

The Hague Ruling and Disputed Claims in the South China Sea

Shane Vrabel

Junior Researcher and Editor, Asia Programme

shane.vrabel@cgsrs.org

Centre for Geopolitics & Security in Realism Studies

20-22 Wenlock Road, London N1 7GU, United Kingdom

www.cgsrs.org | info@cgsrs.org

28th July 2016

As a result of its expansive policy within the South China Sea, the People's Republic of China has faced widespread international criticism for its actions in the area. In recent weeks, that criticism has been on the rise. This is due to an international case that had been organized by the island nation of the Philippines in order to bring attention to the growing crisis that is threatening to undermine the stability of the region. On 12 July 2016, The Hague decided to side with the Philippines in that international case

(named the Philippines vs. China) angering Beijing by denying its overarching claims to the area. With the decision final, let's briefly examine the root causes for this growing crisis.

The South China Sea covers some +1,000,000 square miles and is contested by six nations: the People's Republic of China, Taiwan, the Philippines, Vietnam, Malaysia, and Brunei. The area is composed of a wide variety of maritime topography, featuring both shallows and deep ocean. There are also many islands, reefs, and rocks; all of which are grouped into archipelagos that are spread throughout the

sea. The most famous of these archipelagos are the Paracel and Spratly Islands. During the Cold War, the U.S. Navy patrolled the area, and its most active time period was during the Vietnam War. Following the conclusion of that war, both the Vietnamese Navy and the People's Liberation Army Navy had brief spurts of naval adventurism in the sea presenting a hint as to what potentially lay in store for the region. The importance of the region was not lost on the People's Republic of China, and it earmarked the region for its possible expansion in the future.

The South China Sea area is also important economically. It is one of the world's primary sea lanes, and a lot of trade travels through its waters. It is also an important fishery; oil and natural gas exploration is currently underway and the potential for large natural energy reserves makes the area even more appealing (Denyer and Rauhala, 2016). Up until 2015, the People's Republic of China had been one of East Asia's fastest growing nations. Controlling this vast area would be highly beneficial for Beijing for two reasons: first, it would give Beijing access to its resources; and second, it would guarantee that trade will always reach China's shores. This will enable Beijing to curb its unrelenting and voracious appetite for raw resources as well as to ensure the continued growth of its now struggling or weakening economy.

The Construction of the Artificial Islands

The very existence of the islands, reefs, and rocks – some barely protruding out of the water – is the very reason why there had to be an international case over the South China Sea in the first place. These miniscule maritime features are the “landmasses” with which the whole Chinese strategy has been built upon. In order to dispute China's claims to the region, the Philippines began the process with which an international case could be brought against the People's Republic of China in 2013. Soon afterwards, the Chinese began to build their now infamous artificial islands (Perlez, 2016). The construction of these artificial islands has been monitored from afar. The size of the islands has increased exponentially as a result of this construction (Sanger and Gladstone, 2015). Several of these islands now boast sizable airstrips as well as both radar and missile defence batteries.

In order to construct those artificial islands, the Chinese had to use a variety of techniques. The most popular technique that was used was dredging; a process where ships would pump additional sand and other sea floor material from another area on top of one of the pre-existing maritime features (Sanger and Gladstone, 2015). This is the process that has allowed the Chinese to build fortified islands in the middle of the South China Sea. In order to achieve this however,

great harm was done to the maritime environment. This damaging environmental renovation was one of many international laws which the international case found that China had violated (Perlez, 2016). In addition to this, the presence of these newly constructed islands presents a sovereignty problem for those countries that claim portions of the South China Sea from their own shores. The Hague would ultimately side with the Philippines in that international case, realizing that the People's Republic of China had erred with its expansive policy in the South China Sea.

“The very existence of the islands, reefs, and rocks – some barely protruding out of the water – is the very reason why there had to be an international case over the South China Sea in the first place”

The verdict that was reached by The Hague greatly angered the Chinese. Both the Chinese media and the country's leadership dismissed the ruling and criticised those involved with the process. Chinese president Xi Jinping continued to defend China's position on the issue by stating that: “The islands in the South China Sea have been Chinese territories since ancient times” (Denyer and Rauhala, 2016). It would be a grave mistake for those nations that are affected by China's expansion in the region to be overjoyed about The Hague's ruling. For one, it is unlikely that the People's Republic of China will adhere to the findings.

What the ruling will do is force the Chinese to make changes to their overall strategy in the region. With the world now more aware of its actions in the South China Sea, the Chinese will be more secretive as to their potential moves in the region; in order to not cause any more alarm, the Chinese may also keep the region as it currently is (maintaining the status quo). The Chinese will most certainly not give up their new found position in the South China Sea; instead, they will more than likely strengthen it even further with the deployment of additional military forces and or island construction if they feel threatened by another power. Since we now know how the Chinese view the South China Sea, it would be wise for all countries involved in the area to proceed with extreme caution when manoeuvring in the area to prevent the crisis from escalating any further.

REFERENCES

Ben Blanchard and David Petty, China vows to protect South China Sea sovereignty, Manila upbeat, Reuters. Available at: <http://www.reuters.com/article/us-southchinasea-ruling-stakes-idUSKCN0ZS02U>

Daniel Blumenthal, July 12, 2016, Thoughts on the Hague Tribunal's South China Sea Ruling, Foreign Policy. Available at: <http://foreignpolicy.com/2016/07/12/thoughts-on-the-hague-tribunals-south-china-sea-ruling/>

David E. Sanger and Rick Gladstone, April 8, 2015, Piling Sand in a Disputed Sea, China Literally Gains Ground, The New York Times. Available at: http://www.nytimes.com/2015/04/09/world/asia/new-images-show-china-literally-gaining-ground-in-south-china-sea.html?_r=0

Jane Perlez, July 12, 2016, Tribunal Rejects Beijing's Claims in South China Sea, The New York Times. Available at: http://www.nytimes.com/2016/07/13/world/asia/south-china-sea-hague-ruling-philippines.html?_r=0

Simon Denyer and Emily Rauhala, July 12, 2016, Beijing's claims to South China Sea rejected by international tribunal, Washington Post. Available at: https://www.washingtonpost.com/world/beijing-remains-angry-defiant-and-defensive-as-key-south-china-sea-tribunal-ruling-looms/2016/07/12/11100f48-4771-11e6-8dac-0c6e4acce5b1_story.html

Centre for Geopolitics & Security in Realism Studies

20-22 Wenlock Road, London N1 7GU, United Kingdom

www.cgsrs.org | info@cgsrs.org