

## **The Changing Contours of Maritime Security in The South China Sea**

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The South China Sea (SCS) is one of the most significant regions of the world. As the main passageway between the Indian and Pacific Oceans, the Sea carries one-third of global maritime trade<sup>1</sup>. Therefore, many countries, and particularly the countries that have a stake in maritime commerce are concerned about the safety and security of the transit of goods. The change in US approach in 2010 which is known as the 'Asia Pivot' or rebalancing strategy has prompted a renewed focus on the SCS, as the rebalancing arrangement incorporated a military segment also. The US declared the moving of 60 percent of its maritime capability to the Asia Pacific. This aspect has considerably added to the strategic significance of the SCS.

The SCS is a partially enclosed sea formed by seven littoral states: China, Taiwan, Vietnam, Malaysia, Brunei, Indonesia and the Philippines. The SCS extends from Taiwan in the north to the waters contiguous to Indonesia and the Straits of Malacca and Singapore in the south. The SCS has 200 small islets, rocks, and reefs spread over 1,700 miles. After Chinese occupation of the Spratly Islands in 1974, a Chinese journal highlighted the importance of the SCS 'as lying between the Indian Ocean and the Pacific, and performing the function of a doorway to the outside world for the landmass and the littoral islands of China'.<sup>2</sup> Moreover, the recent tensions in the SCS with the naval presence of China and the US and other developments have further increased the geostrategic importance by a great degree.

The reason the SCS has become quite central to the question of power shift and the future East Asian regional security order is

that this ocean space is simultaneously China's critical area for maritime power projection and a locus of US naval primacy in the region and at the same time Southeast Asia's maritime heartland.<sup>3</sup>

### **Geo - economic Significance**

The SCS is geo-economically significant for the regional states for a number of reasons like being the potential hub of energy resources and food supplies. Moreover, it is a major trading route. According to the White House, \$5.3 trillion worth of total trade passes through this route every year, accounting for 23 percent of the total trade of the US. According to the US EIA, the SCS has projected 11 billion barrels of oil as well as 190 trillion feet of natural gas. <sup>4</sup> The United States Geological Survey's (USGS) appraisals presented the figures of 11 Billion and 4 Billion barrels for Oil and flammable gas fluids respectively. According to the USGS, undiscovered resources would be more significant (between 70 and 290 trillion cubic feet) which is almost equivalent to the current(identified) level of reserves. <sup>5</sup> Moreover, the SCS is rich in fisheries, fulfilling the economic and food requirements of its coastal states.

It must be noted that there is a stark difference between resources and reserves – as the former refers to what lies underground and the latter is the portion that can be pumped out. These headline figures are distributed across the whole sea region. Only a fraction of it lies in the disputed territory and 1/10<sup>th</sup> of it is commercially recoverable. Even if all the oil is extracted by China it will power the economy of the country for only a few years. <sup>6</sup> In other words, the energy projections which are frequently made are not well founded, and the main cause of growing conflict.

## **Genesis and Nature of the Conflict**

The roots of the SCS conflict are quite recent. The majority of the contender states raised their cases after WWII, and the appropriation of the UNCLOS (United Nations Convention on the Law of the Sea) in 1982 further strengthened these cases. The exclusive economic zones (EEZ) were instituted by the convention to a limit of 200 nautical miles and the boundary of the shelf. From that point forward the nature of the claims has turned out to be more complicated., including a blend of historic and lawful assertions and diverse explanations of the UNCLOS stipulations.<sup>7</sup>

In 1974 China strongly started asserting itself in the SCS by occupying the Paracel Islands. This was followed by the Johnson Reef skirmish in 1988 between China and Vietnam. The first reported confrontation between the US and China occurred on April 1, 2001, when a US naval aircraft collided with a Chinese Peoples Liberation Army Navy (PLAN) fighter jet, aka the 'Hainan Island incident'. In 1995 China occupied the Mischief Reef. The US kept its 'hands off' policy adopted after the end of the Cold War until 2009. Subsequently there was a marked shift in the US policy reflected in Hillary Clinton's 2010 speech in Hanoi, where she indicated that the US has a 'national interest' in the SCS.

The tension over the SCS between the US and China developed after May 2009 when the latter officially tabled at the UN its claim in the form of a nine-dash line. The 'nine-dash line' is an imaginary line demarcating the parts of the SCS stretching between China and Taiwan. Spanning over the critical island chains of Paracel and Spratly islands, the line stretches out

several kilometers encompassing south and east of China's Hainan Island located in the south.<sup>8</sup>

### **Four Layers of Maritime Security**

Maritime security in the SCS and the adjacent seas connecting Southeast Asia involves at least four interconnected layers of challenges. Firstly, there are territorial sovereignty disputes over islands and other features which include rocks, atolls, shoals, coral reefs etc. Secondly, there are disputes over marine rights and dominions (e.g. access to fish, energy, mineral resources, and regulation of other activities at sea) arising from undefined or overlapping boundaries and in part from the territorial disputes themselves. Third are the transnational challenges common to many littoral states. Fourthly, there is an increasing geopolitical rivalry among major powers; amidst prospects of a looming power shift – based on the long-term variations in the comparative abilities of states that constitute the global system.<sup>9</sup>

### **Claims**

China, Taiwan, and Vietnam lay claim to virtually all the geographical features making up the SCS island groups on the grounds of discovery, history, and occupation. The Philippines and Malaysia claim parts of the group on the basis of proximity and that certain features lie on their claimed continental shelves. Brunei claims only one feature, also on the basis that it lies on Brunei's continental shelf. According to some analysts, none of these claims are especially persuasive.<sup>10</sup>

## **Strategic Maneuvers by China**

The recent developments in the SCS have once again brought the security dimension of the issue into the limelight. This can be evinced from the intense land – reclamation activity on the islands within the last two years by China in a determined manner and the US response.

In 2015 the US accused China of militarization of the SCS. The construction activities undertaken by China on various islands as per their assessment could be used for military purposes. China made three counter-arguments to this by maintaining (firstly) that it had a right of self-defense.<sup>11</sup> Secondly, it argued that it was doing only what the other states had done<sup>12</sup> and the third argument was that the US was also involved in the militarization of the SCS by military aircraft flights and naval ships.<sup>13</sup>

The Chinese occupation mainly took place from the late 1980s to the mid-1990s where in it seized seven structures in the Spratly Islands.<sup>14</sup> In the months preceding the arbitral tribunal's anticipated hearing (Philippine's claims against China), three naval exercises were conducted by PLAN. China also announced to position nuclear-powered submarines in the SCS. During 2015, China transformed Fiery Cross Reef (Yongshu) into an artificial island. Now it comprises the biggest structure in the Spratly Islands. China has also developed heavy infrastructure on this reef. It also developed a 3 km long air field which became operational on January 2016 and constructed intelligence, surveillance and reconnaissance setup on most of its bases.<sup>15</sup>

In September 2016, China took its most daring step by building strengthened hangars next to the airstrips on three important reefs.<sup>16</sup> This massive scale of militarization has led to increased security concerns for other states in the region, and particularly

the US. Beijing has added over the last three years 3200 or more hectares of land on seven features in the SCS, according to the US estimates.

### **Chinese Military Exercises and Air Patrols**

Since 2013, the People's Liberation Army Navy (PLAN) has increased its annual military exercises in the SCS. Later, large scale naval exercises and war games were held by China in 2015.

China performs air patrols to claim its "unquestionable sovereignty" over the SCS and to exemplify that it can enforce an Air Defense Identification Zone (ADIZ) over the SCS if it wants. A nuclear bomber was sent probably deliberately, on 8 December 2016, to traverse the nine-dotted line by China. It was instigated by the then President-elect Trump's telephonic conversation with Taiwan's (Republic of China) President.

Besides strategic maneuvers, China is also providing economic and political incentives to the ASEAN countries in order to improve relations. In November 2014, Premier Li announced 20 billion dollars to the ASEAN for development projects. In addition to this China has also planned a Regional Comprehensive Economic Partnership (RCEP) treaty on the model of Trans-Pacific Partnership (TPP) with the ASEAN countries. Negotiations for it are underway with the latest round of talks taking place in May 2017 in Manila. The agreement will boost the existing FTA's between the countries in the East Asian region.

## **US activities in SCS**

The Chinese accusations of the US militarization of the SCS by the US are based on its three initiatives since 2009. First is Obama's policy of 'rebalancing'. However, the argument isn't supported by history as the Chinese militarization began long before the rebalancing strategy of the US. The second set of actions comprised the Freedom of Navigation Operational Patrols. The third component of the activities included close-in aerial surveillance by US aircraft near Chinese military installations on Hainan Island and overflights of PLA "military alert zones" in the Spratly Islands.

## **Freedom of Navigation Operations (FONOPs)**

The FONOPs are designed to maintain freedom of movement at seas. It is commensurate with the US national interest but, in the garb of these operations, the US' objective appears to be the freedom of navigation for its warships, intelligence, surveillance, and reconnaissance (ISR) vessels.<sup>17</sup> The US Navy constantly conducts so-called "presence" patrols in the SCS. In mid-April of the same year, US Defense Secretary Ashton Carter announced that the United States and the Philippines had begun joint naval patrols. The US Navy has two or more ships patrolling the SCS on an average basis. The US conducted four FONOPs during October 2015 and October 2016. The first operation this year, titled freedom of navigation, was conducted on 24<sup>th</sup> May 2017 by the Trump administration. The latest patrol is likely to exacerbate US – China tensions that had eased since the Trump – Xi meeting at the former's Mar – a – Lago resort on 6<sup>th</sup> April 2017.<sup>18</sup>

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So far, the US allies like Australia have not taken part in the FONOPs lest it results in distancing it from Beijing.<sup>19</sup> Be that as it may, when inquired as to whether Australia would become a part of the FONOPs, Foreign Minister Julie Bishop answered that Australia wanted to keep on accessing universal waters, but until this point, Australia has not sailed or flown within 12 nautical miles of islands and reefs claimed by China.<sup>20</sup>

### **Trump administration and the SCS**

The election of Donald Trump as the US President has raised the level of strategic uncertainty between China and the United States. In his testimony on 11 January 2017, Tillerson as the nominee for secretary of state, compared China's developments and militarization of man made islands in the SCS as 'akin to Russia's taking Crimea' from the Ukraine. Upon inquiring from Tillerson whether he supported a more aggressive posture against China, he responded, "We're going to have to send China a clear signal that, first, the island-building [in the SCS] stops and, second, your [China's] access to those islands also is not going to be allowed".<sup>21</sup> The recent FONOP conducted on 24<sup>th</sup> May 2017 can be considered as a case in point.

The Trump administration in its initial period did not give any clear policy on the Asia Pacific, and Trump's leaning towards China and increased importance to North Korea caused some discontent in the region. However, the speech at Shangri-La Dialogue on 3<sup>rd</sup> June 2017 by US Secretary of Defense, Mattis has cleared the US policy trajectory to a great extent. Mattis praised Chinese collaboration on the North Korean issue while maintaining that the US upholds the international law and condemned China's land reclamation actions in the SCS.



Furthermore, the US' interests in the Asia-Pacific region were also highlighted.<sup>22</sup>

### **India's strategic and security Interests in the SCS**

India has demonstrated its growing interest and engagement in security affairs of the SCS region, inasmuch as its "Act East Policy" prioritizes economic relations with East Asia. The policy was initiated after the election of premier Narendra Modi. Moreover, border conflicts with China, China's longstanding close ties with archrival Pakistan, and China's growing influence on some of India's neighboring countries underscore India's need for hedging options involving China's own strategic backyard in East Asia. The US, Japanese, and to some extent Australian counterbalance to China in East Asia is manifested in the new concept of an "Indo-Pacific" security region.<sup>23</sup> The term has been widely used by strategic analysts and political leaders apparently depicting India's increasing role in the Asia – Pacific region. Its profile was raised further when it was mentioned in the joint statement by President Trump and Modi on 26<sup>th</sup> June 2017.

The Indian Navy document "Freedom to use the Seas: India's Maritime Military Strategy", highlighted that India's area of interest 'extends from the north of the Arabian Sea to the SCS'.<sup>24</sup> In an address at National Maritime Foundation, New Delhi on July 28, 2011, Indian Foreign Secretary Nirupama Rao repeated India's stance on the SCS dispute and highlighted its importance as a trading route and reaffirmed India's support of the freedom of navigation.<sup>25</sup>

Indian interest in the SCS region is primarily driven by its quest for energy (hydrocarbons), which has led to increasing strategic and security concerns as well. In November 2011, the Indian Oil

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and Natural Gas Company (ONGC Videsh) signed an agreement with Vietnam to expand and promote oil exploration. China did not approve of this action and issued a demarche.<sup>26</sup> In 2016, the company has got an extension for oil exploration for a period of one year.

Keeping in view the volatile situation in the SCS and India's energy interests, New Delhi is increasing its maritime presence in the region. Indian naval warships are frequently visiting the region and engaging the SCS littorals in maritime exercises. In this context, the Indo-US cooperation is also quite relevant. During Obama's visit to India in January 2016, US and India formulated a strategic vision document for the 'Asia-Pacific and Indian Ocean Region'. The document underscored that 'regional prosperity depends on security' and highlighted the importance of safeguarding the maritime security and ensuring freedom of overflight and navigation throughout the region, particularly in the SCS. It is also noteworthy that India's trade volume with China is close to \$65 billion, which is not likely to be compromised by any strategic miscalculation on India's part.

### **India and ASEAN**

India has stepped up its strategic partnership with ASEAN in the last few years as prime minister Narendra Modi recently visited some of the Southeast/East Asian countries and emphasized upon need for co-operation in maritime security and strategy.

India also views the growing Chinese influence in the Indian Ocean Region (IOR) and in Southeast Asia as a decisive reason for both India and ASEAN to engage strategically in the region. After Chinese claims over the SCS, Southeast Asian countries are preparing themselves for the possibility of further Chinese aggressive stances. From the ASEAN perspective, India is seen

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as a potential counterbalance to China. Therefore, India and some members of the ASEAN countries began holding joint maritime exercises like the Exercise Milan which was held in 2010, 2010 and 2014.<sup>27</sup> China does not welcome the ASEAN moves to interact with major powers. Nonetheless, the Indian Navy has conducted joint exercises with the Singaporean and Vietnamese navies in the SCS.<sup>28</sup>

Australia approached, India in January 2017, inquiring as to whether it could send maritime warships to join the July 2017 war games as an observer. But, India rejected the Australian proposal of joint maritime exercises with the US and Japan due to a fear of offending China. This rejection is apparently due to New Delhi's belief that China will step up its activities in the Indian Ocean. All of this is feeding India's anxiety of encirclement by the said states.<sup>29</sup>

### **ASEAN and the SCS**

The surge in tensions in the region is a matter of concern for the South East Asian states. China has amplified its influence over the Southeast Asian countries, with US treaty partners (Thailand and Philippines). The Trump organization now confronts the difficult job of recovering the lost ground. The SCS dispute and Trump's Asia policy were the focal points of the ASEAN foreign ministers meeting on May 05, 2017. The ministers expressed their concerns over the Chinese actions but did not blame China directly. Unlike the Obama administration, the Trump administration has so far ignored ASEAN region, while focusing on Japan and North Korea. In order to maintain its role as the bedrock of regional integration and security architecture, there seems to be a scramble among the ASEAN

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states.<sup>30</sup> But the ASEAN states response to the rivalry between US and China is not united.

According to the maritime expert Mark J. Valencia, fissures between the US and Southeast Asian nations had been increasing in relation to security interests in the SCS. These differences have remained implicit for some time but are now plainly becoming explicit under the milieu of the escalating scuffle between China and the US for regional dominance.<sup>31</sup> According to the US think tank, Center for Strategic and International Studies, the US interests include upholding the principles of international law, maintaining regional security and freedom of navigation". However, Valencia argues that the overall goal seems to be the continued US domination.

The interests of the Southeast Asian claimants, Brunei, Indonesia, Malaysia, the Philippines, and Vietnam – to features and maritime space in the SCS are quite different in kind and priority. The states in the region want to fulfill their sovereignty claims, access to maritime resources that they believe are their legitimate exclusive economic zones and beyond. But, more importantly, they want to avoid getting trapped and having to pick sides in the US – China conflict.<sup>32</sup>

The case of Philippines is quite interesting. Under President Rodrigo Duterte, who took office in June 2016, the Philippines has pivoted toward Beijing. It views China as a source of crucial investment. Besides the geographical distance, Duterte regards the US as an unreliable ally, despite a mutual defense treaty between the two states.<sup>33</sup> Previously, through an agreement known as the Enhanced Defense Cooperation Agreement (EDCA), in 2014, Philippines had agreed to give access to the US forces to its military bases. The Philippines also approved, the placement of the US military troops at five locations under the EDCA on 16<sup>th</sup> March 2016.<sup>34</sup> The EDCA is effective for a period

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of ten years. The change in Philippine's position is the result of the events in the aftermath of the decision of the permanent court of arbitration, as it failed to get the assurances from the US and the international community that they would support Philippines in the case of a conflict with China over the SCS. Despite the US Department of Defense describing the US – Philippines alliance as 'iron – clad' the latter isn't feeling very comfortable and therefore tilting towards China.

Although the new administration initially did not focus on ASEAN, the US is stepping up to meet the expectations of its ASEAN allies. A case in point is the Vietnamese PM's visit to Washington on May 31, 2017. The US has made some military arrangements with Vietnam, like naval exchange visits and a waiver of arms exports restrictions. The US president while meeting with the Vietnamese President on 1<sup>st</sup> June 2017 said that the SCS has a strategic significance for the world and criticized any 'unlawful' activity is akin to destabilizing peace. In addition, there have been signs of the US cozying up to several South East Asian nations. During April 2017, the US Vice President Mike Pence visited Indonesia and Trump has telephoned a number of ASEAN leaders including Philippines President Duterte. ASEAN Foreign ministers in Washington were hosted by Secretary of State Rex Tillerson. According to the Brookings senior fellow Stromseth, the White House's visual commitment to the region could "foster conditions that enable constructive multilateral engagement with China in the Asia-Pacific, helping to mitigate strategic rivalry between Washington and Beijing over the long term." <sup>35</sup>

## **Coalition of the Middle Powers**

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The idea of a coalition of middle powers has been argued by Medcalf and Mohan. They contend that China's rising aggressiveness and qualms about America's reaction to it are causing middle powers in Indo-Pacific Asia to look outside customary approach to security. India, Australia, Japan and some ASEAN countries are increasing security cooperation with each other, the subsequent step should be the formation of 'middle power coalitions'. This security cooperation may result into casual arrangements where regional players cooperate with one another on strategic issues, working in self-appointed groups excluding China or the United States. The potential areas of collaboration can be intelligence exchanges, security dialogues, technology sharing, military capacity building, along with agenda setting for regional security as well as synchronized diplomatic initiatives to influence both US and Chinese strategic calculations.<sup>36</sup> Although there are a number of hurdles in the establishment of such a coalition, if it succeeds, it can prove to be an important development with long-lasting impact on the security dynamics of the SCS.

### **Likely Scenarios**

The SCS is both a fulcrum of world trade and crucible of conflict.<sup>37</sup> The Chinese assertiveness in recent years and the US response to it have added a new dimension to the whole issue. The US will have to step up its ties with the ASEAN in the future and offer a viable economic alternative to the TPP.<sup>38</sup> Sino – US tensions in the SCS is not likely to impact their economic relations. China is the largest trading partner of the US.<sup>39</sup> US trade with China totaled 648.2 billion dollars in 2016. But continuous tensions in the SCS is not a good omen for the East Asian region and particularly for the neighboring ASEAN states.

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The US' military power and alliances have not constrained China's expanding sphere of influence. President Trump's idea of 'reviving peace through strength' is not likely to hold back China. The benign nature of the US' actions have provided space to China to assert itself aggressively. The US can also turn to allies like Japan which already sees China as a threat, and garner support for its position in the SCS region. The US can take into account seeking access to Thitu Island (occupied by the Philippines), Itu Aba Island (occupied by Taiwan), and Spratly Island (occupied by Vietnam). A stronghold in these islands would create difficulties for China by increasing the risks related to military coercion.

With regards to the sovereignty disputes, the US, to date, has not taken any position. In recent years, however, China has begun to affirm its claims more actively and is now seeking to take control of the sea. If it manages to do so, the US' supremacy in the region will be jeopardized, and the balance of power across Asia will tilt in China's favor. In this scenario, the Trump administration can take a firmer line, by supplementing diplomacy with deterrence by warning China that if the aggression continues the US will move from its position of neutrality and support states in the region to defend their perceived sovereign rights. The US also has the option to intimidate China by enforcing sanctions. The US had done it earlier with some qualified success. During 2015 the Obama administration threatened to impose sanctions in response to alleged Chinese state-sponsored theft of US commercial interests, the Chinese government quickly obliged. Similarly, the threat of US sanctions on Chinese companies also worked in the case of their trade with North Korea, when China cracked down on the firms illegally doing business with the North Korean companies, in the last few months of the Obama's government.<sup>40</sup>

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The bottom line to all this is that both the US and China will have to weigh their options carefully before taking any major strategic step. But one can safely say, for the time being that no military confrontation is likely to take place in the near future, as both sides have much to lose in case the tensions exacerbate.

### **Conclusion**

The ongoing power politics and great power rivalry in SCS present a classic case for the balance of threat theory being put into action. In the case of the SCS, both the behaviors (balancing and bandwagoning) can be discerned.

Unless cooperation initiatives are undertaken on the hard issues, conflict resolution may not be forthcoming. Some factors, like the protection of the environment of the SCS region, can be a unifying point for all the parties where none of the states can have a reason for disagreement. Awaiting implementation on the table is still the idea of 'joint development' argued a long time ago. A quick revisit of the policies of conflicting states in the SCS region is the need of the hour. This can help avoid a full-scale confrontation between a rising China ultimately militarily challenging the status quo power of the US, described as the 'Thucydides trap'.

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## Endnotes:

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<sup>38</sup> Ratner, "Course Correction."

<sup>39</sup> "The People's Republic of China," Office of the United States Trade Representative, accessed June 22, 2017, <https://ustr.gov/countries-regions/china-mongolia-taiwan/peoples-republic-china>.

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