

Philippines-China Conflict

April 7, 2021

Tensions between the two Asian neighbours have steadily been escalating, ever since over 200 Chinese ships anchored themselves in waters close to the Whitsun Reef last week. The reef, called Julian Reef by Manila, is part of the Spratly Islands archipelago. Both China and the Philippines claim the reef as their territory, with Manila insisting that it falls within its exclusive economic zone.

In news: Philippines accuses China of colonising South China Sea as fears of major conflict grow

Placing it in syllabus: Foreign Affairs

Dimensions

- Background
- South China Sea Conflict
- India's position on the conflict

Content:

Background:

- The Philippines accused Beijing of promoting a “false narrative” of its “illegitimate” claims in the disputed South China Sea, marking Manila's latest move in a feud that has strained diplomatic ties.
- Philippine and Chinese embassy officials have been locked in a war of words since last month over the **presence of nearly 200 Chinese ships** which were first detected at the boomerang-shaped **Whitsun Reef**, (It is part of the **Spratly Islands archipelago**) before spreading out to other areas in the disputed waters.
- China maintains that the vessels are simply fishing boats, sheltering in the area due to poor sea conditions – but they have done no fishing and the weather has been

good. They also switch on powerful lights at night.

- The Philippines ordered China to recall the vessels, describing their presence as an incursion into its sovereign territory.
- The Philippines' government says the vessels are part of China's maritime militia and manned by reservists operating under the orders of the Coast Guard and People's Liberation Army (PLA).
- Beijing has largely ignored Manila's demands for the vessels to leave, saying Whitsun Reef is part of China's territory.
- That has raised the ire of Philippine Defense Secretary Delfin Lorenzana, who over the weekend, accused Beijing of planning to occupy new features in the South China Sea.



South China Sea Conflict:

- The South China Sea is a **marginal sea** that is **part of the Pacific Ocean** that extends from the **Strait of Malacca** in the southwest, to the **Strait of Taiwan** in the northeast.
- The **littoral countries of the South China Sea** are China, Taiwan, Philippines, Malaysia, Brunei, Indonesia, Singapore, Cambodia, Thailand, and Vietnam.
- The South China Sea Islands, collectively comprising **several archipelago clusters of mostly small uninhabited islands**, islets (cays and shoals), reefs/atolls and

seamounts numbering in the hundreds, are subject to competing claims of sovereignty by several countries.

- These claims are also reflected in the variety of names used for the islands and the sea.

The **islands of the South China Sea** can be grouped into **two island chains**:

- ***The Paracels Islands***: These are clustered in the northwest corner of the Sea.
- ***The Spratly Islands***: These are located in the southeast corner.

Importance of Sea for the countries:

The South China Sea is a region of tremendous economic and geostrategic importance.

- ***Important Shipping Lane***: The South China Sea contains some of the world's most important shipping lanes. The main route to and from Pacific and Indian ocean ports is through the Strait of Malacca and the South China Sea. One-third of the world's maritime shipping passes through it, carrying over US\$3 trillion in trade each year.
- ***Oil and Gas Deposits***: Huge oil and natural gas reserves are believed to lie beneath its seabed. A US Geological Survey estimate puts the region's discovered and undiscovered oil reserves at 11 billion barrels. The same EIA report also points to the wide variety of natural gas resource estimations, ranging from 190 trillion cubic feet to 500 trillion cubic feet, likely located in the contested Reed Bank"
- ***Abundant Fish Catch***: The South China Sea is rich in marine life. Contributing to this abundance are the extensive runoff of nutrient-laden waters from land and the upwellings of water in certain areas of the sea. Fishing is crucial for the food security of millions in

Southeast Asia.



Reasons for Conflict

The South China Sea is an area of growing conflicts due to territorial claims by different countries:

- The Spratly Islands and its different geographic features are reportedly occupied by claimants such as Taiwan, Vietnam, the Philippines, China, and Malaysia.
- The Paracels Islands are claimed by China, Vietnam, and Taiwan.

Given below are the various claims raised by the different countries involved in the dispute:

- **China:** The country claims that ancient history records show that China held control over the entire waterway and it was only during the modern era that the dispute began. China also raises legal concerns and rights over the Sea. The **nine-dash line** area claimed by the China covers most of the South China Sea and overlaps with the exclusive economic zone claims of Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam. However, China has not been successful in proving its claim over the region.

- **Vietnam:** The country raises its claims based on inheritance grounds. It was only in the 1970s that Vietnam raised its claim after its relations with China deteriorated.
- **Malaysia:** The country claims the feature in the southern Spratley falls inside the border of Malaysia's continent which makes their claim acceptable on legal grounds.
- **Indonesia:** The country claims only the part of the sea which comes under its exclusive special economic zones.
- **Philippines:** The country bases its claims on historical grounds. They only demand the part that comes under their exclusive economic zone.
- **Brunei:** Its claims are based on EEZ as mentioned by the United Nations Convention on the Law of the Sea (UNCLOS).

Various reasons have led to the dispute regarding the South China Sea. Given below are the causes for the South China Sea Dispute:

- There are **exclusive economic zones (EEZ)** and mostly in the case of water bodies, these zones overlap for different territories.
- **Natural resources and strategic significance** of the South China Sea are a major attraction for all the littoral countries to claim sovereignty over the region. Claimant states are interested in retaining or acquiring the rights to fishing stocks, the exploration and potential exploitation of crude oil and natural gas in the seabed of various parts of the South China Sea, and the strategic control of important shipping lanes.
- **China's aggressive militarization and territorial expansion** in the South China Sea is seen as a threat to the sovereignty of many nations. Since 2013, China has resorted to island building in the Spratly Islands and the Paracel Islands region.
- The People's Republic of China has over the years **built**

artificial islands in the disputed waters, fortifying them with military bases. From 2014 to 2016, China constructed more new island surface than all other nations have constructed throughout history and **as of 2016 placed military equipment on one of its artificial islands** unlike the other claimants.

International Tribunal Ruling:

In July 2016, an arbitration tribunal constituted under **Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS)** ruled against the China's maritime claims in *Philippines v. China*.

The Permanent Court of Arbitration ordered that:

- There was **no evidence that China had historically exercised exclusive control** over the waters or resources, hence there was **“no legal basis for China to claim historic rights” over the nine-dash line.**
- China's historic rights claims over maritime areas inside the “nine-dash line” have no lawful effect if they exceed what's entitled to under UNCLOS
- There was no legal basis for China to claim historic rights to resources within the sea areas falling within “nine-dash line”
- UNCLOS does not provide for a group of islands such as the Spratly Islands to generate maritime zones collectively as a unit
- China had breached its obligations under the convention on the International Regulations for Preventing Collisions at Sea and Article 94 of UNCLOS concerning maritime safety
- China violated its obligations to refrain from aggravating or extending the parties disputes during the pendency of the settlement process

The tribunal did not rule on the ownership of the islands or

delimit maritime boundaries.

Both the People's Republic of China and the Republic of China (Taiwan) stated that they did not recognize the tribunal and insisted that the matter should be resolved through bilateral negotiations with other claimants.

India's position on the conflict:

- India remained acutely conscious of its official position of **neither being party to the disputes nor taking sides for many years.**
- But with increasing ties with **East Asian countries (Act East Policy)**, India indirectly started raising concerns about Chinese illegitimate claims in the South China Sea.
- India believes that **the disputes in the Southeast Asian littorals are a litmus test for the international maritime law.**
- In the aftermath of the Hague Tribunal's verdict on the South China Sea, India obligated to take a principled stand on the issue of freedom of navigation and commercial access enshrined in the UNCLOS.
- Despite China's protests, India continues its oil exploration in Vietnam's exclusive economic zone (EEZ) in the South China Sea from where ONGC Videsh Limited supplies oil to Vietnam.
- India also supports a negotiated settlement of Brunei's maritime dispute with China and has inked defense cooperation agreement that would provide an institutional foundation for more collaborative work on maritime security and secure India's energy lanes to Brunei.

Mould your thought: The South China Sea is a potentially volatile part of the Indo-Pacific. Elaborate.

Approach to the answer:

- Introduction
- Write about the geography of South China Sea
- Discuss its importance for the littoral nations
- Discuss the dispute and the reasons for the dispute
- Conclusion