui Tiankai pointed out that:

'[Who]... are the countries that have occupied islands under other countries' sovereignty by illegal means? It was certainly not China. Who... have done the most to explore oil and gas resources in the region? It was certainly not China. Who... displayed force or used force against the fishermen of other countries? Again, it was certainly not China.'⁶

According to the white paper 'China's Peaceful Development 2011' released by the Chinese State Council, core national interests are explicitly identified as: (1) state sovereignty; (2) national security; (3) territorial integrity; (4) national reunification; (5) China's political system established by the constitution and overall social stability; and (6) basic safeguards for ensuring sustainable economic and social development.⁷ China's definition of what constitute its core interests not only demonstrates its growing assertiveness over disputed sovereignty but also its increasing confidence and will to defend its strategic interests in the South China Sea.

In July 2012 the Vietnamese National Assembly passed a law redefining Vietnam's sea borders to include the Paracel and Spratly Islands. In response to the Vietnamese move, China's State Council approved the establishment of a new prefecture-level city of Sansha, covering the Paracel and Spratly Islands in the same month. This is merely one of the recent examples of China's increasing assertiveness over its sovereignty in the South China Sea. While Chinese naval and aerial patrols were deployed in 2012 to the islands and waters of the disputed Spratlys to assert sovereignty and maritime rights, the Philippines voiced a strong protest against China's 'aggressive action'. In response to the Philippine protest, China's Defence Ministry Spokesman Geng Yansheng said: 'China will resolutely oppose any militarily provocative behaviour from other countries also claiming ownership of the Spratlys. Chinese military resolve and will to defend territorial sovereignty and protect our maritime rights and interests is firm and unshakeable', clearly implying that China would be willing to use force to advance and protect its national sovereignty and territorial integrity and obviously reflected Beijing's growingly assertive posture towards its sovereignty and maritime rights in the South China Sea. Since 2014 China has stepped up the construction of artificial islands over the disputed Spratlys, causing an escalation of tensions in the South China Sea and attracting widespread attention. In October 2015 the Permanent Court of Arbitration in The Hague issued a ruling that it had jurisdiction over the case filed in 2013 by the Philippines against China's claims, but it has been boycotted by China.⁸

⁶ Don Durfee (2011), 'China Urges US to Stay Out of Sea Dispute', *Reuters*, 22/VI/2011, <http://www.reuters.com/article/2011/06/22/us-china-sea-dispute-idUSTRE75L14L20110622>.

⁷ Information Office of the State Council (2011), 'White Paper: China's Peaceful Development 2011', Chinese State Council, 6/IX/2011, http://www.china.org.cn/government/whitepaper/2011-09/06/content_23362449.htm.

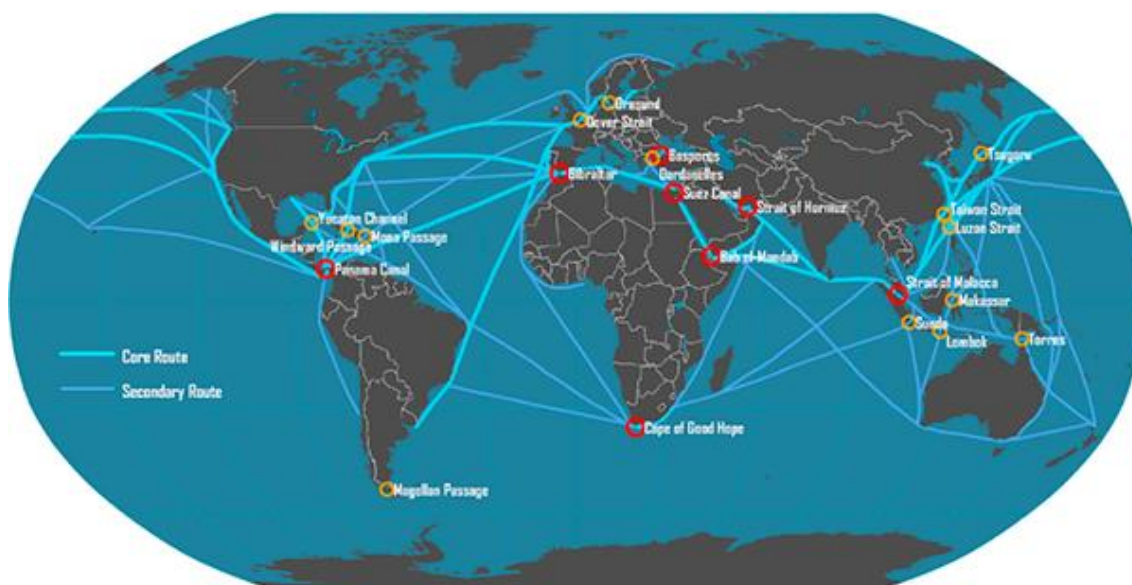
⁸ Jane Perlez (2015), 'In Victory for Philippines, Hague Court to Hear Dispute over South China Sea', *The New York Times*, 30/X/2015, http://www.nytimes.com/2015/10/31/world/asia/south-china-sea-philippines-hague.html?_r=0.

Although the territorial disputes over the South China Sea have existed for a very long time, the situation had remained relatively peaceful over the past few decades and the key elements of the disputes mainly centre on economic aspects such as access to oil and gas as well as fisheries and other ocean resources. After having undertaken a series of comprehensive economic reforms, China has successfully integrated into the world economic system and has maintained a rapid economic growth over the past 30 years. According to the International Monetary Fund, China surpassed the US as the world's largest economy in purchasing power parity terms in 2014. China's rise as a global power is a reality that is reshaping the existing regional order and the emerging dynamics of international relations in East Asia. Its rising economic and military status has essentially altered the balance of power in the region. As sovereignty over the South China Sea has a great importance for China's economic, energy and national security, its growing economic, political and military power enables it to pursue, advance and defend its core interests, such as state sovereignty, national security and territorial integrity, by using diplomatic, economic, political and military means. Obviously, the changing balance of power provides a strong explanation for why China is increasingly asserting its sovereignty over the South China Sea. It would appear that China's rising power and influence, the shifting balance of power and Sino-US strategic rivalry have been the key factors for the recently escalating tensions in the South China Sea.

China's strategic interests in the South China Sea

Over the past 30 years China's rapid economic growth has led to a rising energy demand. As of 2012 China became the world's second-largest oil consumer and importer behind the US. China had no choice but to go beyond its borders search for oil around the world in order to satisfy its growing energy needs, despite being the world's fourth-largest oil producer. According to the US Energy Information Administration (EIA), China overtook the US as the world's largest oil importer in 2013, a position occupied by the latter for almost 40 years. Against such a background, ensuring energy supplies remains at the top of the Chinese foreign policy agenda, as it is important to maintain stable economic growth and domestic stability. As energy security is fully linked to China's national economic security it has become an integral part of China's global strategy. Due to its ever increasing thirst for oil, there is a consensus among scholars in Chinese Studies and International Relations that China as the world's top oil importer has affirmatively strategic interests in the South China Sea. And Beijing's assertive move over its sovereignty and maritime rights in the South China Sea has importance for its energy, economic and national security. In fact, the essence of energy security rests on two interrelated and interconnected elements: the energy supply from the Persian Gulf and energy route security. And both of them are of importance for China's energy security.

Figure 2. Overview of global shipping lanes



Source: Hofstra University, New York, <http://www.hofstra.edu>.

Over the past decade China has endeavoured to diversify its energy suppliers and routes in order to reduce its heavy dependence on Persian-Gulf oil and the Strait of Malacca, and to consolidate its energy security by developing new energy routes: the Myanmar-China pipelines and the Iran-Pakistan-China pipelines, transporting Persian-Gulf oil over the Indian Ocean without passing through the Straits of Malacca. The first route has been successfully completed and operated and the second route has been planned. The narrow Straits of Malacca, the most strategic checkpoint and most critical channel connecting the Indian and Pacific Oceans, has economic, political and strategic importance for China. For a long time, the Straits are co-managed exclusively by Singapore, Malaysia and Indonesia and they refuse the participation and intervention of any other country in their management. Following the 11 September attack, the US was, however, granted the use of the Changi Naval Base in Singapore to enhance anti-terror intelligence and security cooperation with the Straits surrounding countries. The US military presence in the Straits of Malacca allows Washington to exert significant influence over China's sea-route security. In particular, it can pose a severe threat to China's energy and economic security in the event of a conflict with the US. During the 10th Shangri-La Dialogue in Singapore, China's Defence Minister Liang Guanglie proposed for the first time that 'China needs to take a more active role over the management of the Strait of Malacca'.⁹ This explicitly reflects China's growing concerns over its trade and energy-route security.

As sovereignty over the South China Sea involves China's economic, energy, and national security and is a core interest, it is not difficult to see that China cannot afford to lose the 'sovereignty claims battle' over the South China Sea. First, China's sovereignty over the South China Sea will completely resolve its 'Malacca dilemma', which has

⁹ Joelle Westlund (2012), 'China's Maritime Policies: An Opportunity for Canada', *Strategic Outlook*, Center for International Maritime Security, 28/VII/2012.

existed for many years. China's sovereignty over the South China Sea enables the People's Liberation Army (PLA) to establish military bases over the Paracels and Spratlys as the strategic spots safeguarding its trade and energy routes through the Strait of Malacca. Apart from Yulin naval base located near the South China Sea, the PLA established a massive new naval base in Hainan Island in 2013 for its nuclear submarines and second aircraft carrier. And the PLA's two naval bases in the South China Sea can provide any necessary military and maritime support for advancing and defending its strategic interests in the area. Secondly, the deployment of China's naval and air forces on islands and in waters of the South China Sea will be of importance for advancing and defending its strategic interests in the surrounding region: (1) effectively fortifying its trade and energy-route security in the South China Sea; (2) significantly offsetting any potential threat to its sea-route security, mainly from the US Navy presence in the Strait of Malacca; and (3) solidly protecting any further action to explore oil and gas resources, undertake maritime patrols and assert its sovereignty over the South China Sea. According to a report in the *New York Times*, China has, as of June 2015, rapidly built seven artificial islands over the disputed Spratlys in the space of 18 months, accounting for over 2000 acres in size, as large as 1,500 football fields. In addition, China has built airstrips, ports, helipads and other infrastructures in the artificial islands and will make them new strategic points for protecting its sea-route security and asserting its sovereignty over the disputed South China Sea.

China's claim over the South China Sea involves its national security interests. Its sovereignty over the South China Sea would enable it to exercise great influence over sea-route security of East Asia.¹⁰ This would have a direct impact on Japanese and South Korean sea route (trade and energy) security, as most of the oil imports of these two powerful North-East Asian economies come from the Persian Gulf, passing through the Straits of Malacca and the South China Sea (near the Spratlys). Since China has territorial disputes with Japan over the Diaoyudao (Senkaku) Islands, dominance over the South China Sea allows Beijing to have a strategic chip and leverage over the Sino-Japanese strategic rivalry in East Asia, implying that it will greatly enhance Beijing's strategic position over the East China Sea disputes as well as in its competition for regional leadership. From a Chinese perspective, the control of the South China Sea is a vital key to resolving the 'Japan problem', including the East China Sea disputes and Sino-Japan strategic rivalry. While China continues the construction of artificial islands in the South China Sea, the Filipino president Benigno Aquino III visited Japan in June 2015 to seek Japan's support in the South China Sea disputes, while Japanese Prime Minister Shinzo Abe stated that Japan would offer its 'utmost support' for the Philippines against China's aggressive action. Soon, the two countries held their first joint naval manoeuvres in the South China Sea and Japan further expressed its willingness to join the US in maritime air patrols in the area reflecting its strategic importance for its economic, energy and national security. Japan's attitude towards the South China Sea disputes also reflects Tokyo's growing concerns over Beijing's dominance over the South China Sea.

¹⁰ Michael D. Swaine & M. Fravel Taylor (2011), 'China's Assertive Behavior – Part Two: The Maritime Periphery', *China Leadership Monitor*, nr 35, p. 1-29.

The US has traditionally played a leading role in Asian affairs for decades and still maintains a dominant influence in the Asia-Pacific region. In particular, the US military presence in East Asia is of importance for its power projection in the region.¹¹ The US-Japan and US-South Korea alliances are two pillars of its leadership in the region that constitute an integral part of its hegemonic power at a global level. But this has changed with the awakening of the sleeping dragon. China's rising power and influence is reshaping the regional strategic balance and will greatly undermine the existing regional security architecture the US has shaped and dominated since the Cold War. China's rise as a global power has been a reality and it is the most prominent event of the 21st century in creating a new regional order. In response to the changing strategic realities in East Asia, Washington has devised a mixed strategy to hedge, rebalance and contain China's growing power and influence by using its diplomatic, cultural, economic and military means in order to maintain its dominant power in the region. No doubt Washington views Beijing as great challenge to its dominant power in East Asia while Beijing sees Washington as a major threat to its core interests in the region. Due to the geopolitical and geostrategic considerations, the South China Sea has made it strategically vital for both Beijing and Washington to dominate East Asia, giving rise the Sino-US strategic competition in the South China Sea, which explains the escalating tensions in the area.

From a Chinese perspective, the US military presence in East Asia poses a great threat to its national security, as Washington has adopted a 'hostile' strategy to contain China's rise. China's sovereignty over the South China Sea would entitle it to build military bases and deploy the PLA navy and air force over the area, greatly enhancing its strategic environment by building a sphere of power and influence in the surrounding region. China's attempt to secure a stable backyard will considerably fortify its strategic position in the Sino-US rivalry in the region. The 2015 Chinese defence white paper issued by China's State Council highlighted a new military strategy, moving from a 'defensive posture' to a more 'active defence posture' and a greater Chinese naval presence in the surrounding region. This is important to advance and protect China's strategic interests in the South China Sea. Furthermore, China's dominance over the area should lead to a 'domino effect' on the East China Sea disputes. Finally, Beijing would achieve its first island-chain policy to limit US power projection and offset US military influence in the region by sealing off the Yellow Sea, the East China Sea and the South China Sea within an arc running from the Aleutians in the north to Borneo in the south. According to the *Global Times*, 'If the US's bottom line is that China has to halt its assertive activities, then a US-China war is inevitable in the South China Sea'. This is one of China's most influential and popular newspapers and is run by the Chinese Communist Party's official newspaper the *People's Daily*. It definitively reflects the strategic importance of the South China Sea for China's national security.

¹¹ M. Taylor Fravel (2012), 'Maritime Security in the SCS and the Competition over Maritime Rights', in Patrick M. Cronin (Ed.), *Cooperation from Strength: The United States, China and the SCS*, Center for a New American Security, Washington DC.

Conclusion

Having experienced rapid economic growth in the past decades, China's economic success allows it to play a greater political role in global affairs. In addition, its economic power greatly accelerated the pace of military build-up and modernisation that has soundly strengthened the PLA's military capacities to face any potential threat to its core interest. China's rising economic and military power is reshaping the regional security architecture, eroding the US's dominant power in the region. Today, the South China Sea dispute has gone far beyond the oil and territorial disputes, and instead become a new 'battlefield' for the strategic rivalry between China and the US.¹² Above all, China's growing power and influence has led to a changing strategic balance in East Asia and has significantly fuelled the Sino-US strategic competition that has caused an escalation of tensions in the South China Sea disputes. Due to the area's geopolitical, geo-economic and geo-strategic importance, China's dominance in the South China Sea will substantially consolidate its economic, energy and national security. Moreover, China's sovereignty over the South China Sea will greatly limit the US's power projection in East Asia and improve its strategic environment. It seems inevitable that China's rising power and influence and its growing assertiveness in the South China Sea will undermine the dominance of the US in the Asia-Pacific region and potentially challenge its hegemonic power. Against this background, China's growing assertiveness over the sovereignty claims, US involvement in the South China Sea disputes and Sino-US strategic competition has made both the conflicts and their resolution more complex.

¹² Bill Hayton (2014), *The South China Sea: The Struggle for Power in Asia*, Yale University Press, New Haven & London.