

The South China Sea

This special Fokus series on the Strategic Review of Global Hotspots consists of seven parts and is based on the AIES online discussion on the same topic. The online lectures of the authors are available at: aies.at/global-hotspots

In political science, a 'hotspot' is often defined as a geographic area where different political actors and interests clash, which can potentially lead to a global turning point. Currently, one of the most critical hotspots in the Indo-Pacific region is the South China Sea (SCS) because of its significant strategic dimension. The SCS is located at the nexus of the Pacific and the Indian Ocean. With two choke points, the Singapore Strait, and the Malacca Strait, it represents one of the busiest sea-lanes in the world. This lifeline is indispensable for the transportation of crude oil and other raw materials from the Indian Ocean to the Pacific, and to ports in China, Taiwan, South Korea, and Japan. In the opposite direction, this sea-lane is used by the same countries for the transportation of their industrial products to the European market and, depending on the goods and type of transport, the entire Eastern Atlantic. Maintaining free navigation in the SCS is a prerequisite for the efficiency of global trade dynamics as well as for the peaceful coexistence and relations among the countries in the region.

In recent decades, the SCS has been at the centre of attention – especially since the resurgence of China in the early 80s – because of the territorial disputes concerning some of the islands in the area, which are largely uninhabited islets and rocky outcrops. In order to settle these disputes and in light of the claims by China over these territories, the United Nations Convention on the Law of the Sea (UNCLOS) was invoked by the involved littoral states (e.g., the Philippines, Vietnam, and Brunei) in several cases. One of the most remarkable is the ruling of the court of The Hague in 2016 that upheld the claim by the Philippines against China's view of the nine-dash line. The court considered the actions per-

petrated by China as a violation of the territorial sovereignty of the Philippines "by interfering with its fishing and petroleum exploration and by constructing artificial islands in those islands," adding also that "those areas are not overlapped by any possible entitlement of China". Despite being part of the UNCLOS, Beijing rejected this legal act and considered it void, and this constituted a breach of the maritime conventional law of the UNCLOS.

The UNCLOS is the international legal framework established to regulate globally all seas related activities, and in particular maritime boundary conflicts. This agreement was concluded in Montego Bay, in Jamaica, on 10th December 1982 and came into force on 16 November 1994, one year after the deposit of the instrument of ratification. It is also known as "UNCLOS III" and has been ratified by 168 parties. The works of the UN Conference on the Law of the Sea lasted from 1973 to 1982 being the third of its kind. Preceding conferences are known as "UNCLOS I and UNCLOS II". The Convention summarised the previously applicable law of the sea as codified in the Geneva Conventions on the Law of the Sea (1958), it established the foregoing disputed breadth of the territorial sea and its contiguous zone, and also developed the regulations on the continental shelf. The convention introduced various important concepts in the development of maritime law: the exclusive economic zone, as an area in which special rights are exercised by coastal states, an international regime of the seabed and its subsoil beyond the limits of the continental shelf, and the archipelagic waters. Finally, it also regulated the protection and conservation of the marine environment, marine scientific research, and the development and transfer of marine technology. In addition to the older principle of the freedom of the seas, the Convention is based on the newly introduced principle of the common heritage of mankind.

China's claims over the islands in the SCS are supported by the above mentioned

nine-dash line, also known as ten-dash line and the eleven-dash line, a poorly defined demarcation line, originally used by the Republic of China in the period 1912-1949. Later this theory was used by the governments of the Republic of China (ROC, which governs Taiwan) and the People's Republic of China (PRC), as a basis for their claims over most of the SCS. This disputed area includes the Paracel Islands, the Spratly Islands and several other areas including the Pratas Islands, Macclesfield Bank and Scarborough Shoal. The claim includes China's land reclamation known as the "Great Wall of Sand". Recently, China has started to occupy parts of these territories and has built military facilities such as airports and radar stations. This move caused the reaction of other actors such as the U.S. and its allies in the region who have lodged sharp protests against these actions, once again ignored by Beijing. Up to this day there have been no clashes, except for a few encounters with U.S. Navy ships (e.g., smaller vessels and destroyers), nor has China unnecessarily aggravated the situation, including the withdrawal from their initial decision to establish an overflight zone over the disputed areas.

This excess of precaution might be interpreted as a sign of "showing the flag" and here China admittedly has a lot of catching up to do. At the current state, China nor any other actor involved in the region is interested in a military escalation, however, such situations can be rapidly and easily ramped up, should domestic or foreign policy require. This attitude has a great importance considering Beijing's rising power and public claims to global leadership. In this regard, it must be noted that currently, the PRC might not be able to achieve global military dominance, especially on the maritime sector, because of its military inferiority to the U.S. whose presence in the region is strong. From a purely practical point of view, while China does not have a deployable CSG, the American navy can draw on three to five ones simultaneously. Additionally, two of them de facto are permanently based in

the Pacific Command area, respectively in Yokosuka and Guam, and therefore they are directly and rapidly deployable in both the SCS and Taiwan's and Korea's neighbourhood, the East China Sea.

China has tried to respond to the U.S.' military presence in the region by developing the island chains in the SCS, which are meant to serve as military support points to prevent any movement directed to China's coastal area. This strategy of using all military means (primarily from the land) near the coast to deter any adversary's maritime threats is known as A2AD (Anti-Access Area Denial). On the other hand, the country has embarked on an ambitious and expensive naval programme and is well-aware of the fact that it cannot forgo naval power in its bid for global leadership, particularly when judging by its unfavourable geographic position. In the competition, the U.S. not only has a strong naval tradition, but it is also a well-established naval power with an advantageous position on the map. It has unrestricted access to the Pacific through its West Coast and the island bases strategically positioned close to China, as well as direct access to the Atlantic on its East Coast and due to its control over the Panama Canal. However, China's lifelines are subject to higher security risks in relation to the transportation of vital raw materials and products from and to China. For instance, a good produced in China must go through the Suez Canal, the Mediterranean, and past Gibraltar, or via the Cape of Good Hope, in order to reach the Atlantic, and China does not have control over any of these choke points. This is the rationale behind the concept of a "maritime Silk Road" as a supplement to the land component, but the result is a mere expedient and not a demonstration of global leadership power.

The answer to Beijing's lack of naval power translated to a significant investment in a fleet building programme that envisages an operational carrier force of three, perhaps even four battle groups in two or three decades. China has the financial resources to achieve its objectives even if several problems could rise from their lack of experience in building and producing

the combat power of such highly sensitive and complex assets. At this point, it remains to be seen to which extent the capabilities of China will be used and moved quickly in the right direction in the attempt to undermine the absolute leadership of the U.S. in the seas. The change in the U.S. presidency from Trump to Biden will not significantly alter the approach of the American foreign policy towards the PRC. The U.S.' allies in the region, Japan, Taiwan, South Korea, Australia, and New Zealand remain part of a militarily superior "ring" that Beijing has not been able to counter yet, and it will not have the capacity to do so in the foreseeable future.

Nevertheless, China is strongly bolstering its trade efforts, to strengthen its leadership position in the region. Of particular importance, is China's move to approach the Association of Southeast Asian Nations (ASEAN) countries, with the aim to portray a new more conciliatory self-image and gain new trade partners to partially compensate for U.S. military naval superiority. Notwithstanding, this strategy is a source of tension, and these situations can escalate quickly showing China's real intentions. As it was the case in 2001, a U.S. reconnaissance aircraft (EP-3E ARIES 2), was conducting a reconnaissance flight from Guam along the Chinese coast on the 12 nm (22.2 km) boundary, when it was pushed away by two Chinese fighter aircrafts (J-8s), colliding with one of the fighters. The latter crashed, and the U.S. aircraft was forced to make an emergency landing on Hainan (an island off the coast with militarily sensitive infrastructure). While China spoke of a violation of its airspace, the U.S. filed a protest for an attack on their aircraft in international airspace. After a long period of quarrelling, the incident was settled.

Regarding the assessment of this hotspot, China and U.S. do not seem interested in engaging in further escalations in the region, and the possibility of a conflict with extreme consequences would not bring advantages to any of the parties involved in the dispute. Nevertheless, as Professor G. Allison from the Harvard University once stated, the status of this

conflict is "Not wise or not desirable – that does not mean impossible." The impression is that a new cold war is the most probable scenario, with new regulations and new risks, but hopefully without any direct military confrontation. At least, until China will be ready to counter the capabilities of the U.S. and constitute a military threat for the global order.

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