

## New Dimension in South China Sea: After the Verdict of Permanent Court of Arbitration

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### Abstract

After the verdict of the Permanent Court of Arbitration and rejection of this by China, the South China Sea is becoming increasingly significant in the world arena. The behavior of China with this context needs a deep study. South China Sea is strategically very important because one-third of the world's shipping passes through it carrying over three trillion dollars in trade each year, it contains lucrative fisheries that are crucial for the food security of millions in southeast Asia, and huge oil and gas reserves are believed to lie beneath its seabed. First it is necessary for any state to secure its national interest, South China Sea is surrounded by many countries, their national interest is to grab the resources and powers which it offers, thus conflicts between nations is usual, this fact made the region more significant. Second China is the most powerful nation among the claimant parties thus it always shows offensive behavior towards the SCS. Third other powerful nations like US and India want the sea to be independent and open for all.

The study is not only about the Chinese interests in the sea but also discloses China's strategy to secure its "core interest." China is continuously influencing the region by making artificial islands, strengthening the PLA Navy and at the same time giving effort for solving disputes by negotiations and bilateral talks. This ambiguous behavior of China, steps taken by other claimant parties to secure their interests and efforts put by international community to stop China offers a vast area of study.

**KEYWORDS-** South China Sea, UNCLOS, Nine dash line, PCA, EEZ, ASEAN, India, USA, Australia, Core Interest, Asia-pacific Region, Indo-pacific region, Pivot Of Asia, QUAD, Transpacific Partnership.

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### Introduction-

South China Sea has become a very interesting area after the verdict given by PCA. Here a deep view on the responses of China as well as other super power has been described. The article analyse the diplomatic dimension of South China Sea dispute and role of major powers in the region. In recent years interaction between USA, Japan, India and ASEAN countries has increased the article reviews recent changes and trends among these power in the context SCS. here we can see that China's strategy of diplomacy in East Asian countries is dominated by economic dimension where the power of poor economies in ASEAN influence major decisions because they do not want to displease China for its economic power.

The article analyse the effect of power projection of China in SCS. . China is accelerating the military utility of its outposts in the South China Sea as the United States, under the Trump administration, has stepped up the tempo of its freedom of navigation operations and presence operations. The article gives information of PLAAF activities and Chinese deployment in its artificial islands and evaluates the message behind it.

South China Sea is not only one of the world's most dynamic economic regions but is also a source of abundant natural resource, and an important air and maritime route, connecting the Pacific and the Indian Ocean. Therefore, South China Sea is of increasing geo-political, economic and military importance to neighboring countries and major countries in the world.

The South China Sea is often dubbed as the second Middle East for its potential rich reserve of oil and natural gas resources. At the same time, the sovereignty over the islands and rights over the resources in the South China Sea are intensely contested among China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan. Many observers see the South China Sea dispute as a potentially explosive security issue in East Asia. In recent years, tensions and disputes seem to be on the rise among claimant states and some external powers are increasing their involvement in the issue as well. No doubt, the dispute has been one of the major factors that have contributed to the rising defense expenditures and growing military modernization programs in the region.

In south china sea if territorial states follow the provisions of UNCLOS(United Nations Convention on the Law of the Sea) there will be no serious issue in this region, but this area is very much important for energy security, food security and finally for national security ,which leads it to a very contested area among the territorial states. According to the provisions of UNCLOS third, the maritime jurisdiction of a state is as follows:-

Territorial Sea – 12 nautical miles (22.22km)

Contiguous Zone – 24 nautical miles (44.45 km)

Exclusive Economics Zone (EEZ) – 200 nautical mile (370.4 km)

Continental Shelf 200-350 nautical mile.

Many important sea and air routes passes through the south China sea making it economically important. The sea carries tremendous strategic importance; one-third of the world's shipping passes through it carrying over \$3 trillion in trade each year which is growing year by year. it contains lucrative fisheries that are crucial for the food security of millions in Southeast Asia, and huge oil and gas reserves are believed to lie beneath its seabed.

### **New Dimension In South China Sea: After The Verdict Of Permanent Court Of Arbitration**

Sovereignty issue in South China Sea is an interesting area for research investigation because it contains many dimensions of Defence and Peace Studies like super power

diplomacy, balance of power, and role of small powers in the strategy of super powers, scarcity of resources and its impact on international relations, and so on. Probably it is seen decisions ,taken by big powers , always plays a key role in any regional issue but the SCS issue shows a new dimension as smaller powers have played a key role in diffusing crisis. In this case, all the claimant nations have their own importance. Although, China is the most powerful nation among these nations but it cannot dominate or find against all other parties because it is direct related to the economy osf the region which is bi-dimensional as China, whose economic prosperity has a cascading effect on the economic and infrastructural development in most of these countries and at the same time they are potential market for Chinese goods.

South China Sea, which is located between Malacca strait and strait of Taiwan, consists Pratas(Dongsha), Paracel(Xisha), Spratly(Nasha) Islands, Macclesfield bank(Zongsha) and Scarborogh Shoal. SCS has long been a bone of contention between China and South East Asian countries. This connection has made it second Persian gulf. Presently, Of these islands Macclesfield Bank and Paracel islands are under the jurisdiction of China, since Spratly, a group of islands, covers a vast area of SCS that is why it being fiercely contested by various countries in the region. The western, northeastern and southwestern areas of Sprtely islands are under the actual jurisdiction of Vietnam, the Philippines and Malaysia respectively. Second most contested area is Scarborough Shoal( Huangyan Island),where China, Philippines and Taiwan are claiming.

It can be easily seen from the history of Chinese imperialism that China has a lot of patience, either it can be say as petience is the most important weapon of imperialistic China, its because China never takes steps back to back instead, it takes a step, stops, checks if everything is ideal, goes back if necessary and again takes next step, by this game of patience it is ultimately going further in the path to it's goal. In the case of South China Sea, China first claimed over Paracel and some part of Spratly islands in a statement issued in 1951 during the allied peace treaty negotiations with Japan. In 1958, China reaffirmed its claim to these islands when it asserted rights to territorial waters during the Jinmen crisis. From the mid 1970s to the present, official government Statement have used roughly the same language to describe China's sovereignty claim. The claim is usually phrased as " China has indisputable sovereignty over the South China Sea islands and adjacent waters.

Nine dash line projection is another part of China's delaying strategy as it covers almost 85% area of SCS. China claims whole area under these lines but the reason behind it is ambiguous. Nine dash line overlaps exclusive economic zone of almost all the territorial states which is prescribed by the 1982 United Nations Convention on the Law of the Sea(UNCLOS). That is why Scarborough Shoal, Paracel and Spratly islands notably disputed. Malaysia, Philippines, Brunei, Taiwan and Vietnam have put strong objections on Nine dash line. The verbal objections turned into a filed complain, when China began large scale development work in Spratly islands in 2013. China started transforming them from barren reefs to military outposts. In January 2013, Philippines filed case against China in Permanent Court of Arbitration (PCA). In February 2013, China declared that it would not participate in the arbitration proceedings. China published a White paper to elaborate it's position in December 2014. The arbitration tribunal ruled in October 2015

that it has jurisdiction over the case, taking up seven out of fifteen submissions made by Philippines. On 12 July, 2016, the tribunal ruled in favor of Philippines.

Now it needs a detailed view of the verdict given by Permanent Court of Arbitration.

### **Highlights Of The Award Issued By The PCA:**

- The tribunal concluded that China's claim has no legal basis. The reason of historical rights to resources within the sea areas falling within the nine dash line is completely illogical.
- The tribunal found that China has modified many islands of Spratly group of Islands ,the modification made them to generate exclusive economic zone but naturally they are not able to generate EEZ. Here it is necessary to mention that under the convention (UNCLOS) , rocks, which cannot sustain human habitation or economic life of their own ,shall have no EEZ or continental shelf, only those islands which have above qualities can generate EEZ and continental shelf. Tribunal found historical evidence that shows transient use of Spratly islands which drives to the conclusion that none of these islands is capable of generating extended maritime zones.
- China has found culprit of violation of Philippines' sovereign rights in its exclusive economic zone by the tribunal. China interfered with Philippine fishing and petroleum exploration, constructed artificial islands and failed to prevent Chinese fishermen from fishing in the EEZ of Philippines.
- Tribunal mentioned that in Scarborough Shoal Philippine fishermen have traditional fishing rights, and China has interfered with these rights.
- Tribunal also mentioned harms of Marine environment. China's construction of artificial islands is responsible for these harms.
- Tribunal added Chinese activity in the beginning of the arbitration has intensified tensions and aggravated the dispute between the parties.

From the above highlights, it is clear that PCA has given its decision in favor of the Philippines but in last it adds that none of the parties is wrong in their own way but the root of the dispute is because of different understanding of both the parties, Both of them are trying to secure their national interest.

### **Reaction of China To The Verdict Of PCA:**

The reaction of China on the ruling is well known, it refused to accept the verdict by saying that it was initiated by one side and does not accept PCA jurisdiction. President Xi Jinping said " China's territorial sovereignty and marine rights in the seas would not be affected by the ruling, which declared large areas of the sea to be neutral international waters or the exclusive economic zones of other countries." China alleged that the five members of tribunal were tainted selected by the president of PCA, Shunji Yanai, who is anti Chinese and a citizen of Japan. So the first Chinese reaction seems to be a part of carefully planned strategy, However, due to the mounting global diplomatic pressure, the Chinese response seems to be wait and watch.

This is notable that though China says the area under nine dash line is undisputed and a sovereign region of China but then again it insists its neighboring countries to resolve disputes by negotiations and bilateral talks. It seems that China does not want the US involvement in this region because it sees the US hand ubiquitous in instigating the litigation by The Philippines and also in making ASEAN unity in this matter and finally securing its one sided outcome. Here it is necessary to mention that although China got the verdict against it, but after some time it got a major diplomatic victory when the joint communique of the ASEAN Foreign Ministers meeting failed to conciliate China to adjust with the ruling of pca invalidating China's historical claims over SCS. The biggest reason behind it, is economic. Undoubtedly China is one of the largest economy in the world, it provides financial aid and helps poor countries by developing infrastructure in their main land. Especially to it's sea neighbors it shows more kindness and sympathy. As this China has developed a way to decentralise it's rivals. Finally, this economic aid prevents ASEAN to form an anti China alliance.

In ASEAN, there are three groups of states. One is the group of those, who have territorial issues with China and they are more close to non claimant States like India and The US; second group is mainly poor and takes economic and other aid from China; third one is neutral and only want to establish peace in the region. Second group of countries support China because they consider China as their "Big brother ", Cambodia and Laos are recipients of huge amount of Chinese aid and investment and they denied to support the tribunal ruling. So here a result comes that the power of economically poor countries in the regional organization to influence major decisions especially related to the rivalry between China and the other claimants of some islands in SCS is considerable. Thus, it can be concluded that China has a great influence in this region, this influence has been more powerfully expressed when ruling of the PCA came against China. China replied roughly everyone who appreciated the verdict of the tribunal. For example one of the Pacific nations Australia openly criticized China by it's strongly worded statements but China dismissed those statements by ""irresponsible comments." China replies roughly to those states who can influence the area but at the same time, for claimant states, it opens the door to solve the disputes.

#### **Change In Chinese Strategy After The Verdict :**

China has mentioned South China Sea as the area of its core interest, the verdict lead China to make more effort to secure it's core interest, in other words the diplomatic pressure which comes after July, 2016, works as an intensifying agent to Chinese strategy in the region because the ruling gives opportunity to other powerful states like the US, Japan and India to interfere in this region in the name of global peace. China has not changed it's strategy but adopted some more effective efforts to secure it's side. The three pronged strategy of China has given below :

1. China is putting strong projection of power in SCS which can reinforce it's historical claims. The power projection can be seen from the development of islands of SCS. China is making artificial islands and making them airfields. Three major military bases of China have already been made in Subi, Mischief and Fiery Cross reefs that have air, naval, radar and missile defence facilities.

Along with these military bases China has made another air base in Woody island in the Paracels. This power protection made Chinese forces to control almost entire South China Sea.

2. China is rapidly mobilizing it's defence forces especially naval forces. China's defence budget is increasing average 9.5% annually. In March, 2018 it announced \$174.5 billion defence budget which is 8.1% increased from last year. Chinese navy has got the status of second largest navy in the world.
3. China is trying to put influence not only in South China Sea but also in East China Sea and Indian Ocean. It seems that China has motive to influence entire Indo-pacific region. It's port facilities and naval bases are gradually expanding in the region. The maritime infrastructure in Gwador, Hambantota, Male and Chittagong covers South Asia and port facilities in Mombasa, Dar-e-Salam and Bogamoyo almost covers entire Indian Ocean. It has also made a military base in Djibouti on the east cost of Africa. It seems One Belt One Road(OBOR) is also a part of it's strategy of influence.

Thus from the above it can be concluded that the efforts to controlling South China Sea is a part of China's grand strategy of securing the status of super power. Every direct and indirect event ,which provoke China, work as fuel to fire. In the case of SCS, ruling of PCA also worked as intensifying fuel to China's offensive fire.

### **The Counter Strategy Of The US:**

The United States is an established power in the region. It does not want to loose this status of super power so it makes plans to counter China's growing strategic and economic influence in SCS. The efforts of the US in the region to ensure not only the freedom of navigation in SCS but also the security of it's friends and allies in the region. The US wants China and other territorial states to solve the disputes with in the framework of United Nations Convention On the Law of the Sea (UNCLOS) which dominates China's interests but it has maintained a neutral stance also. The US is also working with a three pronged strategy :

1. The US is trying to maintain dominant presence of its naval forces in South China Sea. Freedom of Navigation drills, Pivot to Asia (Asia Rebalancing) strategy and naval exercises with territorial states are seems to be a part of the US strategy to counter China.
2. The US is continuously making efforts to strengthening strategic ties with traditional allies like Japan, Australia, South Korea etc, and also giving new dimensions to it's strategy by including India as a new strategic friend. "QUAD" is an recent example of it,which contains Japan, Australia, India and the US. The region which was before named as Asia-pacific has changed to Indo-pacific.
3. America also trying to counter aggressive economic diplomacy launched by China. Trans Pacific Partnership (TPP) between the US and 11 countries of Pacific region is seen as a challenge to China's growing dominance in the Pacific region. Here it is important to mention that Trump administration found TPP harmful to it's economy and announced American withdrawal from it. This step is

considered as a serious mistake of Trump administration from international community.

From the above description, it is clear that the US does not play in front foot in the region instead it is playing a diplomatic game with China. It is noticeable that the economic relationship between the US and China is very strong. During 2016, US -China trade in goods and services were of \$648 billion. This amount gives a way to conclude that the US will never take an economical risk by evolving itself thoroughly in countering China instead as usual it will play safely by hiding itself behind a wall which is made of brick of Japan, South Korea, Australia and India.

### **Conclusion :**

The ruling of PCA made South China Sea dispute center of International politics. Before, it was known as a disputed area but after the ruling a very clear picture of its importance and richness has been drawn in front of the world. The area is not only covers EEZ of territorial countries but also very important sea lanes going through it thus it is necessary that it should be free from Chinese influence. If China completely got the control over the area under nine dash line, it will not only be strategic victory but also economic victory for China, On the other hand the US will loose it's influence in Indo-pacific region. The dispute in South China Sea are though territorial but their impact is worldwide. China knows that, if it will not oppose other international powers to interfere in the region then the regional states will be influenced and it's interests will suffer. China, by it's economic supremacy in the region, can dominate other territorial states that's why it tries to make these issues smaller and wants to bind them with in the region. China does not like any outer interfere in this region. Whereas the US and other big powers are trying to pressurise China for solving the dispute under UNCLOS. Here it is noticeable that none of the non-claimant states can directly interfere in this region because the claimant states are not rigid they are not taking a stand against China. They are not able to displease China for it's economic power. This conclusion is drived from a situation when the Philippine president Rodrigo Duterte during his visit to China in October, 2015, announced his separation from the US, saying it has "lost" and he has realigned with China as the two agreed to resolve their South China Sea dispute through talks. The fact gives a clear vision that China's growth in this region is unstoppable so the expansion of Chinese political and military power has a potential to generate threat in the mind of the US, this condition leads a considerable tension in the region but not war. The biggest reason behind it, is increasing economic relations between China and the US.

The new world order has envolved economic dimension in international politics where states along with disputes, try to make stronger economic relations, Their patience level has been increased because ultimately they all want economic development. Which will lead them to a situation where they will have a level of understanding and a way to solve their issues without any pressure. In the case of South China Sea it will be very interesting to see that whose strategy between The US and China will succeed? Will their economic relationship lessen the tension or will they go against each other to establish their supremacy?

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