

Is South China Sea a Potential Flash Point?

Written by Administrator
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Is South China Sea a Potential Flash Point?

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The South China Sea dispute involving conflict of sovereignty between China and its neighbours over a huge mass of sea containing immense reserves of oil and gas is fast emerging as a global flashpoint more serious in implications than Afghanistan, Iran and North Korea. The closest parallel can perhaps be Ukraine. While China's claim to the area defined by the nine-dashed line is considered to be exorbitant and without any basis in international law, the US intervention in the dispute by advocating freedom of navigation in international waters has raised the pitch to dangerous levels.

Strategic Importance

The South China Sea is among the most important waterways of the world. Trade passing through this sea exceeds \$5 trillion every year, more than 20% of this being US trade. According to Chinese sources, the South China Sea may contain 17.7 billion tons of crude oil. From other sources, estimates vary. One source puts it as just about 7.5 billion barrels or 1.1 billion tons. A US source puts the reserves to be 28 billion barrels. There is also a wide variety of natural gas estimates ranging from 900 trillion cubic feet to 2 quadrillion cubic feet. Besides, the sea has valuable fishery reserves.

Countries which have conflicting claims to sections of South China Sea are Vietnam, the Philippines, Malaysia, Brunei (ASEAN members) and Taiwan. The current round of tensions in South China Sea began in 2009 when Vietnam and Malaysia made a joint submission to the United Nations with regard to a section of their extended continental shelves in the area. China responded by submitting an objection to the UN Commission on the Limits of Continental Shelf (CLCS) criticising Vietnamese and Malaysian infringement of its claims. The Chinese claims were defined in the form of an ambiguous map that covered nearly the entire sea. This map consisted of nine dotted lines disjointed from each other but circling the entire sea at a certain distance from the coastlines of all the countries situated on the sea. It has come to be known as the Nine Dash Line and has become infamous for reasons of its ambiguity.

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Code of Conduct

In December 2002, China and ASEAN countries signed a “Declaration on the Conduct of Parties in the South China Sea” reaffirming their commitment to the UN Charter and to the 1982 UN Convention on the Law of the Sea (UNCLOS) and to other universally recognised principles of international law. They also committed themselves to the freedom of navigation in and over flight above the South China Sea and to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force. In July 2011, China and the four contesting countries, Vietnam, Philippines, Malaysia and Brunei signed another agreement on preliminary guidelines which would help resolve the dispute.

Recent flare-ups in the South China Sea originated from an incident between China and the Philippines in April 2012. On 8 April, a Philippines surveillance vessel spotted Chinese fishermen in disputed waters and moved to arrest them. A nearby Chinese coast guard vessel immediately came and challenged the Philippines vessel. In the resulting standoff, the Chinese used non-military vessels to create a physical barrier across the mouth of the reef. During the ten weeks that followed China used its economic leverage over Cambodia, then Chairman of ASEAN, to divide the organisation and create disunity among its members over the South China Sea issue.

China Objects to Indian Presence

On 22 July 2011, the INS Airavat, an Indian amphibious ship on a friendly visit to Vietnam was contacted 45 nautical miles from the Vietnamese coast by a party identifying itself as the Chinese Navy. It said that the ship was entering Chinese waters. As the Indian Navy did not see any ship or aircraft, the INS Airavat continued on its scheduled journey. There was no confrontation involving the INS Airavat.

In September 2011, the Oil and Natural gas Corporation of India (ONGC) said that its overseas investment wing, ONGC Videsh Ltd., had signed a three year agreement with PetroVietnam for developing long term cooperation in the oil sector, and that it had accepted Vietnam’s offer of exploration in certain specified blocks in the South China Sea. China, without referring to India by name, responded, “China enjoys indisputable sovereignty over the South China Sea and the island [sic]... As for oil and gas exploration activities, our consistent position is that we are opposed to any country engaging in oil and gas exploration and development activities in waters under China’s jurisdiction. We hope that foreign countries do not get involved

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in South China Sea Dispute.” An Indian External Affairs Ministry spokesman responded, “The Chinese had concerns, but we are going by what the Vietnamese authorities have told us and [we] have conveyed this to the Chinese”.

China’s Strategic Ambiguity

China is said to be deliberately following a policy of “strategic ambiguity” with regard to its claim to South China Sea by defining it in terms of Nine-Dash Line which is a vague and disjointed line not based on any recognised principles of international law. Some scholars believe that this line cannot be considered as a maritime boundary line because it violates maritime law which states that a national boundary line must be a stable and defined one. The Nine-Dash Line is not stable because it was reduced from 11 to 9 dashes by removing 2 dashes in the Gulf of Tonkin at the behest of Chinese Premier Zhong Enlai without giving any reasons. It is also not a defined line because it does not have any specific geographic coordinates and does not explain how it can be connected if it was a continuous line. But this policy of ambiguity in defining its claim line seems to serve China’s purpose well. It allows China the flexibility to interpret its position to serve the occasion and the audience at hand. However, the Philippines and Vietnam have declared this line as against international law, particularly the UNCLOS. The United States too echoed that disdain. Secretary of State Hillary Clinton at a regional conference in Hanoi in 2010 said, “The United States has a national interest in freedom of navigation, open access to Asia’s maritime commons, and respect for international law in the South China Sea.”

China’s Land Reclamation Increases Tensions

International media reported in March this year that China was “creating a great wall of sand” through land reclamation in the South China Sea. It was building artificial land by pumping sand on to live coral reef, some of them submerged, and paving them with concrete. This has aggravated regional tensions because this is seen as China’s attempt to pre-empt other nations which have competing claims to sections of the Sea. The US has been concerned too. Not only it compromises the rights of China’s weaker neighbours like Vietnam and the Philippines, it also challenges its recently announced policy of “re-balancing” its naval presence in the Asia-Pacific region and to make it a “pivot” of its naval strategy. With these concerns in mind, a US surveillance plane flew over these man-made islands on 27 May, in a sense questioning the legitimacy of China’s action, but in the process inviting warnings by the Chinese navy eight times during the flight asking the US aircraft to leave the area.

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Is it a Future Flash Point?

In the wake of this incident, the Chinese Foreign Minister Wang Yi said that, “China’s determination to safeguard its sovereignty and territorial integrity is as firm as a rock”. The US Defence Secretary Ashton Carter replied that, “There should be no mistake: the United States will fly, sail, and operate wherever international law allows us, as we do all around the world”. There could not be a more forthright statement of the positions of the two sides, and there is no meeting ground between the two. In fact, China’s arbitrariness and assertiveness has transformed the South China Sea issue from a regional to a global conflict, jeopardising the freedom of navigation of many nations. China must realise that its rise as a powerful nation can be of great benefit to international order if it conducts its international relations in accordance with agreed principles of international law rather than through military assertiveness and coercion. If a conflict between China on the one hand and US and its allies on the other is to be avoided, it is incumbent on all stakeholders to address the issue within the framework of the UN Convention on the Law of the Sea before it is too late.

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