South China Sea Dispute

Why in news?

Recently, Philippines coast guard removed the floating barrier placed by China that prevented Filipino fishing boats from entering a disputed area in South China Sea.

Where is South China Sea?

> *South China Sea and East China together form China Sea.*

- It is an arm of the western Pacific Ocean that borders the Southeast Asian mainland.
- It is bordered by Brunei, China, Indonesia, Malaysia, Philippines, Taiwan and Vietnam.
- It is connected by ***Taiwan Strait*** with the East China Sea and by ***Luzon Strait*** with the Philippine Sea.
- The major rivers draining into the South China Sea are the tributaries of the *Pearl (Zhu) River Delta* including the *Xi River*, the *Red River and the Mekong River*.

Significance of South China Sea

- **Enriched with fossil fuels** – According to United States Energy Information Agency, there are *11 billion barrels of oil and 190 trillion cubic feet of natural gas deposits* under the South China Sea.
- The main locations for hydrocarbon production are located north of Borneo, east of the Malay Peninsula, and northwest of Palawan.
- **Major fishing ground** – It is home to rich fishing grounds which forms a major source of income for millions of people across the region.
- **Crucial trade route** – The United Nations Conference on Trade and Development (UNCTAD) estimates that *over 21% of global trade,* amounting to $3.37 trillion, transited through these waters in 2016.
- The main route to and from Pacific and Indian Ocean ports is through the *Strait of Malacca and the South China Sea.*

What is the Scarborough Shoal dispute about?

- **Dispute between** – China & Philippines
- **9 dash line** –In 1947, the nationalist Kuomintang party of China issued a map with the so-called "*nine-dash line".*
- It runs as far as 2,000 km from the Chinese mainland and encircles Beijing's claimed

waters and islands of the South China Sea claiming as much as 90% of the sea.

- **China's claim** - Claiming historic rights as one of the first people to explore the area, China claimed the sea feature as part of its territory in recent decades and started to refer to it as *Huangyan (Yellow Rock) Island*.
- In 2012, Beijing seized control of it and forced Filipino fishermen to travel farther for smaller catches.
- **Developmental activities by China** – It includes
  - Piling sand onto existing reefs
  - Military outposts in Paracel and Spratly islands
  - Deploying fighter jets, cruise missiles, and a radar system
  - Installation of barriers at the Scarborough Shoal
  - Construction of artificial islands in the Spratly islands
- **Philippines' claim** - The Philippines continues to insist that it has fishing rights over the disputed area because it is part of its EEZ.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS), which China ratified in 1996, defines EEZs as extending 200 nautical miles (370km) from shore, within which the coastal state has the exclusive right to explore, exploit, and manage the living and non-living resources there.

Other Claims of China

- **Paracel Island dispute** - Between China, Taiwan and Vietnam
- **Spratly island dispute** - Between China, Taiwan, Vietnam, Philippines and Malaysia
- **Scarborough Shoal dispute** – Between China and the Philippines
- Senkaku or the Daioyu Islands dispute – Between China and Japan in East China Sea

What are the reactions of the international commmunity?

- **Contradictory to UNCLOS definition** - As defined by UNCLOS, *Scarborough Shoal is within the EEZ of Philippines* because it is 120 nautical miles (222km) from the Philippine island of Luzon.
- In contrast, Scarborough Shoal is about 594 nautical miles (1,100km) from China's Hainan Island.
- **PCA ruling** - The 2016 ruling issued by the Permanent Court of Arbitration states that *Scarborough Shoal is not an island, but a rock feature*, and is not entitled to an EEZ or a continental shelf.
- China did not participate in The Hague case filed by the Philippines and said it will not recognise the ruling.
- **ITOS ruling** - In 2016, Philippines took China to an *International Tribunal for the Law of the Sea (ITLOS),* an independent judicial body established by the UNCLOS, pertaining to the dispute over the Scarborough Shoal.

- While tribunal has largely rejected the nine-dash line claim, China broke the international ruling by further endangering Philippine ships and damaging the marine environment.
- Although the tribunal's judgement was *binding,* there was no enforcement mechanism.
- **ASEAN** –*The Declaration on the Conduct of Parties in the South China Sea,* signed by China and the members of ASEAN in 2002 disnt yield the desired outcomes.
- **India** - In an unwavering display of commitment to a free, open, and inclusive Indo-Pacific region, India has joined the Philippines in reiterating the call for China to *abide by a 2016 ruling*.
- **The United States** – The US stated that under *1951 Mutual Defence Treaty,* it would invoke mutual defence commitments over an attack "anywhere in the South China Sea".

What lies ahead?

- Recently held 18th East Asia Summit in 2023 recognised South China Sea as the symbol of peace, friendship, cooperation and stability.
- The Group of Seven (G7), during their recent summit in Hiroshima, recognized the 2016 ITLOS award as a useful basis for peacefully resolving disputes between the two nations.
- There is an urgent need to establish common ownership of the disputed areas whereby all the revenues from the South China Sea are equitably shared among the littoral countries.

References

1. IE| South China Sea dispute
2. AlJazeera | What set off the latest South China Sea row
3. The Hindu| Recent issues in South China Sea

SHANKAR IAS PARLIAMENT
Information is Empowering