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AS TENSION RISE, MORE NEEDS TO BE DONE IN THE SOUTH CHINA SEA DISPUTES

China's growing assertiveness in the South China Sea receives more attention particularly amid the covid -19 pandemic. Last year, China [ramped up](#) its activities in the disputed islands, established [administrative district](#) on Spratly and Paracel islands also named 80 islands reefs shoals and ridges, of which 55 are underwater. The then US Secretary of State Mike Pompeo had reminded the Foreign

Ministers of ASEAN that Beijing is [taking advantage](#) of the pandemic to push the territorial ambitions in the South China Sea.

Competing territorial claims over islands have been a long-standing issue in the region. For China, it goes back to the then Premier Zhou Enlai's statement of September 1951, People's China

commentary claimed that records in the land's history regarding the Paracel and Spratly Islands date back to the Sung Dynasty, where coins belonging to Emperor Yung-lo of the Ming Dynasty were discovered in a coral reef there just before Japan invaded Chinese Manchuria in 1931. Although Beijing has not specified its claims, it uses the "nine-dash-line" covering almost the entirety of the resources-rich islands. While China seems to rely on this historical claim, however, UNCLOS does not grant signatories the right to claim on such a basis.

Beijing has also been piling sands onto reefs and building artificial islands on the disputed islands since 2013 and later claims that these new islands have [a 12-nautical mile zone](#) (territorial waters) that should be regarded as Beijing's territory. Meanwhile, under the United Nations Convention on the Law of the Sea, [artificial islands](#) aren't entitled to a 12-nautical mile territorial sea.

By the end of January 2013, Manila instituted [arbitral proceedings](#) against Beijing under Annex VII to the United Nations Convention on the Law of the Sea where Manila was focused on the [legal status of the maritime feature](#), and not on who owns which island. It requested the Arbitral Tribunal to issue an opinion on the issues related to [whether China's maritime claim in the South China Sea](#) based on the nine-dash line claim is valid or contrary to UNCLOS; and whether [Scarborough Shoal, Johnson Reef, Cuarteron Reef, and Fiery Reef, which are submerged features](#), that are below sea level at high tide are considered as islands or rocks under Article 121 (3) of the Convention.

In July 2016, the International Permanent Arbitration in the Hague ruled in favour of

the Philippines, concluding China has no legal basis in the historic rights of the disputed islands. The panel also concluded that [Beijing has no right over the resources](#) within the nine-dash line that covers some 90% of the disputed waters.

While the Philippines Government welcomed the decision, Beijing rejected the [court's authority of the case](#). The then Vice Foreign Minister, [Liu Zhenmin told reporters](#), "The result of this arbitration will not impact China's sovereignty, rights or jurisdiction over the South China Sea under historical facts and international law." To this day, Beijing has been consistently denied the ruling.

The disputes also withdraw attention from the non-claimant countries, the US is one of them. In 2016, a Pentagon report showed that Beijing reclaimed more than [3,200 acres of land in the South China Sea](#). According to the report, the airfields, ship facilities as well as weapon equipment will allow Beijing to boost a [long-term presence](#) in the South China Sea.

The US has a major role in the disputes. The Freedom of Navigation (FON) operation was prompted by Washington's concern over the proliferation of excessive maritime claims and its impact on national security and international trade, also to send a clear message that all nations are obliged to obey the International Law of the Sea as codified in UNCLOS as well as asserts its rights to traverse the waters aligned with international law. It also challenged the claims from China, [including China's demand](#) that foreign warships obtain prior permission from Beijing for "innocent passage" through China's territorial sea. As President Ronald Reagan outlined in his [1983 speech on oceans policy](#), the United States "will

exercise and assert its navigation and overflight rights and freedoms on a worldwide basis in a manner that is consistent with the balance of interests reflected in the convention.”

In April this year, the State Department spokesman, Ned Price told reporters, as quoted by [France 24](#): "An armed attack against the Philippines' armed forces, public vessels or aircraft in the Pacific, including in the South China Sea will trigger our obligations under the US-Philippines Mutual Defense Treaty." This statement was a result of the rising concern over the reported massing of PRC maritime militias near the Whitsun Reef, located around [320 kilometres](#) west of Palawan island in the disputed South China Sea.

Mr. Price also expressed [significant concern over China's assertiveness with Taiwan](#): "The United States maintains the capacity to resist any resort to force or any other forms of coercion that would jeopardize the security or the social or economic system of the people of Taiwan." As with the previous administration, the Biden White House appears quite vocal in pushing back against China's assertiveness in the South China Sea. Beijing's increased militarisation especially towards Taiwan, which Beijing claims to retake has sparked tensions.

Britain also has increased its naval presence in the South China Sea since 2019. The sea holds critical geographical position as it relies at the nexus of Southeast and Northeast Asia – at the meeting point of global sea routes – and offers the shortest route between the Indian and Western Pacific Oceans. For Britain, Asia Pacific remains important for Britain and the South China Sea is the point that connects it with the region. The sea is

also the [entry point of the British trading relationship](#) with the countries in Southeast Asia. Hence, the [security and stability of the sea lines of communication South China Sea](#) are important for Britain's economy.

More attention from Britain towards the disputes in the South China Sea came in the 21st century due to the possible threat that Beijing imposes through its activities in the sea. In 2016, a few months before the ruling, Britain also stated that the international arbitration the Philippines brought to the Hague against China in the South China Sea should be binding.

In late July, it was reported that the [US Marine Fighter Attack](#) conducts flight deck operations on board the [Royal Navy aircraft](#). The British Royal Navy's aircraft carrier HMS Queen Elizabeth has been the centre of attention and accused by the Chinese diplomats as stirring trouble in the [disputed waters](#), as directed by the US. However, Britain stated that it has no plans to have a naval confrontation with China.

The UK will also permanently [assign two warships](#) to the region later this year. As quoted by [the Guardian](#), the Defence Secretary, Ben Wallace told the parliament in April, "We are not going to go to the other side of the world to be provocative. We will be confident, but not confrontational." Meanwhile, in early August, amid tension with Beijing, [Germany sent a warship](#) to the South China Sea for the first time after two decades. Berlin joined other Western countries and made it clear that the mission emphasizes that it [doesn't accept Beijing's territorial claims](#).

These countries have no claim in the South China Sea, but this may be a message for

Beijing that they support the FON operations conducted by the US and resist China's growing assertiveness that has alarmed the countries in the region. It is expected that the long-standing disputes will remain an important issue. Dialogue seemed to be favoured especially by the countries involved in the disputes before the pandemic; however, now it seems that more needs to be done to deter Beijing, which includes military as well as diplomacy.



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