



South China Sea Disputes and Power Struggles Between the Two Major Powers

**Adinda Hertoro, M.A.,
Researcher on the ASEAN and the South China Sea**

**S. Süha Çubukçuoğlu, M.A.,
Seaborne Energy Advisory Group Member, Koç University Maritime Forum**

1. Introduction

The long-standing disputes over the South China Sea (SCS) started in 2009 when China submitted what is known as the “nine-dash line” to the United Nations (UN), causing tensions that remain ebb and flow. However, the maps that China claims were published long before, in 1947, with then the “eleven-dash” forming a U-shaped line. The disputes involve China, Taiwan and four other Association of the South East Asian Nations (ASEAN) member states: the Philippines, Vietnam, Brunei and Malaysia. The conflict, however, is mostly dominated by China, Vietnam and the Philippines with Spratly and Paracel islands under contention. The significance of the sea relies on the fact that it connects to North East Asia and the Western Pacific Ocean and offers the shortest routes between the two and contains major sea lanes of communication. The shipping passage constitutes one-third of the global maritime trade. Moreover, what exists below the surface is an equally significant factor: a projected 28 billion barrels of oil, 260 trillion cubic feet of natural gas and ten percent of the world’s fish stocks. Consequently, overlapping claims and the idea to defend their territories have been clearly defined. The issue was first internationalized by Vietnam on ASEAN Regional Forum (ARF) in 2009; subsequently, US Secretary of State Hillary Clinton made a statement with regard to American interests on the issue.

China’s on-going land reclamation efforts that started in late 2013 have alarmed other claimant countries in the region and also drew attention from Washington. The US rebalance can be further seen in its activity in the disputed area. The US Freedom of Navigation Operations (FONOPs) in the SCS aim to send a clear message for its stance that all nations are obliged to obey the International Law of the Sea as codified in the UN Convention on the Law of the Sea (UNCLOS) and assert its rights to traverse the waters, as aligned with international law. This will be further discussed in subsequent sections of the paper.



ASEAN has a role in facilitating talks between China and other disputants. ASEAN managed to engage China in signing the Declaration of the Conduct Parties (DoC) of the SCS disputes, the non-binding document that encouraged the parties to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability.

The paper aims to present a general overview pertaining to these disputes and further seeks to disclose implications of the contention between the two major powers, the US and China, on the security of the South China Sea.

2. Brief Historical Background on the Disputes

South East Asia is a region that is prone to territorial disputes due to years of colonialism, for nearly three hundred years of colonialism had a strong domination in the region. Additionally, the region is resistant to settlement of conflict.¹

China, as the major regional power, claims almost the entirety of the disputed area known as the ‘U-shaped line’, ‘nine-dash line’, or ‘nine-dotted line’ that reminds people of a ‘cow tongue’ which Beijing claims to have inherited from its ancestors. Despite the seemingly vigorous claims, China has yet to clarify what the ‘nine-dash line’ means. Does it mean that China claims the bits of reef and land inside the line or does it mean China claims all waters as hers?

The legacy of the historical part of the area that China strongly believes to be on their side can be traced back to the defeat of Japan in World War II. The San Francisco Treaty in 1951 annulled Japan’s occupancy of the SCS that resulted in a vacuum of power. Although Japan renounced the claims over Spratlys and Paracels, it did not allocate the islands to any other country.

China’s commentary claimed that records in her history regarding Paracels and Spratlys could be traced back to the Sung Dynasty and coins that belong to the emperor Yung-Lo from the Myng Dynasty that were found on the coral reef just before the war of resistance of Japanese Aggression.² The roadmap presents a strong evidence by China that activities were first conducted by the Chinese in *Nansha* (Spratlys), that they were the first to develop the island chain during the *Myng* and *Qyng* dynasty, and that it was used as a navigational guide for the fishermen to travel to *Xisha* (Paracels) and *Nansha* (Spratlys).³

1 M. Taylor Fravel, ‘Territorial and Maritime Boundary Disputes in Asia’, in Saadia Pekkanen, John Ravenhill and Rosemary Foot, Oxford Handbook of the International Relations of Asia (Chapter 27), New York: Oxford University Press, 2014.

2 U.S Energy Information and Administration: China, International Data Analysis. <http://www.eia.gov>. 02.2015:02.

3 Liu Zheng, “What’s China’s ‘nine-dash line’ and why has it created so much tension in the South China Sea?”, South China Morning Post. <https://www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so>. 12 July 2011.



The nine-dash line first appeared in a map on 1947 and China is seemingly forthright defending its claim over sovereignty based on its historical perspective. China, in other words, perceives the SCS as indisputable part of its territory since ‘ancient time’, an area that Chinese officials mentioned as their ‘traditional fishing grounds’ where it appeared as an eleven-dash line when the Republic of China’s navy took control of some the islands in the SCS that were under Japan’s occupation during the World War II. In the early of 1950s, after the Communist takeover of the country, the two ‘dashes’ were removed, and Gulf Tonkin was bypassed as a gesture of communist comrades in the North Vietnam.

3. Position of Major Powers: China and United States

3.1 China

Historical factors play an important role in China’s claim on the SCS, as previously mentioned. China claims almost the entirety, known as the ‘nine-dash line’ which covers hundreds of miles south and east from its most southerly province of Hainan.⁴

However, the precise significance of this ‘nine-dash line’ remains unclear, and as pointed out in the book “Regional Disorder: The South China Sea Disputes,” written by Sarah Raine and Christian Le Miere, the question remains: “Does it indicate a claim to all of the waters inside the line – which would be in clear contravention of the articles and principles of UNCLOS – or only the habitable islands within this area, and the UNCLOS-designated territorial and EEZs extending from these landmasses?”⁵

The disputes have also involved incidents at sea, such as cutting cable incidents between China and Vietnam in 2011, and an oil rig placement within Vietnam’s EEZ in 2014, marking the first time for China to place one of its oil rigs in the EEZ of another state without prior permission. Other incidents occurred between China and the Philippines in 2012 with respect to China seizing Scarborough Shoals.

The SCS has always been important for Beijing. Its significance goes beyond its offers of the shortest routes as well as the resources available under the seafloor. For China, not only the SCS prevents her navy from reaching the Pacific or Indian Oceans without passing through the vicinity of the littoral states, but also deep waters of the SCS are suitable for extensive submarine operations.⁶

4 Why the South China Sea Contentious? BBC News, <https://www.bbc.com/news/world-asia-pacific-13748349>. 12.06.2016.

5 Sarah Raine and Christian Le Miere, “Regional Disorder: The South China Sea Disputes”, The International Institute for Strategic Studies, New York, 2013:33.

6 Richard Q. Turcsányi, “Chinese assertiveness in the South China sea. Power Sources, Domestic Politics, and Reactive Foreign Policy,” Center for Global Studies, University of Bonn, Germany. 2018:33.



The recent maritime standoff occurred in 2014 when Vietnam demanded a Chinese oil-and-gas survey ship, Hai Yang Shi You 981 (HYSY-981), to leave Vietnam's 200-nm EEZ. Beijing's response was that Vietnam should stop drilling activities off its own southern coast.⁷ The standoff lasted for three months before the drilling rig completed and left the area. After the HYSY-981 crisis, the SCS has been relatively calm. However, the recent event has added to the uncertainty whether the sea will remain stable in the upcoming years.

China's more assertive manner has reflected through land reclamation that began in December 2013 on disputed Spratlys, which has alarmed other disputants and also raised concern from Washington. In 2015, a Pentagon report mentioned that China's intention remained unclear and that five emerging outposts could be used for surveillance systems, harbors, airfields and logistical support.⁸ Other disputants shared the same concern at the time, that China intended to use it for military purpose.

Contrary to the statement from Chinese Government that the project is meant to support those stationed on the islands, Beijing's armed forces have installed anti-missile weaponry, as well as runways that are capable of handling military aircraft, structures that the U.S officials believe are designed to house long-range surface-to-air missile launchers, and port facilities that may be capable of accommodating nuclear submarines.⁹

In 2016, the Philippines brought the case before the International Tribunal in The Hague. The ruling favored Manila, stating that some of the waters in question are "within the Exclusive Economic Zone of the Philippines, because those areas are not overlapped by any possible entitlement of China".¹⁰ The Tribunal concluded that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the 'nine-dash line.'¹¹ Nonetheless, as some predicted, China rejected the unfavorable legal verdict at The Hague. Beijing's stance remains that the SCS has been Chinese territory since 'ancient time'.

3.2 United States and Freedom of Navigation Operations (FONOPs)

⁷ Niharika Wandhana, "Vietnam Told China to Get Out of Its Waters. Beijing's Response: No, You Get Out," The Wall Street Journal, https://www.wsj.com/articles/vietnam-told-china-to-get-out-of-its-waters-beijings-response-no-you-get-out-11572625722?emailToken=c80bd5006d96087c34f0eea63b47ff964fBRJeJZ6icBTAd+aQaOJuGCg454UN18DpC8iSY/02Bywnw5S1fQht6AKFfDy5p8LLOJo3O36p0KIKs6lki8jWJTnU0jtZ5v6pYnhGjNB3x6bt76hdaeLZESAZ9Tc4zk7OExLCWymiHBPgUvD3zX4Q%3D%3D&reflink=article_copyURL_share.

01.11.2019.

⁸ Associated Press in Washington, "China's land reclamation in disputed waters stokes fears of military ambitions," The Guardian, <https://www.theguardian.com/world/2015/may/08/china-land-reclamation-south-china-sea-stokes-fears-military-ambitions>. 08.05.2015.

⁹ Vince Beiser, "The Secret Ingredient to China's Aggression? Sand," The New York Times, <https://www.nytimes.com/2018/07/31/opinion/china-spratly-islands-sand.html>. 31.07.2018.

¹⁰ Oliver Holmes and Tom Philips, "South China Sea dispute: what you need to know about The Hague court ruling," The Guardian, <https://www.theguardian.com/news/2016/jul/12/south-china-sea-dispute-what-you-need-to-know-about-the-hague-court-ruling>. 12.06.2019.

¹¹ Ibid.



The US involvement in the disputes first signaled by the statement from then-Secretary of State Hillary Clinton at the ASEAN Regional Forum (ARF) in 2009, for the first time, stated that United States has interest in open access to Asia's maritime commons, freedom of navigation, respect for international law in the SCS and opposes the use of threat or force by any contesting claimants.

Beijing's rejection to the verdict at The Hague and concerns over excessive maritime claims has prompted Washington to conduct FONOPs that aim to send a clear message that all nations are obliged to obey the International Law of the Sea as codified in UNCLOS, as well as asserts its rights to traverse the waters aligned with international law.

Washington maintains that it does not take a position on which nation has sovereignty over each feature in the Spratlys, and that the operation was not intended to challenge any country's claims of sovereignty over land features. While Beijing insists that it supports the Freedom of Navigation (FON) operations, President Xi Jinping stated, "There has been no problem with maritime navigation or overland flights, nor will there ever be in the future".¹²

The statement from a senior Chinese diplomat explains what Beijing sees as the underlying issue:

"The difference between China and the United States is not a difference between freedom of navigation. We are very clear that we support freedom of navigation in accordance with international law, not only in the South China Sea, but also other parts of the world. The difference is that we think the United States takes freedom of navigation as an excuse, what their ships and planes have been doing is actually a close surveillance of China's coastlines and islands and reefs."¹³

Earlier this year, the US conducted its FON operations by sending US guided-missile destroyers to the area. China opposed this mission and demanded that Washington stop what Beijing perceives as a provocative action. "China has indisputable sovereignty of the South China Sea islands and its adjacent waters" claimed Chinese foreign ministry spokeswoman Hua Chunying.¹⁴ The statement highlighted Beijing's stance on the disputes, adamantly defending on what it perceives as sovereignty.

12 Rachel Chang, "There will never be a problem with freedom of navigation in South China Sea: Xi Jinping," The Strait Times, <https://www.straitstimes.com/singapore/there-will-never-be-a-problem-with-freedom-of-navigation-in-south-china-sea-xi-jinping>. 07.11.2015.

13 Lynn Kuok, "The U.S. FON Program in the South China Sea. A lawful and necessary response to China's strategic ambiguity," East Asia Policy Paper. 09.06.2016:3.

14 Sarah Zheng, "Beijing insists on indisputable sovereignty over South China Sea islands as US warships test troubled waters," South China Morning Post, <https://www.scmp.com/news/china/diplomacy/article/2185718/beijing-insists-indisputable-sovereignty-over-south-china-sea> .11.02.2019.



China's main interests for the sea are mainly a combination of historic entitlement, the need for strategic depth to protect China's coastal cities, the desire to open waters of the Indian and Pacific Oceans and the access to fisheries and hydrocarbons.¹⁵

Different views over FON operations conducted by the US, as well as its criticism over artificial islands built by China on disputed islands are the main factors contributing to the barbs being traded by the two giants.

4. Conclusion

The artificial construction issue not only has become a regional concern, but also reflects Beijing's strategic position, which is power projection in the SCS. Additionally, the US – China power struggle will have a major impact security of the region, with the SCS being no exception. It appears that the land reclamation isn't the only issue that other claimants and Washington strongly object to; what has become even more concerning is what Beijing will do with it.

The ASEAN contribution on facilitating the talks between claimant countries and China has been significant. In 2002, both sides agreed on the Declaration of Conduct (DoC) parties in the South China Sea, non-binding document that encourages parties involved to, among others, exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability. The role of ASEAN, however, is limited due to its soft nature of approach. The "ASEAN Way", as written by Mely Caballero-Anthony in the book, "Regional Security in Southeast Asia: Beyond the ASEAN Way," is known to be focused on conflict avoidance as well as harmony and solidarity. It is also known for its preference to avoid the conflicts rather than to resolve them, whilst in the case of the SCS disputes, what is needed is a long-term, sustainable solution.

The rivalry between the US and China has also an implication on ASEAN's role in facilitating talks in order to manage the disputes and may be challenging for ASEAN unity. Some countries are closer to China than others. For example, Cambodia blocked an ASEAN consensus statement on the SCS in 2012. The Philippines appears to be friendlier with China under President Duterte's administration.

Such complex matters may challenge whether ASEAN is able to speak with one voice. In the case of the SCS, consensus is needed, rather than a unilateral act from one or more member states. The member states may also need adjustment at balancing demands of great powers with their commitments to ASEAN.

¹⁵ Billy Hayton, "The South China Sea, the struggle for power in Asia," Yale University Press New Haven and London 2014:121.



China's massive military build-up as well as the US rebalance in the disputes, pledge to respond to China's ambiguity in its claims as well as protecting American interests are factors that make it more difficult to reach a resolution. With two great military powers often coming in contact, there is a concern over miscalculation that would lead to serious tension. The outcome of the power struggle between the two may contribute to the future security of the region in general and the SCS in particular.

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