

# On Reducing Tensions in the South China Sea

by Jon Atkins

## 1. Introduction

Competing claims of territorial sovereignty over islands and atolls in the South China Sea have been the source of tension and conflict for many years. The United Nations Convention on the Law of the Sea (UNCLOS), which was concluded in 1982 and came into force in 1994, established a legal framework designed to balance the economic and security interests of coastal states with those of other nations utilising the zone's sea lanes.

China asserts the largest claim over islands and other features in the South China Sea contained within a 'dash-line' map published by the Kuomintang Government in 1947. This claim, however, lacks legal foundation under UNCLOS and is disputed by other claimants within the region including the Philippines, Taiwan, Malaysia, Vietnam and Brunei.

Recent tensions in the South China Sea date back to 2008-09. Conflicting claims over the Scarborough Shoal involving China and the Philippines culminated in 2012 when China gained de facto control over this feature. In May 2014, tensions between China and Vietnam erupted when the Chinese state-owned China National Offshore Oil Corporation (CNOOC) began drilling operations 120 nautical miles from Vietnam's coast i.e. within its exclusive economic zone (EEZ), and 17 nautical miles from Triton Island which is part of the disputed Parcel archipelago.

Since 2014 the focus has shifted to China's large-scale construction and installation of military facilities on features it occupies in the Spratly Islands. It should be noted that China is not the first nation to artificially extend the size of the features it occupies. However the scope and character of China's land reclamation activities, involving the construction of numerous runways and port facilities, has elicited opposition from other regional claimants and condemnation from the United States.

At the annual Shangri-La Dialogue held in Singapore in May 2015, *Al Jazeera* reported that US Defence Secretary Ash Carter called for an "immediate and lasting halt" to China's island building activities and stated that the US "will fly, sail, and operate wherever international law allows". The US has encouraged Australia to participate in such "freedom of navigation operations" (FONOPs).

Added to these tensions is the ongoing dispute in the East China Sea over ownership of a group of uninhabited islands known as the Senkaku Islands in Japan and the Diaoyu Islands in China.

The risk of these disputes becoming military confrontations involving the US is very real. Given the degree of integration of Australia's defence forces in the US military network, once the US is involved in a military confrontation with China within the Asia-Pacific region, Australia is very likely to become involved as well in support of US forces.

Below is an exploration of the primary source of conflict between China and the US in the South China Sea together with suggestions as to how Australia could constructively engage with the region's stakeholders in order to reduce mounting tensions.

## **2. China's Land Reclamation**

Much recent publicity in the mainstream media has focussed on China's land reclamation activities in the Spratly archipelago. These activities involve Chinese dredgers pumping sand onto certain coral reefs followed by the construction of naval, air force and communications facilities on these artificial islands.

Reuters reported that recent satellite images revealed that China has almost finished building a 3,000-meter-long airstrip on one of these artificial islands, namely on Fiery Cross Reef. Unnamed security experts have claimed that the airstrip will be long enough to accommodate most Chinese military aircraft, giving Beijing greater access to the South China Sea. Recent images of Chinese-occupied South Johnson Reef also showed a large multi-level military facility in the centre of the reef. The same report mentioned that China is building seven islands on top of coral reefs in the archipelago.

China claims most of the South China Sea. According to Beijing, these outposts will have undefined military purposes, as well as help with maritime search and rescue, disaster relief and navigation. Given that much of China's ship-borne trade passes through this region, security of these sea lanes is of crucial importance to Beijing.

## **3. Increasing Tensions**

China's land reclamation activities have been roundly condemned by the US in recent months. For example, the visiting Chief of the US Navy's Pacific Fleet, Admiral Harry Harris, recently told a Canberra audience that "China is creating a great wall of sand with dredges and bulldozers" in the Spratly Islands. Harris mentioned that the US is on track to reposition 60 percent of its navy to the Pacific Fleet by 2020. According to Harris, this increased navy presence will improve the US "ability to maintain stability and security" and that the US would be "better positioned to quickly respond" if a crisis were to break out. The Abbott government has enthusiastically backed the US stance.

According to a report by Hamish McDonald, US Secretary of Defence Ash Carter reflected this rhetoric by authorising a show of naval power in the Spratlys. This was accomplished by "the USS Fort Worth, the first of four ... littoral combat ships to be deployed to Singapore, which undertook a cruise-by of the Spratlys, showing off its shallow-draft, high-speed ... and heavy-armament capabilities." Then on May 20 as noted above "a Poseidon patrol aircraft made a sweep directly over the main Chinese reclamation, with a CNN team aboard to record Chinese radio messages to clear off."

Australia, it should be noted, has also added to the US show of strength by participating in the Balikatan military exercises in April this year, an annual event involving forces from the Philippines and the United States. These exercises took place close to where Chinese dredgers were operating in the Spratlys. Apart from sending 70 engineers, Canberra also authorised the use of a RAAF AP-3C Orion in the 10-day Balikatan exercise. This aircraft is described as "one of the world's most advanced aerial platforms for detecting hostile ships and submarines and vacuuming up local communications." A most valuable adjunct to the US show of strength in the Spratlys.

Hamish McDonald also reported that in response to this escalation of tensions, Beijing's *Global Times* – a government controlled tabloid - warned that "(i)f the United States' bottom line is that China has to halt its activities, then a US–China war is inevitable in the South China Sea."

#### **4. The Containment of China and the 'Fish Hook' Line**

With all of this Chinese 'aggression' and 'provocation', it would appear that China's armed forces have got the Americans and the Japanese well and truly on the defensive. This is far from the truth. Rather it is the US and Japan than have created a military cordon around China's coastline.

In commenting on Desmond Ball's and Richard Tanter's *The Tools of Owatatsumi*, Hamish McDonald notes that the US and Japan have constructed a 'trip wire' or a sophisticated network of "undersea hydrophones and magnetic anomaly detectors that, combined with data collected from ground stations, patrol aircraft and satellites, make it virtually impossible for Chinese ships and submarines to break out into the wider ocean undetected."

This elaborate surveillance network, first revealed by Taiwan military intelligence official Liao Wen-chung in 2005, was referred to as a "Fish Hook Undersea Defence Line", or the "fish hook" for short. It stretches from "Tsushima Strait between Japan and Korea, and from Japan's southern main island, Kyushu, down past Taiwan to the Philippines." This segment of the network is joined by the hook which stretches across the "Java Sea from Kalimantan to Java, across the Sunda Strait between Java and Sumatra, and from the northern tip of Sumatra along the eastern side of India's Andaman and Nicobar island chain."

The fish hook has not gone unchallenged by China. For example, it has been reported that Chinese patrol ships have sailed close to Japanese coastal stations which process data collected from the "fish hook".

#### **5. Propaganda War**

In an article on the US / China conflict in the South China Sea, Hugh White correctly points out that United States policymakers have longed believed that territorial disputes in this region offer them a strategic opportunity to denigrate China. These policy-makers "think they can use these disputes to cast Beijing as a bullying and aggressive rising power, and themselves as the indispensable guardians of regional order and international law." They think that this propaganda campaign will help entice China's neighbours to side with Washington against Beijing's growing challenge to US hegemony in Asia.

This US strategy, White contends, is flawed for three reasons.

*First*, while China is pressing its claims to disputed features in the South China Sea, it is far from clear that it is acting illegally. Nor, in most instances, can China be criticised for endeavouring to limit freedom of navigation around its claims in ways that violate international law. On the contrary, White argues that "China's counter-claim that the US position is deliberately confrontational and provocative" has some credibility.

*Second*, White argues that it is far from certain that Asian countries are as keen to side with the Washington as US policy-makers contend. Further, White argues that no Asian country would be eager to join the US against China if it came to a military confrontation.

*Third*, White is doubtful that the US would be willing to risk a major military exchange in order to prevent China constructing bases on its islands in the South China Sea.

## **6. Components of a More Comprehensive Response**

It is proposed that a more comprehensive response to the escalating tensions between the US and China in the Asia-Pacific could include the following elements:

### **a) Identifying the Source of the US-China Confrontation**

It is important to clearly and consistently describe the source of the confrontation between US and China in the East China and South China Seas.

The essential elements are these:

- These conflicts are primarily over access and control of the seas surrounding China;
- The US wants to maintain the old order i.e. its hegemony, in this region by being free to send its military vessels e.g. aircraft carriers, submarines etc. into these seas. On the other hand, China, in keeping with its growing power, wants to increase its control over these seas;
- China is encircled by hostile military bases and surveillance networks. It is estimated that the US has approximately 1,000 military bases around the world, many of them surrounding China including those in Japan, South Korea and Australia. These bases in the Asia-Pacific are hostile bases designed to contain China;
- While China is a rising power, the US still exercises a massive predominance of power. Note that the US 'red line' is drawn near China's coastline. By contrast, China is not deploying its military power in the Caribbean or in waters close to the Californian coast. Such a confrontation would be inconceivable. This helps reveal the reality about the imbalance of power between the two nations.

### **b) Promoting the Freedom of the Seas Convention**

The UN Convention on the Law of the Sea (UNCLOS) - also called the Law of the Sea Convention or the Law of the Sea treaty - is the main international agreement governing the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. This agreement was concluded in 1982. As of January 2015, 166 countries and the European Union have ratified UNCLOS. The US has yet to ratify the Convention.

Australia, as a signatory to UNCLOS, could encourage the US to ratify the Convention and campaign for UNCLOS to be observed by all claimants as a way of defusing disputes over territorial waters, archipelagic waters, exclusive economic zones etc. within the South China Sea.

As well MPG could campaign for a Senate inquiry to examine the competing claims of the US and China in the South China Sea and explore how adherence to UNCLOS could contribute to defusing tensions between claimants.

Also support for the ten ASEAN countries to collectively establish a 'code of conduct' with China, in keeping with UNCLOS, should be explored.

In addition, bodies such as the International Court of Justice (ICJ) and the Permanent Court of Arbitration (PCA) could also be used to assist with the resolution of regional disputes involving territories and resources.

Note that East Timor has used both the ICJ and PCA in disputes involving Australia. Following the Australia–East Timor spying scandal in 2013, East Timor launched a case in the PCA seeking to have the inequitable gas treaty it had signed with Australia declared invalid and the maritime boundaries between the two countries redrawn in accordance with international law.

### c) Other Initiatives

Other initiatives that the group could support include:

- Opposing Prime Minister Shinzo Abe’s military ambitions; supporting the retention of Japan’s post-war pacifist constitution;
- Opposing all (bi-lateral) military treaties, joint military exercises and defence acquisitions that are designed to fortify the ring of military containment around China;
- Increasing Australian dialogue and co-operation with ASEAN;
- Encouraging Southeast and East Asia countries to become an independent bloc in world affairs, separate from China and separate from the United States.

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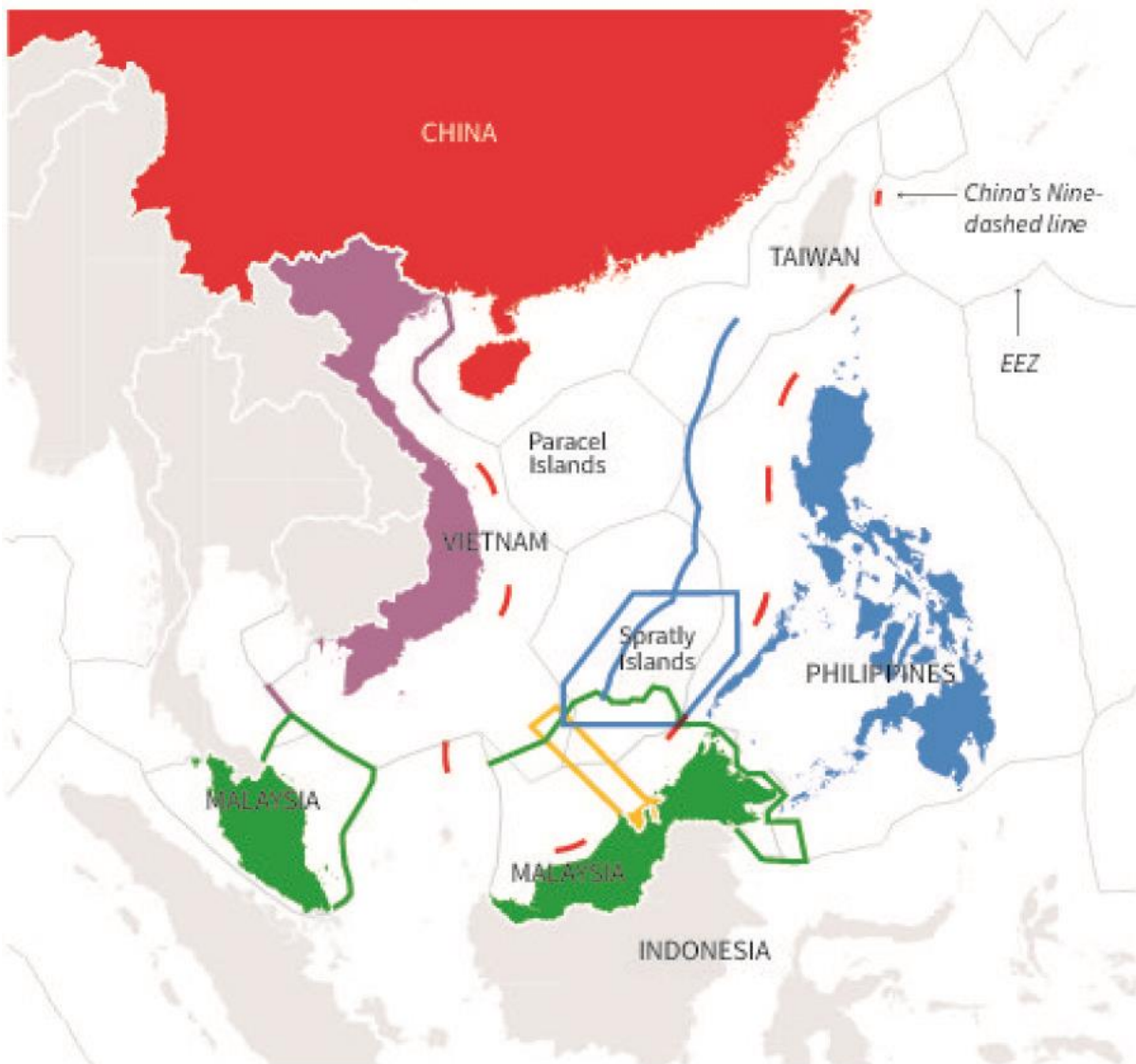
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## Overlapping claims in the South China Sea

Six nations contest all or parts of the South China Sea, which has led to a series of confrontations between China and some of its neighbours over the potentially oil-and-gas rich area. Here is a look at how each claim compares with the official exclusive economic zones (EEZ), the waters extending 200 nautical miles from the coast.



Sources: U.S. State Department; UN Division for Ocean Affairs and the Law of the Sea; U.S. Energy Information Administration; Reuters

Source: Helen Clark, 'Vietnam Careful, Not Jubilant After South China Sea Ruling Against China', *Huffpost*, July 2017 - [http://www.huffingtonpost.com/helen-clark1/vietnam-south-china-sea-ruling\\_b\\_11022864.html](http://www.huffingtonpost.com/helen-clark1/vietnam-south-china-sea-ruling_b_11022864.html)

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