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PERSPECTIVE

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THE SOUTH CHINA SEA DISPUTES AS A GLOBAL SECURITY ISSUE

The South China Sea is a semi-enclosed sea that embraces the area around [3,685,000](#) square kilometres and holds a critical geographical position, as it is positioned at the nexus of Southeast and Northeast Asia – a meeting point of global sea routes. It also sits on the vital sea lanes connecting Northeast Asia and the Western Pacific Ocean, offering the shortest routes between the two.

The waterway is also contentious due to the estimated \$5.3 trillion worth of trade passing through its waters annually, consisting almost [one-third](#) of all global maritime trade. The broader disputes are between China and four other ASEAN member states: the Philippines, Vietnam, Brunei, Malaysia, with addition to Taiwan. However, most contentious issues involve China, Philippines, and Vietnam over the fate of the Spratly and Paracel island groups.

In 2010, the issue was first mentioned at the ASEAN Regional Forum (ARF), a key forum established in 2014 to promote security dialogue on area political and security issues as well as contribute to efforts towards confidence-building and preventive diplomacy.

For the first time, then US Secretary State Hillary Clinton stated that United States had significant interest in the open access of Asia's maritime commons (water outside a country's territorial waters of 12 miles), freedom of navigation, and respect for international law in the South China Sea. The United States also expressed opposition to the use of threat or force by any claimants in disputed waters. China has never accepted the intervention of the United States, an unwelcome third party, and Beijing has stated its preference that the best way to resolve disputes is for the related countries to have direct bilateral negotiations.

Concerns among the disputants have also heightened by the land reclamation China's built on the Spratlys. China has 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 (UNCLOS), artificial islands aren't entitled to 12-nautical mile territorial waters.

Since the beginning of the construction, there has been growing concern over its rapid control over the South China Sea and the fear that Beijing were militarizing the region. The Chinese armed forces installed antimissile weaponry and US officials believed that the structures were [designed](#)

[to house long-range surface-to-air missile launchers](#).

The US rebalance may be further seen in its activity in the disputed area. The US invoked the Freedom of Navigation Operations (FONOPs) in the South China Sea that first took place in 2015 aimed to send a clear message that it believed all Nations were obliged to obey the International Law of the Sea as codified in UNCLOS, as well as assert its legal rights to traverse the waters. Previously, the US had made clear that it did not take a position on which nation has sovereignty over the Spratly Islands, and the operation was not intended to challenge any country's claims of sovereignty over the chain.

However, in April 2021, the State Department spokesman, Ned Price [told reporters](#): "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. As with the previous administration, the Biden White House appeared quite vocal in pushing back against China's maritime assertiveness. Beijing's increased militarisation, especially towards Taiwan.

In late March of this year, the Philippines protested an incident involving a Chinese ship in these disputed waters. According to Manila's presidential security adviser, the diplomatic protest was filed over the Chinese vessel engaging in [close distance manoeuvring](#) that posed a risk of collision with Filipino watercraft. China's foreign ministry spokesperson responded that his

country has sovereign rights over the Scarborough shoal. Beijing's expansive claims over the islands are known as the "nine-dashed line" that was first published in 1947, thereby predating the Communist takeover of the country.

The significance of the U-shaped "nine-dash line," which includes up to 90 percent of the South China Sea remains unclear; does it indicate a claim to all of the [waters inside](#) the line or only the habitable islands within the area? In 2016, The Permanent Court of Arbitration (PCA) invalidated the claims to the waterway and the decision is legally binding, yet there is no mechanism to enforce it. However, China, flatly rejected the ruling and called the arbitrator's decision '[null and void](#)'

The Russian invasion of Ukraine may also have its implications in the South China Sea, and Pacific more generally. As Russia captures more territory, countries in Southeast Asia are watching and understandably concerned. The question remains: if Moscow's aggression is seemingly tolerated, what would it mean for Beijing's ongoing encroachment?

The US-ASEAN Summit hosted in May by President Joe Biden in Washington, DC was the first since 2016. The [Joint Vision Statement](#) mentioned that "We recognise the benefits of having the South China Sea as a sea of peace, stability, and prosperity." Although Beijing wasn't specifically mentioned, the signatories also "emphasized the need to maintain and promote an environment conducive to the CoC [South China Sea Code of Conduct] negotiations" and said they welcomed further progress "towards the early conclusion of an effective and substantive COC."

The CoC, initiated in 1996, aimed to manage the maritime and territorial disputes in the South China Sea. Prior to its initiation, ASEAN members and China had settled in 2002 for a non-binding Declaration of the Conduct Parties in the South China Sea (DoC), where the claimants pledged self-restraint, non-use of force, as well as resorting the disputes through cooperation. The DoC was soft in nature as there were no consequences for non-compliance. The CoC is expected to cover what the DoC didn't have and, while it may not be a mechanism for conflict resolution, is expected to manage the disputes. The further progress of the CoC is important in maintaining regional security, particularly in the South China Sea

The US-ASEAN Summit emphasized the American commitment and reassurance to work together with its Southeast Asian bloc. Previously, in September 2021, the military partnership between the United States, United Kingdom, and Australia (AUKUS Pact) was unveiled. The security agreement allows Canberra to build [nuclear-powered submarines](#) and underwater drones for the first time, using technology provided by its Northern Hemisphere partners. The pact also means that Washington and London will share their nuclear capability with Canberra.

Apart from AUKUS, more military cooperation with the Southeast Asian counterparts is being undertaken. This month, the military exercise called "[Super Garuda Shield](#)", between the US and Indonesia but also involving countries as Japan, Australia, South Korea, and the United Kingdom was conducted from August 1-14 with 2,000 troops from Indonesia and over 1,100 personnel from the United States. Although the exercise dates back to 2009, this year was the first

that all military branches, not only the respective armies, are included amid the rising naval tension.

Following the ASEAN Summit, President Biden paid a visit to the region to confer with his Southeast Asian counterparts and issued a statement that the United States would [intervene militarily](#) if China invades Taiwan. Previously, Vice President Kamala Harris had visited the region in 2021 that aimed to show that America was [in the region “to stay”](#).

The most recent regional visit came from the Speaker of the House of Representatives, Nancy Pelosi, who also made a stopover to Taiwan, causing a stir. Despite the “One China” policy that the United States has followed since the 1970s, the response from China was furious. Opinions were divided on Speaker Pelosi’s stopover. President Biden stated that the visit to Taiwan was “not a good idea right now.” Others saw this move as a little too late, as the United States had been seemingly less assertive in years past. Chinese Foreign Ministry spokesperson Wang Wenbin stated at a news conference prior to the visit that Beijing holds a [“stern position on firmly opposing”](#) the decision. In contrast, Taiwan welcomed the visit, who the first by a House Speaker in 25 years to visit the island.

There remains a growing concern among the disputants that, if the US is occupied with the war in Ukraine, China might fill the vacuum in Asia which may affect how events will play out in the Pacific, with the South China Sea being one of the center issues. Even before the Kremlin invasion, tensions were building. Beijing had in November of last year sent military jets into Taipei’s air defence identification zone (ADIZ), marking the [sixth incursion](#) during

that month and resulting in a strong protest from the Taiwanese government.

Still, these high-level visits seem to be a message from Washington to its East Asian counterparts that the United States remains committed to the region, despite the ongoing conflict in Eastern Europe. Speaker Pelosi also showed that the high-level visits from the US cannot be dictated by China.

As Speaker Pelosi said in a [statement](#): “While they may prevent Taiwan from sending its leaders to global forums, they cannot prevent world leaders or anyone from traveling to Taiwan to pay respect to its flourishing democracy, to highlight its many successes and to reaffirm our commitment to continued collaboration.”

The trip appeared to encourage a follow-up official visit by a congressional delegation led by Massachusetts Democratic Senator Ed Markey. The unannounced two-day visit by the five- member delegation was [an effort](#), according to Senator Markey, to “reaffirm the United States’ support for Taiwan” and “will encourage stability and peace across the Taiwan Strait.” Regardless of whether these visits were meant as a defiant message to Beijing, as some may have speculated, it’s up to the current administration to decide what more can be done after vowing to commit to support its allies in the region.

Some experts previously argued that there was no NATO in Asia. However, something different showed in this year’s NATO meeting in Madrid, where nations from outside the transatlantic alliance participated: Japan, South Korea, Australia, and New Zealand. China’s assertiveness, along with the development in Ukraine are factors contributing to why these countries

embracing NATO also the reason of their [participation as well as settlement](#) to cooperate with the alliance on cyber-defence and maritime safety. Last August, Germany [sent a warship](#) to the South China Sea for the first time after two decades. Berlin joined other Western countries and made clear that the mission emphasizes that it doesn't accept Beijing's territorial claims. This year, the German Air Force sent a [fleet of aircraft](#) to the far lands of Asia, took off from Neuburg Air Base, en route to Singapore and then to Australia, South Korea and Japan, demonstrating that it could project lethal force in the region within 24 hours.

It is a positive development from Germany, as not only as it shows support to allies in the Indo-Pacific but closeness with its partners within the alliance. This was made clear by a [spokesperson of the Ministry of Defence](#): "We want to show that we stand for multilateralism and the rules-based international order, together with our security partners."

It should be acknowledged that the regional disputes have gone global, as the rivalry between the two major powers overshadowed the main conflict among the disputants.

Perhaps no country with a direct interest in the South China Sea wants to be trapped in a cold war mentality, but it turns out that this regional security interest is indeed a global security challenge, and outside involvement is necessary.



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