

**What is China's involvement in the South China Sea and how does it impact international relations with other actors in the region?**

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## **Introduction**

The South China Sea (SCS) is located in the western Pacific Ocean in South East Asia. China, Malaysia, Thailand, Singapore, Brunei, and Indonesia all border the body of water which spans 3,700,000 km<sup>2</sup>. The SCS contains coral reefs, atolls and small islands called archipelagos. The two major archipelagos are that of the Paracel Islands and the Spratly Islands (LaFond). Considering the wide geographical span of the SCS, the territory has been heavily disputed over time and is a popular topic of diplomatic discourse today.

## **A brief history of China's rule in the South China Sea**

China's involvement in the SCS dates back to 2 BC where there was evidence found of ancient crops, wells, houses, and temples on small islands (Peiwu). However notable foreign involvement in the region commenced in September 1937 when Japanese forces invaded the Pratas Islands in the SCS (Council on Foreign Relations). The Japanese later went on to occupy other archipelagos including the Spratly Islands in December 1938 and Hainan Island in February 1939. The Japanese invasion was prompted by the Marco Polo Bridge Incident of July 1937, which prompted the Sino-Japanese conflict which would last until the end of World War Two in 1945. Japan's occupation of SCS islands also came at a time in which Indochina (a colony of France) was occupying similar areas including the Paracel Islands which Indochina annexed in 1932 (The World Factbook).

Resultingly, the Cairo Declaration was issued by the United States, the Republic of China, and Great Britain to state that after WWII, the Japanese-occupied territories: Manchuria, Taiwan, and the Pescadores Islands, would be returned to China. The three allies committed to the Declaration with the mission to commit, "prolonged operations necessary to procure the

unconditional surrender of Japan” (Britannica). The Cairo Declaration is a set of terms accepted under the Potsdam Proclamation of July 1945 (Office of Policy Planning and Coordination on Territory and Sovereignty).

With Japanese occupation firmly at an end in China, the newly created People’s Republic of China (PRC) made concrete territorial lines to mark the SCS. In 1948, the PRC published a map that presented the nine-dotted line to mark the SCS borders and make a new claim to their sovereignty. This line was recognized by bordering states and the international community. This territorial claim was further supported by China’s publishing of the Declaration of the Government of the People’s Republic of China on China’s Territorial Sea. The Declaration also affirmed their maritime sovereignty over the Donsha, Xisha, Zhongsha, and Nansha Islands (Ministry of Foreign Affairs of the People's Republic of China).

China’s 1958 territorial affirmation triggered them to refocus their attention to the bombardment of strategic islands, Jinmen and Mazu, owned by Taiwan, also known as the Republic of China (Office of the Historian). The US had wagered immense support for Taiwan to maintain ownership over the islands considering the US’ animosity towards China as they looked to contain communism and oppose the war in Korea. However, in 1958, while US attention was focused on intervention in Lebanon, the PRC barred Taiwanese access to the islands. With fears that China would spread communism to Taiwan, the US immediately arranged to re-supply garrisons to the islands and re-assert Taiwanese control over the islands. The end of the bombardment came with an agreement whereby Taiwan and China would shell each other’s garrisons on alternate days.

In a move to improve relations in the region, China and the ten ASEAN members reached an agreement called the Declaration on the Conduct of Parties in the South China Sea in 2002.

The agreement affirmed peaceful dispute settlements, initiated self-restraint conduct and gave signatories the right to freedom of flight and navigation over the SCS. While this was the first time China had signed a multilateral agreement on the highlighted issues, it is important to consider that the declaration was non-binding, as the Philippines had hoped it might be.

### **Why does the South China Sea Remain a point of contention?**

Today China still firmly opposes acts that undermine the sovereignty and security of their territories in the SCS. China has experienced a massive economic and developmental boom since 1978, with the economy having grown 13% in peak years (Hu). Hence it is unsurprising to see that the SCS has become a major hub for international maritime trade; with 1/3<sup>rd</sup> of global maritime trade passing through. Not only does China rely on the region for trade but so do the other most successful economies in the region including Hong Kong, Korea, Singapore, and Taiwan (Sarel). The SCS is an important asset to support China in maintaining positive international relations (China Power Team). While China has control over the territory and could possibly block the maritime rights of other nations, it would be economically unsustainable to do so as it would only lead to increased costs of insurance on commercial vessels and shippers would be forced to consider more expensive trade routes.

In 2009, Dai Bingguo, a top Chinese official at the time, labeled the South China Sea as a “core interest”; these words are oftentimes used to describe other disputed territories including Taiwan, Tibet, and Xinjiang (Mastro). Regarding Tibet, Beijing believes they have a “historical” right to own the land because of their relations dating back to the 13<sup>th</sup> century when China and Tibet were both absorbed into the Mongol empire which later became known as China’s Yuan Dynasty (Shen Rastogi). The same principle applied when it came to China’s rights over

Xinjiang; Mongol leader Genghis Khan incorporated the land into his empire in the 13<sup>th</sup> century (“Xinjiang - History | Britannica”). As pertaining to the South China Sea, once again, the same argument of “historical” rights is made to stake claim over the territory.

This has put Beijing under scrutiny and prompted other countries to consider the validity of their ownership rights over the South China Sea. Heavy debate has arisen to consider how China has seemingly been altering international law. China claims to have the same rights as archipelagic states to islands in the South China Sea. An archipelagic state is defined as, “a group of islands, interconnecting waters, and other natural features that are closely interrelated and form an intrinsic geographical, economic, and political entity” (Office of the Staff Judge Advocate). This definition does not apply to China and, they are not considered to be one of the 22 archipelagic states in the world. However, they stake this claim in relation to the Paracel Islands.

Another alteration of international law comes when considering China’s claim to a 200 Nautical Mile range of territory which acts as its exclusive economic zone (EEZ). An EEZ is defined as an area where sovereign states have jurisdiction over resources. EEZs operate as pertaining to laws under the UN Law of the Sea Convention. Within its EEZ, a state can regulate its resources to fit its best interests and impose penalties on those who do not abide by its regulations (Shogren). China furthermore insists that they have the right to regulate military activity within their EEZ. The US has pushed back against this claim to argue that the freedom of navigation of military vessels is universally accepted under international law and that the idea that states have their own EEZs to limit navigation or exercise control, is false (Mastro).

Firming this claim, satellite images have come out to prove that China has fully militarized at least three islands that have been built in the SCS. US Indo-Pacific commander

Admiral John C Aquilino said, “we’ve witnessed the largest military buildup since world war two by the PRC”, all in an effort for China to boost its offensive capabilities (Associated press). Aquilino explains an incident involving a US P-8A Poseidon plane flying over the Spratly Islands where Chinese troops repeatedly warned the plane to move away from the area as it is Chinese occupied. However, the pilot stood firm in their position saying back to the Chinese caller, “I am a sovereign immune United States naval aircraft conducting lawful military activities beyond the national airspace of any coastal state”. The different interpretations of supposed international law makes China’s disputed territories an even greater point of contestation. China has furthermore partaken in controversial efforts to reclaim land in order to gain rights to territory in the SCS; their efforts include physically adding new islands to the sea or expanding the size of pre-existing islands (Center for Preventive Action).

### **Contestation with Specific Regional Actors**

In January 2021, Japan sent a one-page diplomatic note to the UN condemning China’s actions in making territorial claims and restricting the freedom of navigation and oversight (Radio Free Asia). Along with many other countries including the UK, France, Germany, and Malaysia, Japan believes that China’s intentions are becoming aggressive and are a real point of concern for national security reasons. Japan specifically rejects China’s claim to, “drawing of territorial sea baselines by China on relevant islands and reefs in the South China Sea conforms to UNCLOS and general international law”.

Japan has been willing to respond to issues in the SCS in recent years due to their deepened security ties with other Southeast Asian countries. For example, in August 2020, Japan made its first export sale of major defense equipment including an improved version of the

Mitsubishi Electric J/FPS-3 active electronically scanned array radar (Yeo). This deal made between two US allies is important as it covers crucial points of contestation within the SCS and, it is the first time that Japan has made such a deal after implementing self-imposing restrictions on the sale of such defense articles in 2014. Another deal made has been that of an offshore energy project with Vietnam. In September 2022, Japanese company, Sumitomo, announced a deal to create a new wind power plant with a capacity of up to 1 GW off the coast of Vietnam (“Japanese paper: Vietnam offshore wind power sparks influx of foreign investment”). This project is crucial in supporting the Vietnamese government’s efforts to achieve net-zero carbon emissions by 2050. These projects work to foster trade, innovation and positive political relations among Japan and its regional neighbors.

While not located directly within the regional vicinity of the South China Sea, the US plays an important role in maintaining diplomatic relations in the region. In response to China’s territorial claims, the US launched a US Freedom of Navigation Operation (FONOP) in the SCS. FONOP is an important tool the US uses to challenge maritime claims considered excessive under international law. Since October 2015, the US has launched seven FONOPs in the SCS. The first operation in October 2015 took place in the Spratly Islands to investigate the excessive maritime claim of the, “Requirement that states provide notice/obtain permission prior to innocent passage through the territorial sea” (Freund). The 2015 operation did not wield any repercussions for the states observed, including Taiwan, China, or Vietnam. Furthermore, permission prior to entering within 12 nautical miles of the Spratly Islands is still required. This operation did not address the topic of which states had sovereignty over parts of the Spratly Islands.

Meanwhile, the most recent FONOP in July 2022 wielded a more controversial result. The operation took place near the Paracel Islands regarding, “the restrictions on innocent passage imposed by the People’s Republic of China (PRC), Taiwan, and Vietnam and also... challenging PRC’s claim to straight baselines enclosing the Paracel Islands,” as released in a statement by US 7<sup>th</sup> fleet (LaGrone). After claims that the US illegally entered China’s Xisha territory waters, the People’s Liberation Army Southern Theater Commander said, “The U.S. military’s actions have seriously violated China’s sovereignty and security, seriously undermined peace and stability in the South China Sea, and seriously violated international law and norms governing international relations”. This statement seemed to instigate adverse Sino-US diplomatic relations. Other international disputes including the Russia-Ukraine war, Washington labeling Beijing’s treatment of Uyghurs as committing crimes against humanity, and US support of Taiwan have also served to heighten US-Sino tensions.

In recent years, China’s relationship with Taiwan has become increasingly unstable with many suggesting that China is on the verge of invading. The Taiwan strait connects the South and East China Sea hence making it a point of contention and heavily disputed territory. (Maizland). Beijing believes they have the rightful ownership of Taiwan as pertaining to the 1992 consensus. The consensus was reached between representatives of the Chinese Communist Party (CCP) and the Kuomintang Party (KMT), who ruled Taiwan at the time; its result was confusing, and terms were never fully agreed upon. This left Beijing to view Taiwan as part of China under the “One-China Principle”. However, Taiwan is democratically governed and home to twenty-three million people; an overwhelming majority of people who do not support unification with China (Chan).



The catalyst of most recent tensions came in 2016 with the newly elected Taiwanese President Tsai Ing-Wen, refusing to increase cooperation between Beijing and Taiwan meanwhile his predecessor Ma Ying-jeou endorsed these relations. Since the election, China has initiated more intimidation tactics which seem to encourage a verge toward invasion. There has been an increased frequency of fighter jets, PLA bombers and aircraft carriers over Taiwan. Taiwan further claims that there have been thousands of Chinese cyber-attacks every year. During the most recent election season in 2020, China worked to undermine Taiwanese democracy by spreading political misinformation online; Chinese tycoons have started buying up Taiwanese media outlets to increase censorship efforts in Taiwan (Kurlantzick).

A daunting development in Sino-Taiwanese relations is that of the Russia-Ukraine war. In March 2022, China abstained from voting to condemn China in the United Nations General Assembly's emergency meeting (UN News). Putin and Xi Jinping's close relations concern the international community to consider that China could possibly invade Taiwan. Russia's ability to continue waging war in Ukraine without severe repercussions by international institutions such as NATO or the UN seems to send a message to the international community that there is potential for Eastern powers to gain world, superpower status.

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