

SOUTH CHINA SEA DISPUTE: ROLE OF REGIONAL POWERS

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INTRODUCTION

Territorial disputes have defined Asia's security architecture in much of the late 20th century and continue to shape relationships among several countries in the 21st century too. With respect to China, it is least threatened by its land boundary disputes and is more focussed on its maritime disputes. As rightly put by Robert Kaplan, "China, whose land borders are more secure than at any time since the height of the Qing dynasty at the end of the eighteenth century, is engaged in an undeniable naval expansion. It is through sea power that China will psychologically erase two centuries of foreign transgressions on its territory, thereby, forcing every country around it to react".¹

China's rising military capabilities, coupled with its ever-rising aggressive behaviour in the Asian region and its maritime claims have caused concerns, especially among countries which are involved in protracted maritime disputes with China.² China's defence spending does concern its

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1. Robert D. Kaplan, "The South China Sea is the Future of Conflict", *Foreign Policy*, August 15, 2011, <http://foreignpolicy.com/2011/08/15/the-south-china-sea-is-the-future-of-conflict/>. Accessed on November 2, 2015.
2. Sana Hashmi, "The South China Sea Imbroglio: An Indian Perspective", *Air Power Journal*, vol. 8, no. 1, Spring 2013, p. 149.

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immediate neighbour, India, and other major powers, the United States, Japan, Australia, etc. In 2014, China's defence spending stood at US\$ 132 billion which rose to approximately US\$ 145 billion in 2015. By 2020, the figure is expected to rise to US\$ 260 billion.³ In the coming years, most of its defence spending will be used to further modernise its naval capabilities. The neighbouring countries see the relentless growth in China's military spending—a double-digit increase almost every year for the past two decades—as going hand-in-hand with a determination to settle sovereignty disputes in its near-seas, that is, the Yellow, East China and South China Seas, on China's own terms.⁴

Clearly, China has been involved in naval modernisation for a long time now. It is building a modern powerful navy with a limited but growing capability for conducting operations beyond China's near-seas region.⁵ China's naval modernisation effort encompasses a broad array of platform and weapon acquisition programmes, including Anti-Ship Ballistic Missiles (ASBMs), Anti-Ship Cruise Missiles (ASCMs), submarines, surface ships, aircraft, and supporting C4ISR (Command and Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance) systems, and its naval modernisation effort also includes improvements in maintenance and logistics, doctrine, quality of personnel, education and training and exercises.⁶ At present, the People's Liberation Army Navy (PLA Navy) has a total strength of 235,000 officers and men, and commands three fleets, namely, the Beihai Fleet, Donghai Fleet and Nanhai Fleet, and each fleet has

3. "China's Defence Spending Almost Doubles by Close of Decade, IHS Says", *IHS Jane's*, September 2, 2015, <http://press.ihs.com/press-release/aerospace-defense-security/chinas-defence-spending-almost-doubles-close-decade-ihs-say>. Accessed on October 5, 2015.
4. "China's Military Spending: All the Double", *The Economist*, March 15, 2014, <http://www.economist.com/news/china/21599046-chinas-fast-growing-defence-budget-worries-its-neighbours-not-every-trend-its-favour>. Accessed on November 5, 2015.
5. Ronald O' Rourke, "China Naval Modernization: Implications for U.S. Navy Capabilities—Background and Issues for Congress", *Congressional Research Service Report*, November 23, 2015, <https://www.fas.org/sgp/crs/row/RL33153.pdf>. Accessed on December 2, 2015.
6. Ibid.

fleet aviation headquarters, support bases, flotillas and maritime garrison commands, as well as aviation divisions and marine brigades.⁷ On September 25, 2012, China's first aircraft carrier, the *Liaoning*, which was made in Russia, was commissioned into the PLA Navy. The acquisition of an aircraft carrier has had a profound impact on building a strong PLA Navy in order to safeguard its maritime security.⁸ China is now building its second aircraft carrier indigenously in the northern port of Dalian. In December 2015, China's Defence Ministry spokesperson, Yang Yujun, at a monthly press briefing, remarked that this aircraft carrier, with a displacement of 50,000 tonnes, will be a base for J-15 fighters and other types of aircraft.⁹

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China's maritime interests have three components: reunification with Taiwan; defending the boundaries of its claimed Exclusive Economic Zones (EEZ) and preventing an outside attack on China's coastal areas; and finally, exercising sovereignty over the claimed islands in the East and South China Seas.¹⁰ China's three-digit defence budget with rising military capabilities has become a cause of concern for several countries, especially for the countries which are involved in intractable maritime disputes with China. Of all China's ongoing disputes, the South China Sea dispute is one of the most formidable disputes in the

7. Ministry of National Defence, People's Republic of China, "White Paper on The Diversified Employment of China's Armed Forces", April 16, 2013, <http://eng.mod.gov.cn/Database/WhitePapers/2012.htm>. Accessed on April 20, 2013.

8. Ibid.

9. "China Building Second Aircraft Carrier", *Xinhua*, December 31, 2015, http://news.xinhuanet.com/english/2015-12/31/c_134968258.htm. Accessed on December 31, 2015.

10. Thomas J. Bickford, "Uncertain Waters: Thinking about China's Emergence as a Maritime Power", Centre for Naval Analyses (CNA), September 2011, <http://www.cna.org/sites/default/files/research/uncertain%20waters%20china's%20emergence%20as%20a%20maritime%20power%20d0025813%20a1.pdf>. Accessed on September 20, 2013.

While China rests its claim on a mixture of historical accounts and international law, all the other claimants claiming sovereignty over the islands – Brunei, Malaysia, the Philippines and Vietnam – base their cases on the UNCLOS, to which China is also a party since 1996.

contemporary times, involving China and several countries of the Southeast Asian region. Chinese President Xi Jinping's statement, "We are strongly committed to safeguarding the country's sovereignty and security, and defending our territorial integrity," indicates China's assertive behaviour towards the South China Sea dispute.¹¹ What makes the dispute all the more tricky is the uncompromising stand of the parties involved as well as the involvement of non-claimants such as the US, India, Japan and Australia.

BACKGROUND: LOOKING INTO THE HISTORY

The South China Sea has long been labelled as troubled waters or a flashpoint, whether viewed from the aspect of regional security or in terms of living and non-living marine resources.¹² China, Taiwan and key Southeast Asian nations, namely, Brunei, Malaysia, the Philippines and Vietnam, have overlapping claims on a number of islands in the South China Sea. China has been referring to the disputed islands in the South China Sea as its inalienable territory since time immemorial. Former Chinese Premier Wen Jiabao referred it to as "China's historical territory since ancient times". China and Vietnam have overlapping claims on the Spratly and Paracel Islands, whereas China and the Philippines have contesting claims on Scarborough Shoal. China refers to the Paracel Islands as the Xisha Islands and the Scarborough Shoal as the Huangyan Islands. Malaysia and Brunei also lay claim on the territory in the South China Sea that they say falls within their EEZ, as defined by the United Nations Convention on the Law

11. Quoted in "China's Maritime Disputes: A CFR Info Guide Presentation", Council on Foreign Relations, <http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#!/#overview>. Accessed on December 23, 2015.

12. Nein-Tsu Alfred Hu, "South China Sea: Troubled Waters or a Sea of Opportunity", in Nein-Tsu Alfred Hu and Ted L. McDorman's, eds., *Maritime Issues in the South China: Troubled Waters or A Sea of Opportunity* (Oxon: Routledge, 2013), p. 1.

of the Sea (UNCLOS); however, the difference is that Brunei does not claim any of the disputed islands, but Malaysia claims a small number of islands in the Spratlys.¹³ Interestingly, while China rests its claim on a mixture of historical accounts and international law, all the other claimants claiming sovereignty over the islands – Brunei, Malaysia, the Philippines and Vietnam – base their cases on the UNCLOS, to which China is also a party since 1996.¹⁴ The Chinese leadership refers to the Spratly Islands as Nansha Islands and claims that it was the first country to discover, name, develop, conduct economic activities on, and exercise jurisdiction over, the Nansha Islands.¹⁵

To counter China's expansive claims on the disputed sea, Vietnam claims that China had never claimed sovereignty over the islands before the 1940s and Vietnam has actively ruled over both the Paracels and the Spratlys since the 17th century and has the historical documents to prove it.¹⁶ Therefore, it was only from the 1970s onwards that China has been enjoying control over the Paracels and a few islands in the Spratlys, and has become assertive only in the recent past. Here, it may be noted that China's assertiveness in the South China Sea has been in tandem with its growing stature and it is only in the past few years that China has acquired the capability to project power in the neighbourhood and that power is growing.¹⁷ The other claimant, the Philippines, bases its claims on the account of its geographical proximity to

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13. Jianming Shen, "China's Sovereignty over the South China Sea Islands: A Historical Perspective", *Chinese Journal of International Law*, vol. 1, no. 1, 1998, pp. 94-157.

14. "A Good Neighbor Policy for Peace in the South China Sea", *Bloomberg News*, August 12, 2012, <http://www.bloombergvew.com/articles/2012-08-12/a-good-neighbor-policy-for-peace-in-the-south-china-sea>. Accessed on September 5, 2015.

15. Ministry of Foreign Affairs of the People's Republic of China, "The Issue of South China Sea: Historical Evidence to Support China's Sovereignty over Nansha Islands", November 17, 2015, http://www.fmprc.gov.cn/mfa_eng/topics_665678/3754_666060/t19231.shtml. Accessed on September 2, 2015.

16. "Q & A: South China Dispute", *BBC News*, October 27, 2015, <http://www.bbc.com/news/world-asia-pacific-13748349>. Accessed on November 4, 2015.

17. "China Will Have to 'Rethink Approach' on South China Sea", *The Strait Times*, November 21, 2015, <http://www.straitstimes.com/asia/east-asia/china-will-have-to-rethink-approach-on-south-china-sea>. Accessed on December 2, 2015.

the sea. Understanding that it cannot overpower China in terms of military muscle, the Philippines relies more on the interpretation of international law than on historical proof, while seeking the US' support as a back-up in case of an armed conflict.

Going back to history, it was in 1951, at the signing of the San Francisco Treaty, that Japan gave up its claims on the South China Sea. China denounced this treaty by claiming that the territorial clause in the draft peace treaty with Japan was perfectly suited to the requirements of the American government, of occupation, and aggression and expansion.¹⁸ China further stated that the Xisha and Nansha Islands are inalienable Chinese territories and that China has inviolable sovereignty over these islands.¹⁹ The origin of the dispute may be traced back to the Kuomintang period in 1947, two years before the establishment of the Chinese Communist Party (CCP). Signs of China's plans to establish itself as a maritime power began as early as the 1940s when Chiang Kai-shek issued an official map containing the eleven-dash line to stress China's claims in the South China Sea. This stand was later adopted by Taiwan. The claims on the islands in the South China Sea were maintained by the new Chinese Communist government too, but it simplified its claims to just nine-dashes. One of the main reasons behind cutting down the claim to the nine-dash line was China's friendly relations with North Vietnam. The CCP allowed the North Vietnamese (Communist) regime to build a radar station and goods transit point on one of the South China Sea island chains, in a spirit of "comradeship and brotherhood" and in 1957, they even signed a secret agreement ceding Bailongwei (White Dragon Tail) Island in China's archipelago to the Hanoi government.²⁰ However, by the 1950s and 1960s, other parties to the conflict began to claim sovereignty over mostly uninhabited islands in the South China Sea. For example, while the Philippines claimed to have discovered the so-called

18. "Foreign Minister Zhou Enlai Statement on the US-British Draft Peace Treaty with Japan and the San Francisco Conference", *Xinhua*, August 21, 1951, http://news.xinhuanet.com/ziliao/2004-12/15/content_2337746.htm. Accessed on December 5, 2015.

19. *Ibid.*

20. Wei Pu, "How The Eleven-Dash Line Became a Nine-Dash Line, And Other Stories", *Radio Free Asia*, August 16, 2015, <http://www.rfa.org/english/commentaries/line-07162015121333.html>. Accessed on September 20, 2015.

Kalayaan Islands and declared them to be Philippines territory, Vietnam began to occupy some islands in the Paracel and Spratly groups of islands.²¹

These claims and counter-claims did not attract much attention till the 1970s. This was mainly due to the internal volatility in the Southeast Asian region as also in China such as the Cultural Revolution in China (1966-76), Indochina War, military coups in South Vietnam (1963-64) and one in Cambodia which ousted the King of Cambodia, Norodom Sihanouk (1970). It was the 1973 Paris Peace Accord that changed the situation. With signs of reconciliation between North Vietnam and South Vietnam, military confrontations between China and South Vietnam began to take place. In 1974, PLA Navy troops began to occupy the western part of the Paracel Islands by planting flags on several islands and seizing a South Vietnamese garrison which led China to build a military installation, including an airfield and artificial harbour on Woody Island, the largest of the Paracels.²² In early 1974, China got involved in a direct military confrontation with the Republic of Vietnam (South Vietnam), popularly known as the Battle of the Paracel Islands, which led to the killing of at least 70 Vietnamese soldiers. The upshot of the confrontation was China gaining control over a major part of the area in the Paracel Islands. Again, in 1988, both militaries confronted each other which resulted in the sinking of a Vietnamese supply vessel, and the drowning of as many as 60 Vietnamese sailors. As a result, China took possession of six islands of the Spratly group of islands. In 1995-96, China also had a military stand-off with the Philippines and took charge of Mischief Reef. Again, in early 2012, China and the Philippines got engaged in a lengthy maritime stand-off, accusing each other of intrusions in the Scarborough Shoal.²³

Several efforts have been made by the claimants, particularly the Southeast Asia's flagship organisation, the Association of Southeast Asian Nations (ASEAN) to come up with a mutually acceptable solution to the dispute. Given that China is militarily as well as economically superior to countries

21. Jianming Shen, "International Law Rules and Historical Evidence Supporting China's Tide to the South China Sea Islands", 21 *Hastings International & Comparative Law Review*, vol. 40, 1997, pp. 1-75.

22. "Timeline: China's Maritime Disputes", Council on Foreign Relations, 2014, [http:// www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#/](http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#/). Accessed on September 2, 2015.

23. n. 16.

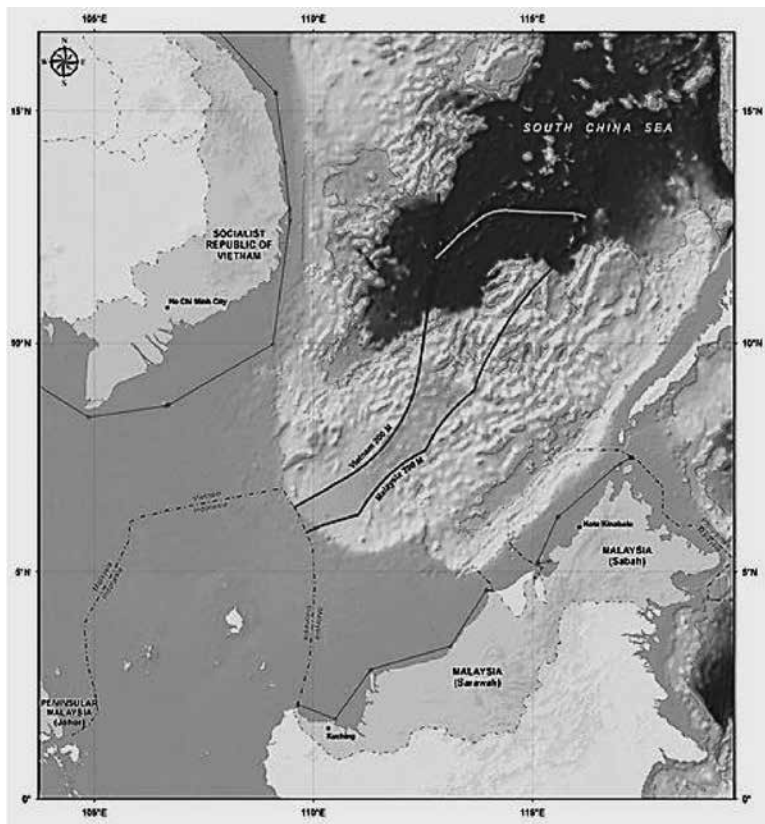
On November 4, 2002, ASEAN and China adopted the Declaration on the Conduct of Parties (DoC) in the South China Sea. The DoC was signed to provide the foundation for long-term stability in the area and foster understanding among the countries concerned by reaffirming the limits of the declaration in preventing the escalation of tensions and the occurrence of skirmishes and other incidents in the region.

such as Vietnam and the Philippines, the Southeast Asian countries wanted ASEAN to be in the driver's seat for resolving the South China Sea dispute. On November 4, 2002, ASEAN and China adopted the Declaration on the Conduct of Parties (DoC) in the South China Sea. The DoC was signed to provide the foundation for long-term stability in the area and foster understanding among the countries concerned by reaffirming the limits of the declaration in preventing the escalation of tensions and the occurrence of skirmishes and other incidents in the region.²⁴ Enmity between China and individual countries was at its least in the early 2000s as China and ASEAN also inked the Treaty of Amity and Cooperation (TAC) in 2003. With that,

China became the first non-Southeast Asian country to sign the TAC. However, despite all these moves to curtail the animosity at the multilateral level, differences began to crop up at the bilateral level. On May 7, 2009, Malaysia and Vietnam submitted their joint claim to the United Nations Commission on the Limits of the Continental Shelf (UNCLCS).²⁵

24. Tran Truong Thuy, "The Declaration on the Conduct of Parties in the South China Sea and Developing Maritime Energy Resources", in Clive Schofield, ed., *Maritime Energy Resources In Asia Energy And Geopolitics (NBR Special Report #35)*, December 2011, pp. 173-198.

25. For more details on the Joint Submission to the UNCLCOS by Malaysia and Vietnam, see "Commission on the Limits of the Continental Shelf (CLCS)-Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission: Joint Submission by Malaysia and the Socialist Republic of Viet Nam", *United Nations- Ocean and Law of the Sea*, May 7, 2009, http://www.un.org/depts/los/clcs_new/submissions_files/submission_mysvnm33_2009.htm. Accessed on October 26, 2015 and "Joint Submission to the Commission on the Limits of the Continental Shelf Pursuant to Article 76, Paragraph 8 of the United Nations Convention on the Law of the Sea 1982 in Respect of the Southern Part of the South China Sea", United Nations, May 2009, http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/mys_vnm2009executivesummary.pdf. Accessed on October 26, 2015.

Fig 1: Malaysia and Vietnam's Joint Submission to the UN

Source: "Executive Summary of the Joint Submission to the Commission on the Limits of the Continental Shelf Pursuant to Article 76, Paragraph 8 of the United Nations Convention on the Law of the Sea 1982 in Respect of the Southern Part of the South China Sea", United Nations, May 2009, http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/mys_vnm2009executivesummary.pdf.

In retaliation, China strongly opposed the joint submission by Malaysia and Vietnam to the UN which referred to the continental shelf beyond 200 nautical miles (nm) by stating that the joint submission seriously infringed China's sovereignty, sovereign rights and jurisdiction in the South China Sea and that it would seriously request the commission not to consider their submission.²⁶ Further, it was mentioned by the

26. Nong Hong, *UNCLOS and Ocean Dispute Settlement: Law and Politics in the South China Sea* (Oxon: Routledge, 2012), p. 20.

Following in the footsteps of Malaysia and Vietnam, China also submitted a u-shaped map containing the nine-dash line covering the entire South China Sea, to the UN.

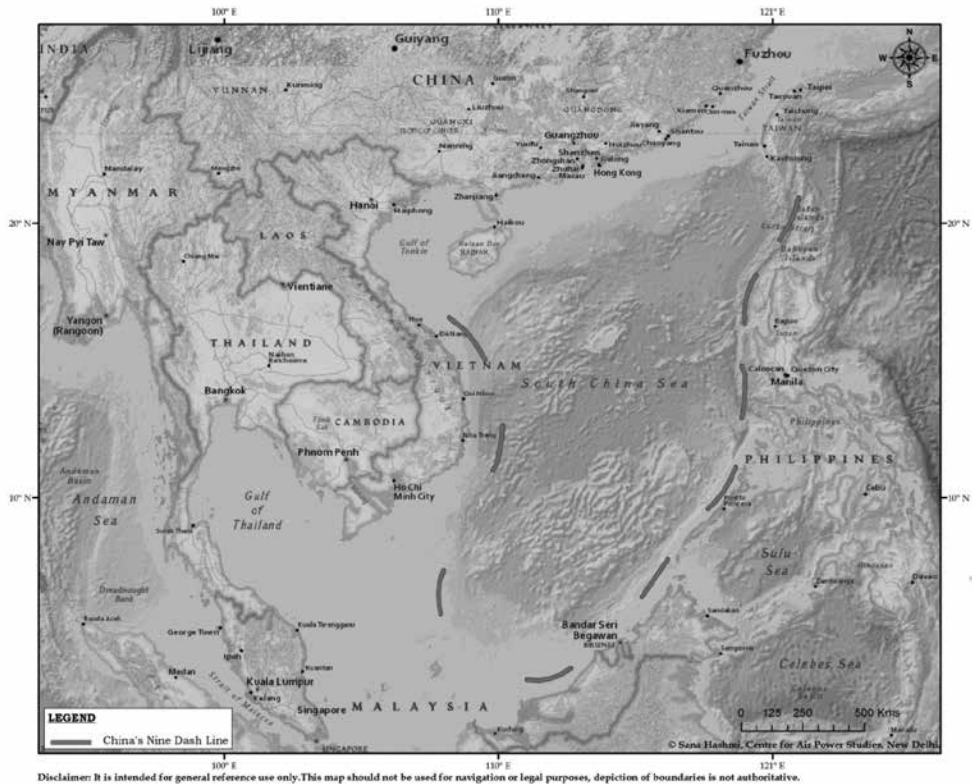
Permanent Mission of the People's Republic of China to the UN that "China has indisputable sovereignty over islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as seabed and subsoil thereof. The above position is consistently held by the Chinese Government and is widely known by the international community."²⁷ Following in the footsteps of Malaysia and Vietnam, China also submitted a u-shaped map containing the nine-dash line covering the entire South China Sea, to the UN. In response to China's objections, Vietnam clarified:²⁸

The Paracels (Hoang Sa in Vietnam) and the Spratlys (Truong Sa in Vietnam) archipelagos are part of Vietnam's territory and Vietnam has indisputable sovereignty over these archipelagos. China's claims over the islands and adjacent waters in the South China Sea (Eastern Sea in Vietnam) has no legal, historical or factual basis, therefore, is null and void.

27. For details, see "Note No. CML/18/2009 from the Permanent Mission of the Republic of the China to the Secretary-General of the United Nations referring to the Joint Submission of Malaysia and the Socialist Republic of Vietnam to the Commission on the Limits of the Continental Shelf, United Nations, May 7, 2009, http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf. Accessed on October 2, 2015.

28. For details, see "Note No. 86/HC-2009 from the Permanent Mission of the Socialist Republic of Vietnam to the Secretary-General of the United Nations, United Nations, May 8, 2009, http://www.un.org/Depts/los/clcs_new/submissions_files/vnm37_09/vnm_re_chn_2009re_vnm.pdf, Accessed on January 5, 2016.

Fig 2: Chinese' Submission of Claim in the Form of the Nine-Dash Line to the UN



Interestingly, not only did China oppose Malaysia's and Vietnam's joint submission, the Philippines also expressed its resentment against their joint submission. The Philippines lodged a note with UN Secretary-General Ban Ki-Moon asking UNCLOS to refrain from considering the joint submission by Malaysia and Vietnam as the said submission overlapped that of the Philippines.²⁹ Vietnam responded to the Philippines note to the UN by

29. For details, see "Note No. 000819 from the Permanent Mission of the Republic of the Philippines to the Secretary-General of the United Nations referring to the Joint Submission of Malaysia and the Socialist Republic of Vietnam to the Commission on the Limits of the Continental Shelf", United Nations, May 4, 2009, http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/clcs_33_2009_los_phl.pdf, Accessed on January 5, 2016.

remarking:³⁰

Vietnam's submission has been made without prejudice to matters relating to the delimitation of the boundaries between States with opposite or adjacent coasts as well as the positions of States which are parties to land or maritime disputes... All disputes must be settled through peaceful negotiations, in accordance with the international law, especially with the 1982 UNCLOS and DOC.

Malaysia's response to the objections of both China and the Philippines was rather diplomatic and it stated: "The Government of Malaysia had informed both China and the Philippines of its position prior to their joint submission to the Commission on the Limits of the Continental Shelf."³¹ Despite the Philippines' resentment against their joint submission, the Philippines and Vietnam represent the same side in the context of protesting against the Chinese stand. While China maintains that by claiming the South China Sea, it is just attempting to protect its sovereignty and avert containment from countries like the US and Japan, the Philippines and Vietnam regard it as merely another manoeuvre by China to acquire the resources of the South China Sea and eventually dominate Southeast Asia and, for that matter, the whole of the Asia-Pacific.³²

Since 2009, there has been a significant increase in the non-military confrontation between China and Vietnam and also the Philippines. In early 2011, China and the Philippines confronted each other by sending patrol vessels to Scarborough Shoal. Later, on June 21, 2012, during the

30. For details, see Note No. 240HC-2009 from the Permanent Mission of the Socialist Republic of Vietnam to the Secretary-General of the United Nations, United Nations, August 18, 2009, http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/vnm_re_phl_2009re_mys_vnm_e.pdf, Accessed on January 6, 2016.

31. For details, see "Note No. HA 24/09 from the Permanent Mission of Malaysia to the Secretary-General of the United Nations, United Nations, May 20, 2009, http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/mys_re_chn_2009re_mys_vnm_e.pdf and "Note No. HA 41/09 from the Permanent Mission of Malaysia to the Secretary-General of the United Nations, *United Nations*, August 21, 2009, http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/mys_re_phl_2009re_mys_vnm_e.pdf. Accessed on January 6, 2016.

32. Hashmi, n. 2, p. 152.

13th National Assembly of the Socialist Republic of Vietnam, the Law of the Sea of Vietnam was passed which made it compulsory for foreign navies to take permission from Vietnam before sending their ships to Vietnam's maritime area.

Former Vice Foreign Minister Zhang Zhijun summoned the Vietnamese Ambassador to China, Nguyen Van Tho, and conveyed that "China strongly protests and firmly opposes such a move by Vietnam and that Vietnam's unilateral action has complicated and escalated the problem and violated the consensus reached by both leaders, as well as the spirit of the DOC... Vietnam's action is illegal, invalid and detrimental to peace and stability in the South China Sea."³³ Of all the claimants, tension between China and Vietnam has been rising. In May 2014, the Chinese state-owned oil company, China National Petroleum Corporation (CNPC) sent its oil rig into the waters claimed by Vietnam and, consequently, their naval and coast guard vessels confronted each other around the rig, and anti-China riots erupted in Vietnam.³⁴ The deployment of the US\$ 1 billion deep-water rig (the Haiyang Shiyu 981) about 120 nm off Vietnam's coast, in what Vietnam considers its EEZ, led to the worst breakdown in relations since a brief border war in 1979.³⁵

In early 2015, the news of China reclaiming land and building artificial islands in the disputed South China began to surface. It is believed that as of mid-2015, China reclaimed at least 2,000 acres (approximately 800,000 square metres) of land, mostly in Fiery Cross Reef, and has also reportedly developed infrastructure in the form of ports, fuel storage depots, airstrips and radar sites which would be used as military outposts by China.³⁶

33. "China Opposes Vietnamese Maritime Law over Sovereignty Claim", *Xinhua*, June 21, 2012, http://news.xinhuanet.com/english/china/2012-06/21/c_131668632.htm. Accessed on October 4, 2015.

34. Joshua Kurlantzick, "A China-Vietnam Military Clash", *Council on Foreign Relations*, September 2015, <http://www.cfr.org/china/china-vietnam-military-clash/p37029>. Accessed on December 25, 2015.

35. "China Oil Rig To Keep Drilling In Waters Disputed With Vietnam", *Reuters*, August 25, 2015, <http://www.reuters.com/article/us-southchinasea-china-vietnam-idUSKCN0QU0UG20150825>. Accessed on November 13, 2015.

36. Rahul Mishra, "China's Land Reclamation in the South China Sea: Implications for the Region", *ICWA Viewpoint*, June 16, 2015, <http://www.icwa.in/pdfs/VP/2014/ImplicationsfortheRegionvp.pdf>. Accessed on July 2, 2015.

China claims that the construction of artificial islands and lighthouses in the South China has been restricted to efforts to improve civilian infrastructure and step up the surveillance in the sea.

Apart from China, Vietnam has also been engaged in the process of reclaiming land in the South China Sea. According to the Asia Maritime Transparency Initiative, in the last several years, Vietnam has added approximately 65,000 square metres to West Reef and 21,000 square metres to Sand Cay, where it is also developing military facilities.³⁷ China claims that the construction of artificial islands and lighthouses in the South China has been restricted to efforts to improve civilian infrastructure and step up the surveillance in the sea. However, China has been facing scathing criticism from various countries, particularly Vietnam, the Philippines and the US over this.

RELEVANCE OF THE SOUTH CHINA SEA

The South China Sea is not only one of the main sea lines of communication, 80 percent of the global sea-borne trade also passes through it. It joins the Southeast Asian states with the Western Pacific, functioning as the throat of global sea routes; here is the centre of maritime Eurasia, punctuated by the Straits of Malacca, Sunda, Lombok, and Makassar.³⁸ The oil transported through the Strait of Malacca from the Indian Ocean, en route to East Asia through the South China Sea, is more than six times the amount that passes through the Suez Canal and 17 times the amount that transits the Panama Canal; in essence, roughly two-thirds of South Korea's energy supplies, nearly 60 percent of Japan's and Taiwan's energy supplies, and about 80 percent of China's crude oil imports come through the South China Sea.³⁹ Though it is difficult to determine the amount of oil and natural gas available in the South China Sea because of under-exploration and territorial disputes,

37. "Sandcastles of their Own: Vietnamese Expansion in the Spratly Islands", Asia Maritime Transparency Initiative, Centre for Strategic and International Studies, May 7, 2015, <http://amti.csis.org/vietnam-island-building/>. Accessed on September 7, 2015.

38. Kaplan, n. 1.

39. Ibid.

the US Energy Information Administration (EIA) estimates that the sea has approximately 11 billion barrels (bbl) of oil reserves and 190 trillion cubic feet (tcf) of natural gas.⁴⁰ In 2010, China surpassed the US to become the largest energy consumer in the world and is the second largest oil consumer after the US. Given that China's energy demand on the domestic front is bound to increase in the coming years, it is looking for diversifying its energy supplies and eventually becoming self-sufficient. By gaining control over the islands in the South China Sea, China will be a step closer to its dream of becoming self-sufficient in the energy domain.

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Strategically, the Chinese have for long felt vulnerable from the sea, and their current maritime strategy seeks to reduce that vulnerability by extending a ring of maritime control around China's periphery.⁴¹ China desires to acquire control over the Spratlys, or at least the ability to prevent external powers from interfering with its naval movements in an area that would extend to the Strait of Malacca.⁴² As pointed out by former PLA Navy Commander Adm Liu Huaqing, whoever controls the Spratlys, will reap huge economic and military benefits.⁴³

CHINA'S STRATEGIC INTERESTS AND POSITION: IS BEIJING WILLING FOR A RESOLUTION?

The Chinese official position on the South China Sea dispute has been: "China has incontestable sovereignty over the islands in the South China

40. "South China Sea: International Energy Data and Analysis", U.S. Energy Information Administration, February 7, 2013, <https://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=SCS>. Accessed on December 5, 2015.

41. Peter A. Dutton, "China's Maritime Disputes in the East And South China Seas", *Naval War College Review*, January 14, 2014, p.7.

42. Leszek Buszynski, "The South China Sea: Oil, Maritime Claims And US-China Strategic Rivalry", *The Washington Quarterly*, vol. 35, no. 2, Spring 2012, p. 146.

433 Quoted in M.Taylor Fravel, "China's Strategy in the South China Sea", *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol. 33, no. 3, December 2011, pp. 292-319.

Sea.” It claims that it has been exercising control over the islands in the South China Sea since the mid-1940s. After Japan’s surrender in 1945, the Chinese government sent senior officials to the Paracel Islands aboard military vessels and a ceremony for taking over the islands was held the following year.⁴⁴ It further claims that in 1959, the Chinese government established the Administration Office for the Xisha, Zhongsha and Nansha Islands and in January 1974, the Chinese military drove the invading army of South Vietnam from Shanhu Island and Ganquan Island of the Xisha Islands.⁴⁵ Recently, on the issue of the Philippines’ filing the case of the South China Sea dispute in the arbitration court against China, the latter responded assertively by affirming that “China has sovereignty over the South China Sea Islands and lawful rights and interests in the South China Sea. No one, no country and no entity but the Chinese government has the right to make the decision on behalf of the 1.3 billion Chinese people.”⁴⁶

China seems unwilling to opt for speedy resolution of the South China Sea dispute in the near future. Moreover, whenever China does go in for the resolution process, it will not prefer a multilateral resolution of the dispute and will opt for resolving the dispute with the other claimants at the bilateral level only. On July 7, 2015, Chinese Ambassador to the Philippines, Zhao Jianhua, stated that China’s door for bilateral consultation and negotiation is still open and will remain open forever as it prefers peaceful means and bilateral talks to resolve issues.⁴⁷ Several reasons may be cited for such an approach from China’s side. Though, officially, China claims that the DoC as well the future Code of Conduct (CoC) is not for dispute settlement, but for conflict management to maintain peace, security and stability in the

44. “History of Chinese Sovereignty over the Xisha Islands”, *Xinhua*, June 11, 2014, http://news.xinhuanet.com/english/video/2014-06/11/c_133399259.htm. Accessed on November 25, 2015.

45. Ibid.

46. “*People’s Daily*: China is Observing International Law In The True Sense”, *Xinhua*, December 18, 2015, http://news.xinhuanet.com/english/2015-12/18/c_134931462.htm. Accessed on December 20, 2015.

47. “China Prefers ‘Peaceful Means, Bilateral Talks’ in Resolving Maritime Rows”, *Xinhua*, July 7, 2015, http://www.chinadaily.com.cn/world/2015-07/07/content_21199454.htm. Accessed on December 5, 2015.

region⁴⁸, it does not want to be confronted with all the ten ASEAN states at the same time. Secondly, multilateral negotiations with ASEAN will not work to China's advantage as this will place China in a weaker position at the negotiating table and it will be compelled to provide concessions to countries such as Vietnam and the Philippines.

Seemingly, China will not go for military confrontation in the South China Sea dispute. There are a few disadvantages for China if it decides to confront any of the opponents militarily. First, the Philippines and Vietnam are much closer geographically to the islands than China. The main Chinese naval bases in the South China Sea, Yulin on Hainan Island and Zhanjiang, the headquarters of China's South Seas Fleet on the mainland, are much farther from the disputed islands than are the bases of the other claimants.⁴⁹ In addition, with the collapse of the Union of Soviet Socialist Republics (USSR), China now has the world's second largest submarine fleet, after the US, but the problem is that all of the PLA Navy's diesel powered boats are based on Soviet designs of the 1950s and only 46 of the fleet's 100 boats are on active duty.⁵⁰ Therefore, though China is less accommodative with respect to the claims of other parties, it is less likely to risk its relations with ASEAN and its member states over the issue of the South China Sea.

SOUTHEAST ASIAN COUNTRIES' RESPONSES

Since the early 2000s, ASEAN, as a regional grouping, has been trying to bring the parties to the South China Sea dispute to the negotiating table. Its official position has been to urge for peace, security, respect for international law and freedom of navigation in the highly trafficked waters.⁵¹ In addition,

48. Ramses Amer and Li Jianwei, "Recent Developments in the South China Sea: Assessing the China-Vietnam and China-Philippines Relationships", in Wu Shicun and Nong Hong, eds., *Recent Developments in the South China Sea Dispute: The Prospect of a Joint Development Regime* (Oxon and New York: Routledge, 2014), p. 40.

49. Lyle Goldstein, "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire", *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol. 33 no. 3, December 2011, pp. 320-347.

50. Tai Ming Cheung, "Lacking Depth," *Far Eastern Economic Review*, February 4, 1993, p.11.

51. Quoted in Sok Khemara, "Leaked ASEAN Document Repeats Call for Code of Conduct in South China Sea", *Voice of America*, November 9, 2015, <http://www.voanews.com/content/leaked-asean-document-repeats-call-for-south-china-sea-code-of-conduct/3050632.html>. Accessed on December 12, 2015.

ASEAN's appeal to all parties to adhere to the principles of the DoC and TAC with respect to the South China Sea may be seen as a step in this direction. ASEAN has been calling for a legally binding CoC for the South China Sea dispute resolution.

Nevertheless, there is a consensus among most of the Southeast Asian nations about the failure of the regional multilateral diplomacy between China and ASEAN in moving forward for promoting confidence building, cooperation, or more urgently, in agreeing on conflict avoidance measures and other rules of conduct in the disputed areas.⁵² The reasons why ASEAN has not been able to achieve momentum in pushing through the settlement between China and the Southeast Asian countries are: first, while ASEAN consists of 10 countries, only 4 countries (Brunei, Malaysia, the Philippines and Vietnam) have overlapping claims in the South China Sea. What has made the conflict all the more complex is that the Southeast Asian countries themselves are not united in projecting a common stand on the dispute. In addition, the non-claimants do not want to be a part of the conflict and jeopardise their relations with China which is the largest trading partner for almost the whole of Southeast Asia. Secondly, there is no official mechanism/tribunal within ASEAN to resolve the dispute in a meaningful manner. In fact, ASEAN has a limited role to play in conflict resolution – it can play only the role of a facilitator and not an active mediator.⁵³

Till now, China has been successful in dividing ASEAN on the issue of the South China Sea dispute by strengthening bilateral relations with non-claimants and somewhat neutral countries in Southeast Asia. What is further delaying a comprehensive settlement is the divided approach of the ASEAN member states. For instance, in November 2015, due to China's intervention, the 3rd ASEAN Defence Ministers Meeting (ADMM) Plus failed to issue a joint statement. China did not want the South China Sea

52. Aileen S.P. Baviera, "The South China Sea Territorial Disputes in ASEAN-China Relations", file:///C:/Users/Sana%20Hashmi/Downloads/9_baviera%20-%20the%20scs%20disputes%20in%20asean.pdf. Accessed on December 4, 2015.

53. For details on ASEAN's role in the South China Sea dispute management, see Ramses Amer, "The Dispute Management Approach of the Association of Southeast Asian Nations: What Relevance for the South China Sea Situation?", in Shichun Wu and Keyuan Zou, ed., *Non-Traditional Security and the South China Sea* (Surrey: Ashgate, 2014), pp. 47-72.

dispute to be a part of the talks in the ADMM Plus but countries such as the Philippines, Vietnam and the US wanted the host country, Malaysia to include the issue of land reclamation and construction of artificial islands in the agenda. This deadlock in the talks led to the non-issuance of the joint statement. Similarly, in 2012, for the very first time in the history of ASEAN, a joint communiqué was not issued at the end of the ASEAN Summit, chaired and hosted by Cambodia, China's most reliable friend in Southeast Asia. In fact, on March 25, 2015, Cambodian Prime Minister Hun Sen, at a graduation ceremony of students at the National Institute of Education, proclaimed that the issue is not one of the whole ASEAN, but between the claimant countries and China, which need to negotiate with each other.⁵⁴

Vietnam and the Philippines have a somewhat similar approach towards China with respect to the issue of the South China Sea. The two Southeast Asian countries are as assertive as China and reluctant to compromise on their respective stands. These two countries also favour internationalising the issue of the South China Sea dispute by mentioning it at several international fora and advocating the presence of countries such as the US, Japan and India in the region. For example, Vietnam has offered Cam Ranh Bay as a repair facility to all navies in the world in an effort to encourage the presence of foreign navies in the South China Sea.⁵⁵ The Philippines has requested the US to have joint military patrols in the waters of the South China Sea. The Philippines Department of National Defence spokesman, Peter Paul Galvez, during his visit to the US in January 2016, suggested, "The Philippines and the US also patrol the area together. There is a need for a more collaborative presence in the South China Sea".⁵⁶ Going a step further, the Philippines has also filed a case against China in the International Court of Justice (ICJ) under the framework of the UNCLOS. Justice Antonio T. Carpio, senior associate justice at the Supreme Court of the Philippines,

54. Quoted in "South China Sea Dispute Not Between ASEAN, China: Cambodian PM", *China Daily Europe*, March 26, 2015, http://europe.chinadaily.com.cn/world/2015-03/26/content_19914009.htm. Accessed on September 26, 2015.

55. M. Taylor Fravel, "China's Strategy in the South China Sea", *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol. 33, no. 3, December 2011, pp. 292-319.

56. "Philippines Urges Patrols with U.S. Amid Sea Dispute with China", Reuters, <http://www.reuters.com/article/us-southchinasea-philippines-usa-idUSKCN0US0WJ20160114>. Accessed on December 23, 2015.

Despite having a sovereignty claim over the Louisa Reef, a small atoll in the South China Sea that overlaps with the Chinese (and Malaysian) claims, the Sultanate of Brunei has not occupied any of the territory and tends to downplay the issue with Beijing by focussing on multilateral mechanisms for dispute resolution and joint development.

during his speech at the Indian Council of World Affairs, New Delhi observed, "The Philippines is not asking the tribunal to rule what state owns certain islands, or rocks above water at high tide but it is asking the tribunal to rule what is the extent of the maritime entitlements (0, 12, or 200 nm) of certain islands or rocks, regardless of what state owns them; and whether certain geologic features are LTES or not. All these are maritime disputes".⁵⁷

The other two claimants, Brunei and Malaysia, are playing safe. Brunei's approach, particularly, has been to be submissive for a very long time. Despite

having a sovereignty claim over the Louisa Reef, a small atoll in the South China Sea that overlaps with the Chinese (and Malaysian) claims, the Sultanate of Brunei has not occupied any of the territory and tends to downplay the issue with Beijing by focussing on multilateral mechanisms for dispute resolution and joint development.⁵⁸ Malaysia's approach is not very different from that of Brunei. Malaysia continues to follow the same strategy on the South China Sea issue, pursuing a combination of diplomatic, legal, economic, and security initiatives that can secure its interests as a claimant state while being careful not to disrupt its vital bilateral relationship with China.⁵⁹

57. For details, see Speech of Justice Antonio T. Carpio, "Eighteenth Sapru House Lecture on South China Sea/West Philippines Sea Dispute", ICWA, August 6, 2015, <http://www.icwa.in/pdfs/ssreports/2014/Speechon18SHL.pdf>. Accessed on August 7, 2015.

58. Prashanth Parameswaran, "China and Brunei: Ties that Bind?", *The Jamestown Foundation, China Brief*, vol. 12, issue 21, November 5, 2012, http://www.jamestown.org/regions/chinaasiapacific/single/?tx_ttnews%5Btt_news%5D=40069&tx_ttnews%5BbackPid%5D=663&cHash=137f83d9674bd2caae5a03528e9e8107#.Vpi74Sp97IU. Accessed on September 25, 2015.

59. Prashanth Parameswaran, "Malaysia's Approach to the South China Sea and Implications for the United States", Centre for a New American Security, February 2015, p. 4,

Though Indonesia is not a direct party to the dispute, it has raised concerns about its EEZ in the Natuna archipelago in the South China Sea. Deviating from its traditional stand of not being vocal about the issue, Indonesia's Chief Security Minister, Luhut Pandjaitan indicated, "The nation could turn to an international tribunal over disputed claims involving the Natuna archipelago, parts of which intersect with China's nine-dash line". He promulgated that the position of Indonesia is clear at this stage, "We do not recognise the nine-dash line because it is not in line with international law."⁶⁰ He further stated, "We do not want to see any power projection in this area and we would like a peaceful solution by promoting dialogue. The nine-dash line is a problem we are facing, but not only us. It also directly impacts the interests of Malaysia, Brunei, Vietnam, and the Philippines."⁶¹ As far as the other Southeast Asian states, which are non-claimants, are concerned, these countries are attempting to stay out of the conflict while hoping for a speedy and peaceful resolution of the dispute.

Malaysia continues to follow the same strategy on the South China Sea issue, pursuing a combination of diplomatic, legal, economic, and security initiatives that can secure its interests as a claimant state while being careful not to disrupt its vital bilateral relationship with China.

ROLE OF THE US

China has always expressed its displeasure against any other country's intervention in the South China Sea dispute, which China refers to as its internal matter. According to the 2015 White Paper on China's military strategy:⁶²

60. Quoted in Steve Mollman, "Indonesia is the Next Challenger to Beijing in the South China Sea", *Quartz*, November 12, 2015, <http://qz.com/547796/indonesia-may-be-the-next-challenger-to-beijing-in-the-south-china-sea/>. Accessed on December 25, 2015.

61. Ibid.

62. For details on China's White Paper on China's Military Strategy, see Ministry of National Defence, People's Republic of China, "White Paper on China's Military Strategy", May 26, 2015, http://eng.mod.gov.cn/Press/2015-05/26/content_4586805.htm. Accessed on May 26, 2015.

On the issues concerning China's territorial sovereignty and maritime rights and interests, some of its offshore neighbors take provocative actions and reinforce their military presence on China's reefs and islands that they have illegally occupied. Some external countries are also busy meddling in South China Sea affairs; a tiny few maintain constant close-in air and sea surveillance and reconnaissance against China. It is, thus, a long-standing task for China to safeguard its maritime rights and interests.

In an apparent message to the US and India, at the *Deccan Herald's* dialogue on "The Asia-Pacific Country: India and Big Power Engagement" in New Delhi on December 19, 2015, Le Yuchneg, Chinese ambassador to India, declared that "countries which are from outside or have nothing to do with the region should not meddle into these issues. This will make it worse."⁶³ Nevertheless, the inability of the disputant countries to deter China in the region is pushing them towards extra-regional powers such as the US, India, Japan and Australia, which have, directly or indirectly, put diplomatic pressure on China.⁶⁴ Of all the extra-regional countries, the presence of the US is considered as the most satisfying to the Southeast Asian countries. Given that the US is still the sole superpower, these countries are aware that no other country can deter China better.

The Asia-Pacific region has witnessed more China-US brinkmanship and diplomatic upheavals lately than any other part of the world. This is largely because of the US' involvement in the South China Sea dispute. The US, which is a strong proponent of the freedom of navigation, is actively opposing China's moves in the South China Sea. In May 2015, White House spokesman Josh Earnest said, "President Barack Obama considered the South China Sea security situation critically important to US national security and the global economy and Washington is committed to working with other

63. "South China Sea—Other Countries Shouldn't Meddle: Chinese Envoy", *Indian Express*, December 20, 2015, <http://indianexpress.com/article/india/india-news-india/south-china-sea-other-countries-shouldnt-meddle-chinese-envoy/#sthash.911wD038.dpuf>. Accessed on December 19, 2015.

64. Rahul Mishra, "Storm on the South China Sea", *The Indian Express*, January 15, 2016, <http://indianexpress.com/article/opinion/columns/storm-on-the-south-china-sea/>. Accessed on January 15, 2016.

Asia-Pacific states to protect the free flow of commerce there”.⁶⁵ The US has also been offering to mediate in the dispute which triggered opposition from the Chinese side. Former Chinese Foreign Ministry spokesperson Jiang Yu asserted, “We resolutely oppose any country which has no connection to the South China Sea getting involved in the dispute, and we oppose the internationalisation, multilateralisation or expansion of the issue. It cannot solve the problem, but can make it more complicated. China tells the US to keep out of South China Sea dispute”.⁶⁶ Further, the involvement of the Obama Administration has been categorised as attempting to cosy up to the ASEAN countries and strengthen US influence in the region so as to contain China by forcing countries to take sides.⁶⁷

Of late, the China-US rivalry has gained traction with the latter sending aircraft, including bombers, close to the China built artificial island. In December 2015, a B-52 bomber ‘mistakenly’ flew near the Cuarteron Reef in the Spratly archipelago which is within 2 nm of Chinese-claimed territory in the South China Sea.⁶⁸ In October 2015, the US sent its guided missile destroyer, the USS *Lassen* within 12 nm of the Subi Reef. These postures are considered as provocative by the Chinese and are leading to strained relations in the short-term and strategic mistrust in the long-run. Nevertheless, Vietnam and the Philippines are counting on the US to restrict the ever-increasing Chinese assertiveness in the South China Sea dispute.

INDIA’S INTERESTS AND POTENTIAL ROLES

Though India is not a direct party to the conflict, the Southeast Asian countries that have overlapping claims perceive India as a counterweight

65. Quoted in Megha Rajagopalan, “China to Extend Military Reach, Build Lighthouses In Disputed Waters”, *Reuters*, May 26, 2015, <http://www.reuters.com/article/us-china-defence-idUSKBN0OB0CA20150526>. Accessed on June 23, 2015.

66. Quoted in Ben Blanchard, “China Tells U.S. to Keep Out of South China Sea Dispute”, *Reuters*, September 21, 2010, <http://www.reuters.com/article/us-china-seas-idUSTRE68K1DB20100921>. Accessed on December 2, 2015.

67. Quoted in Lyle J. Morris, “Incompatible Partners: The Role of Identity and Self-Image in the Sino-US Relationship”, *Asia Policy*, no. 13, January 2012, pp. 133-165.

68. Fergus Ryan, “South China Sea: US Bomber Angers Beijing With Spratly Islands Flypast”, *The Guardian*, December 19, 2015, http://www.theguardian.com/world/2015/dec/19/south-china-sea-us-bomber-angers-beijing-with-spratly-islands-flypast?CMP=Share_AndroidApp_Tweet. Accessed on December 24, 2015.

to China in the region. Due to India's rising stature and its proximity to the region, Vietnam and the Philippines want India to play a bigger security role. Nevertheless, India, till now, has been hesitant, and has not played a pivotal role.

India has raised the issue of the South China Sea in the recent past with some of the major powers. The South China Sea dispute was also mentioned in the India-Japan joint statement during Japan's Prime Minister Shinzo Abe's India visit in 2015. Additionally, during US President Barack Obama's India visit and Prime Minister Narendra Modi's visit to the US, the South China Sea dispute was mentioned in the official press releases and joint statements. At the ADMM Plus meet, India's Defence Minister, Mohan Parrikar stated, "India hopes that all parties to the disputes in the South China Sea region will abide by the 2002 DoC, ensure its effective implementation, and work together to ensure a peaceful resolution of disputes. We also hope that the CoC would be concluded at an early date by consensus".⁶⁹ India is also raising its concerns on the freedom of navigation in the South China Sea.

There is certainly an enhanced Indian interest in the South China Sea issue and, thus, change in its previous position of staying away from the dispute to being vocal is noticeable. However, India's latest stand on the issue can be seen under the following arguments: first, India is also embroiled in a long drawn out boundary dispute with China. Raising a voice on the issue of the South China Sea might act as a pressure tactic against China, and China might be persuaded to go for the boundary dispute resolution with India, as it has done in the past. When confronted with bigger challenges, China has settled its land boundary disputes to accrue benefits and to garner support. In the case of the South China Sea, China is confronted with a bigger power, the US and the somewhat stable economies of the Southeast Asian region. Clearly, China is least prepared to confront another country that is strong in the region. Therefore, so as to secure its maritime interests by keeping India out of the South China Sea dispute, China might consider resolving the dispute with India. Second, India is aware that though China-ASEAN

69. "India Calls for Early Conclusion of South China Sea Code of Conduct", *The Indian Express*, November 5, 2015, <http://indianexpress.com/article/india/india-news-india/india-calls-for-early-conclusion-of-south-china-sea-code-of-conduct/>. Accessed on November 25, 2015.

economic cooperation is unmatched, the Southeast Asian countries are still anxious about China's South China Sea postures. Therefore, given that the Southeast Asian countries, particularly Indonesia, Myanmar, the Philippines and Vietnam are looking for reliable partners in the Asian region too, India's increased presence in the Southeast Asian region will strengthen its position in the economic as well as strategic realms. Third, according to EIA data, India is the fourth-largest energy consumer in the world after China, the US and Russia. Despite having large coal reserves and a healthy growth in natural gas production over the past two decades, India is increasingly dependent on imported fossil fuel.⁷⁰ India has been involved in oil exploration activities in the waters of the South China Sea with Vietnam. However, in 2012, it had to withdraw due to China's opposition as well as non-availability of oil in the site of exploration. Due to the increasing demand for energy resources in India, it is looking for further avenues to resume oil exploration activities in the South China Sea with the littoral states.

It remains to be seen whether India would be ready to take up a larger role in the South China Sea dispute and want to be a part of a greater strategy to contain China. It is certainly widening the scope of its Act East Policy by mentioning the dispute every now and then. Seemingly, it is reassuring its Southeast Asian neighbours of its economic and political commitment as a growing regional power, while, at the same time, avoiding any intentional provocations against China.

RESPONSES FROM OTHER COUNTRIES: TAIWAN, JAPAN AND AUSTRALIA

Taiwan

Though it was Chiang Kai-shek who started raising questions on China's maritime boundary in the South China Sea in the mid-1940s, Taiwan never sided with China on this matter. The Taiwan leadership does not support China's policies on the South China Sea. It was stated by former

70. "India: Overview", U.S. Energy Information Administration, <https://www.eia.gov/beta/international/analysis.cfm?iso=IND>. Accessed on December 2, 2015.

Taiwan also has overlapping claims of sovereignty in the South China Sea, but it does not make public proclamations about its claims. Given that Taiwan has bigger issues to resolve with China, it downplays the issue of the South China Sea.

President Ma Ying-jeou that “the dispute should be resolved through international law, and that man-made islands do not form the basis for territorial sovereignty, and that the dark sands and rocks on the seabed that are exposed at low tide aren’t the territory of any country”.⁷¹ In fact, the newly-elected President of Taiwan, Tsai Ing-wen has also called for freedom of navigation in the disputed South China Sea and peaceful resolution of the dispute.⁷²

Taiwan also has overlapping claims of sovereignty in the South China Sea, but it does not make public proclamations about its claims. Given that Taiwan has bigger issues to resolve with China, it downplays the issue of the South China Sea. While Taiwan’s official position does not say much about its disposition to maintain its claim, it simply cannot abandon its claims in the South China Sea due to its constitutional compulsions. Article 4 of the Constitution of the Republic of China dictates, “The territory of the Republic of China within its existing national boundaries shall not be altered except by a resolution of the National Assembly”.⁷³ China’s claims in the South China Sea are similar to those of Taiwan’s and the difference is of just two lines. Nevertheless, while Taiwan remains low-key, it does not back China’s claims and favours a peaceful solution under the framework of international law.

Japan

China might be confronted with a new player in the maritime wrangling

71. Wei Pu, “How The Eleven-Dash Line Became a Nine-Dash Line, And Other Stories”, *Radio Free Asia*, July 16, 2015, <http://www.rfa.org/english/commentaries/line-07162015121333.html>. Accessed on January 10, 2016.

72. Quoted in “Taiwan President-Elect Calls for Freedom of Navigation in South China Sea”, *Reuters*, January 16, 2016, <http://in.reuters.com/article/taiwan-election-southchinasea-idINKCN0UU0OR>. Accessed on January 16, 2016.

73. “The Constitution of the Republic of China”, *Taiwan Documents Project*, <http://www.taiwandocuments.org/constitution01.htm>. Accessed on January 2, 2016.

in the South China Sea. On November 19, 2015, Shinzo Abe, on the sidelines of the Asia-Pacific Economic Cooperation (APEC) summit in Manila, told US President Barack Obama that in order to defuse tensions, Japan will consider dispatching its Self-Defence Forces to the South China Sea.⁷⁴

It is certainly injecting a new life to its Southeast Asia policy by committing to increase its presence in the region. In a recent move, Japan's Defence

Ministry and Self-Defence Forces have allowed the country's P-3C patrol aircraft to stop at bases of countries facing the South China Sea when returning from anti-piracy activities off the coast of Somalia, according to Japan's national newspaper, *Yomiuri Shimbun*.⁷⁵ There might be several reasons behind Japan's vigorous approach and diplomatic manoeuvrings in the South China Sea. First, by issuing statements on the South China Sea and siding with the US and the Philippines, Japan is attempting to restrain China strategically, which is, by and large, attributed to its maritime dispute in the East China Sea with China. Second, Japan is looking for an expanded market for its defence-related exports after lifting the ban on its military exports, and the South China Sea claimants could potentially serve the Japanese interest well. In late 2015, Japan and the Philippines broadly agreed on a pact for the transfer of defence equipment and technology, as they step up their cooperation over China's muscle flexing in the regional waters.⁷⁶ Despite its proactive moves, Japan will not get engaged militarily. However, it is certainly willing to play a bigger role in the dispute.

Japan is attempting to restrain China strategically, which is, by and large, attributed to its maritime dispute in the East China Sea with China.

74. Quoted in "Abe to Mull SDF Dispatch to South China Sea", *The Japan Times*, November 20, 2015, <http://www.japantimes.co.jp/news/2015/11/20/national/politics-diplomacy/abe-obama-discuss-anti-terrorism-steps-light-paris-attack-weigh-beijings-south-china-sea-moves/#.VpuanTZYmb9>. Accessed on November 26, 2015.

75. "Japan Expands Military Presence in the South China Sea Amid Tensions with China", *Sputnik News*, January 14, 2016, <http://sputniknews.com/military/20160114/1033119169/japan-aircraft-china-sea.html#ixzz3xDzHB7up>. Accessed on January 14, 2016.

76. "Japan, Philippines Strike Broad Accord on Defense Equipment Transfer", *The Japan Times*, November 20, 2015, <http://www.japantimes.co.jp/news/2015/11/20/national/politics-diplomacy/japan-philippines-strike-broad-accord-defense-equipment-transfer/#.Vpuj-jZYmb->. Accessed on December 25, 2015.

Australia

China's greater assertiveness has become a major cause of concern for Australia too. It has no severe issues with China, but amid escalation of tension in the South China Sea, Australia is stepping up its military surveillance. One of the reasons why Australia is waking up to the need to be vigilant of China's move in the South China Sea is that approximately 60 percent of Australia sea-borne trade passes through the disputed sea and for its own interests, Australia endorses freedom of navigation in the South China Sea. It was in this context that Australia's Defence Minister Marise Payne remarked that Australia has a legitimate interest in the maintenance of peace and stability, respect for international law, unimpeded trade and freedom of navigation and overflight in the South China Sea.⁷⁷ However, at the same time, Australia will not risk its relations with China; thereby, sending mixed signals to the US and other countries involved in the dispute.

WAY AHEAD

The South China Sea dispute has been one of the biggest turning points in China's relations with its neighbouring countries. With a number of regional and extra-regional countries getting involved in the South China Sea dispute, it is going to be the next flashpoint of the region. From China's perspective, dealing with the Southeast Asian countries is not the biggest challenge but to constrain the involvement of other countries, particularly that of the US, is more worrisome. However, the other side of the coin is that the resolution of the conflict may be achieved through bilateral negotiations and the other extra-regional countries' involvement may not be advantageous for the future of the South China Sea dispute. This is mainly because the involvement of countries such as the US and India is symbolic and these countries would not want to be a part of a complicated dispute, particularly when these countries themselves have long-standing issues to resolve with China. In essence, the US would not have participated

77. "Minister for Defence – Statement – Freedom of Navigation in the South China Sea", October 27, 2015, <http://www.minister.defence.gov.au/2015/10/27/minister-for-defence-statement-freedom-of-navigation-in-the-south-china-sea/>. Accessed on November 15, 2015.

in the dispute, had it not been for the dramatic rise of China. Aspiring great power or not, India would not (perhaps) have looked at the conflict, had it not been for its long drawn out boundary dispute with China and the latter's support to Pakistan.

China practically cannot, and should not, do anything to stop other countries' proactive engagement with the Southeast Asian countries. It should first lay emphasis on conflict prevention and then shift to conflict management. Given that no claimant is inclined towards using force in the South China Sea dispute, *status quo* may be reinforced by all the parties involved. Meanwhile, measures such as hotlines between China and the two Southeast Asian countries, the Philippines and Vietnam, are required. Second, while no claimant is likely to compromise on its respective stand, resource sharing for the purpose of maintaining peace in the South China Sea seems to be a viable option. The sharing of resources among the major stakeholders might entice China to come to the negotiating table for the final settlement.

While these short-term incentives will be sufficient for keeping direct confrontation at bay, resolving the dispute is the only way out for long-term peace and stability in the region, the possibility of which seems bleak at the moment. Nevertheless, if China desires to avert other countries' involvement, it needs to soften its stand and speed up the bilateral negotiations while giving a fillip to the multilateral efforts to strengthen stability in the region, particularly by pushing for the implementation of the CoC.