

UNLEASHING SOUTH CHINA SEA CONFLICT: MULTIPLEX ANALYSIS OF DIPLOMATIC CHAOS

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ABSTRACT

The South China Sea, one of the busiest trade routes around the world consisting of an area of 3.5 million square kilometers, is subject to several overlapping territorial disputes involving China, Vietnam, the Philippines, Taiwan, Malaysia, and Brunei as its stakeholders. The South China Sea connects Asia to Europe and Africa. Political rivals have tried amicable settlement of the contemporary disputes but instead, the tensions have increased over the course of recent years. Multiple Confidence Building Measures (CBMs) and Treaties of Amity and Cooperation (TAC) have been signed by the contending states but all have proven to be in vain. Mechanisms like Freedom of Navigation Operations (FONOPs) are used for chest thumping and hard power display. Numerous other factors are there that eventuate in weakening of diplomatic ties between the contending states. One of such factors is involved is the presence of alien powers like the United States for maintenance of a World Order favouring her on interests under the guise of providing security to the region. Adopting multiplex methodology, this research paper adopts an approach aiming at giving a synopsis of the inherent disputes between the stakeholders, the reasons for failure of efforts for amicable settlement, the role of the stakeholders with special reference to the major contending forces i.e., United States and China, the subsequent implications arising therefrom and some possible solutions to the issue.

Keywords: SCS, FONOS, CBM, Multiplex methodology.

INTRODUCTION

The Belt and Road Initiative has casted several political implications over the world order resulting in a shift of the power spotlight towards China. As a balancer of the status quo United States is making counter efforts to maintain her hegemony in the region. An obvious illustration of disparity among the leading powers i.e., China and United States, can be traced in the South China Sea (Rabbani, A.2019). The South China Sea, one of the busiest trade routes around the world consisting of an area of 3.5 million square kilometers, is a bone of contention among the East Asian states. Political rivals have tried amicable settlement of the contemporary disputes but instead, the tensions have increased over the course of recent years (Macaraig & Fenton, 2021). Simultaneously, the implications of the issue have extended far beyond the South China Sea. For, these are the international waters that connect not only

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the Asia to Europe and Africa but China to the Indian Ocean through Strait of Malacca as well. South China Sea serves as a region of prime strategic significance for providing a simpler trade route and being rich in natural resources. Over the time, the dispute has worsened because the major stakeholders stated above are not of the stance to have negotiations (Macaraig, C. E., & Fenton, A. J. 2021).

One important factor is the presence of United States as an outside power which has internationalized a regional issue. Being a major stakeholder in the global political order, US could have involved herself in the dispute for multiple reasons. It may be aiming at further expansion of her hard and soft power in the South East Asian region. It is also quite possible that it is doing so for balance of powers or even for shifting the power equation in the region towards her. With increase of Chinese influence in terms of both GDP and trade surplus in Sino-American trade, her image being the world's mightiest exporter is one of the "factory of the world" (Lowy Institute, 2022). Thus, surging insecurities at the part of US are further causing her to flex her muscles in the region through the maritime practices in the name of free maritime region. The inadequacy of these measures and their subsequent failure provides a discourse to the readers about the rivalry between authoritarian Chinese administration versus the status quo supporter United States of America (BBC, 2016). For that matter, this research project tends to enclose an account of the enmity between China and United States, Confidence Building Measures and the International Arbitrations in order to resolve an issue as notable as South China Sea.

THEORETICAL FRAMEWORK

The political economy of BRI gives China a considerable position in the arena of global economic competitors, leading to a power transition. The Power Transition Theory provides a structural and a dynamic power approach towards the global power politics. The emphasis of this theory on the power-based inter-state relationships generally characterizes it as a realist theory (Tammen et al., 2012). This is because the realist perspective recognizes the anarchial nature of competition between the states, while the concept of power transition theory, on a similar footing, focuses on the politics of the hierarchy of the nations keeping in view the perpetually changing aspects of the cooperation and idea of competition amongst the political economies of the world. Numerous dynamic factors, structures and rules complement and demonstrate about how the international system of the world politics is or has to be shaped amidst the perpetual changes in the power paradigms. Where the power transition theory gives a general perspective of not differentiating between the international and domestic power politics, it also prompts to propose an idea that the difference between international and domestic power plays is merely one dependent upon on the level of commitment to a particular approach the states are willing to offer under different set of structural circumstances. Such interactions and intersections between the structural and dynamic components of power transition theory provides a tool that may be utilized to forecast the rounds of different transitions in the future power politics (Akamatsu, 1962).

China, with her investments in different states and regions lays down a perfect embodiment of power transition, which not only provides China with greater monetary and strategic benefits but also aligns the states in her regions of operation with the Chinese oriented goals (Buszynski & Hai, 2019). Resultantly, these regions and states are in an arrangement with China whereby the cost-benefit analysis of the arrangement seems to be China's economic imperialism. China gets a hold over these regions in terms of her economic soft power. Similar to the "Laissez Faire" approach developed in the global economics, which were dominated by Capitalism since emergence of US as an economic power; China has been developing an arrangement of 'mutual benefits' between the states. It invests in the regions desired and then reaps the benefits out of it, monetary as well as strategic. The deficit of funds required for the development in these regions are covered by the way of loans, provided by the Chinese and payable back to the Chinese, which not only gives China an upper hand but also the ultimate benefit out of this arrangement. Consequentially, China has come forth as a notable hegemon in contrast to the Capitalist Global Order dominated by US, even at the cost of imbalances in the regional stabilities. This is the reason why there is a continuous transition of power and a tug of war in the domestic policies of China's targeted states as to whether they should lean towards US's Capitalist bloc or the China's Capitalism-oriented-Communist bloc (Dunford, 2015).

METHODOLOGY

In this research paper, the violent state conflicts are discussed in a sense to reach out to the roots and reasons for these conflicts. The methodology developed for that matter by this paper is multiplex methodology (Bourdieu,2011). This methodology gives the readers an insight to trace out the political and strategic realities through an empirical approach based upon case studies. It also enables us to dig out the conflicting and contradicting discourses which lead to epistemic violence. The social construction of realities brings to possibility some multiple interpretations of a single idea. The view of seeing a particular idea is what leads to multiple and contradicting epistemological structures that provides justifications to states for being in contentious skirmishes against each other. The subjective meanings attached to an event lead to multiple truths, called epistemic pluralism (Bourdieu,2011). Hence, states prefer conflict in search of stability, and so do humans. Violent human conflict is one of the most complex practices in order to convince, coerce, or destroy the other group. Because linear thought or an operational reality as Max Weber has highlighted as single cause and effect, is impossible. Same goes for Gandhi, who in his book called Experiments with the truths, highlighted Satyagraha as truth force, whose purpose is to dig out and reveal the real truth behind the British colonialism (Bourdieu,2011).

Now the question is about how to seek an insight to trace out the political and strategic realities. The answer lies in multiplex methodology which involves interdisciplinary studies. Conflict analysis is to be done, in which casual constructs are generated with the help of interdisciplinary approach to understand complex human conflict and so the knowledge is utilized to understand uniquely and explain generally the varied epistemic violence stances of the parties in conflict. This methodology provides revelatory structures if inquiries into the conflict consisting of rival hypothesis (epistemic pluralism). These rival hypotheses are then scrutinized thoroughly by the phenomenon of tracing. The data collected is then subject to a verification which eventuates in either the confirmation or in falsification of an idea or a hypothesis.

IMPORTANCE OF SOUTH CHINA SEA

The significance of the South China Sea can be estimated through the fact that about one-third of global maritime goods pass through it. The South China Sea has almost ten percent of the fishing reserves. Many reports have declared that there have been around 2000 billion cubic meter gas reservoirs deep in the sea. Some sources reveal the presence of gallons of oil under the sea bed (Macaraig, C. E., & Fenton, A. J. 2021). These approximations have increased the importance of the sea especially for China, the reason being China herself lacks natural resources which are met by the way of dependence on other states like Pakistan, Iran and Russia.

South China Sea is strategically quite important for every country. The trade route of Strait of Malacca is connected with this region which increase its importance (KaranC, 2020). Besides, there are hundred thousand people who have their livelihood associated in form of fishing to this sea. Sea is feeding to the families of almost a hundred thousand fishers on daily basis including many other people in Philippines and Taiwan. The consequence of hindrances to access this region might even be as grave as food shortages, which creates a food insecurity as a heart of this dispute. Therefore, apparently every country extends valid claims to sea but none is willing to subdue its part. All these reasons make South China Sea very important reservoir in a commercial as well as humanitarian perspective, which provokes countries claim dominance over this maritime region (Zou, 2021).

Claims over the Sea

China has stretched the “nine dash lines” in sea to show the area which is owned by China. (Rabbani, A.2019). These “nine dash lines” cover area which is expanded on hundreds of miles. Most importantly, this area covers the most important two islands. China claims that these two islands i.e., the Paracels and the Spratlys have belonged to Chinese nation since beginning. China has been claiming the Sea in different ways time and time again. She has also been enjoying the free access and fishing rights over the South China Sea. The initial claims in history dates back to the time of the reign of Xiao Ping, Mao and even in the dynasties of eighteenth century in China. An “eight dash map” was released before 1947 where the major portion of the Sea was claimed. Nine dash map was released later which claimed further regions in

peripheries of the Philippines (Macaraig, C. E., & Fenton, A. J. 2021). Now the most recent claim was made as “ten dash line map” had surfaced in 2010, gaining control over the peripheries of the Taiwan, which further exposes the intensity of Chinese lust for supremacy and control over the Sea. China’s mode of extending her claims is through exercising the claimed territorial rights by naval bases and building islands in the Sea. US, as a power balancer, also conducts several practices exhibiting her naval grandeur. Ergo, China and United States are often accused of keeping the region “militarized” (Center for Preventive Action, 2022).

Vietnam often deters these Chinese claims. It is of the viewpoint that China has not made any territorial claims of the ownership before the 1940s. Vietnam also traces historical entitlement of the areas of both the islands, Paracels and the Spratlys since the 17th Century. Another major stakeholder in the region is the Philippines, which makes its geographical proximity to Spratly Islands as grounds for her rights over the Islands. These opposing stakeholders often extend their claims to an extent where they consider the Scarborough Shoal region as their entitlements, which is about 100 miles (160km) from the Philippines and 500 miles away China (Buszynski & Do, 2021). Malaysia and Brunei also claim an entitlement to some areas of the Sea due to the reason that they have been exercising the rights of fishing and extracting natural reserves in compliance and accordance with UNCLOS - the United Nations Convention on the Law of the Sea. There are even chances that the area would become so militarized that it would potentially raise some serious and direct consequences for the rest of the world. (Rabbani, A.2019).

Efforts for Resolving the Issue

Various efforts have been made over the course of recent years but have proven to be of no use. This is because the major stakeholders, including China, Vietnam, Philippines, Taiwan and Malaysia, have separate stances eventuated out of different interests in the maritime region (Macaraig, C. E., & Fenton, A. J. 2021). Envisioned hereby are some of the most eminent instances of the efforts made in pursuit of a resolution:

- Confidence Building Measures (CBM’s) have been signed by the stakeholders but still there is violation and so does mistrust.
- Treaty of Amity and Cooperation (TAC) was signed in 1976 under ASEAN states to solve the issue diplomatically but now we see its violations and Freedom of Navigation Operations (FONOPs) have been done just for chest thumping and military power showing.
- As pointed out by Henry Kissinger, the US used a “Gun boat Diplomacy”. The US, despite of having any territorial claims over the waters of South China Sea, has used quite aggressive and offensive way of diplomacy to negotiate on this very issue. In the words of Noam Chomsky, US has adapted “a hawkish attitude instead of dove’s”.
- The ASEAN states have attempted to solve the matter. But the power transition and need for power balance between the US and China, while all the regional powers keep allying with these bigger forces, in the region have upset all the domesticated measures. One of the most recent developments include a virtual summit during COVID-19 restrictions, but no fruitful results could be yielded out of it.
- Philippines had grievances against Chinese claims towards the Sea. (STOREY, I. J. 1999). For amicable settlement, Philippines contested Chinese through arbitration (China v. Philippines). The arbitral award proclaimed by the tribunal opposed the Chinese claims over the Sea. However, China had set aside this award. This was a major setback to peace process for resolution. It is thought that this issue may get even worse over the years leading to several ancillary consequences with global repercussions. The dispute over the claims of the sea, have been made multiple times. History also depicts of the clashes in this region (Koo, 2009).

United Nations Convention on Law of Seas

United Nations Convention on Law of Seas has actually made the issue more complex, for all of these states have their valid claims but instances are so overlapping in nature that there is no solution unless compromises are made by every claimant in a like manner (STOREY, I. J. 1999).

According to the UNCLOS, are of four types of maritime features (KaranC, 2020):

- i. *Internal waters* are the waters which are so adjacent to the boundary of the state that there exists no option for any other state to bypass them without prior consent.
- ii. The second are the *territorial waters* which extend to 12 nautical miles from the internal waters and no one can illegally enter or have a right to passage unless permitted by the state itself. (Buszynski & Do, 2021).
- iii. The *contagious zone* extends to the 24 nautical miles from the baseline where the legal jurisdictions extend so that the legal matters against the culprits can be brought to justice.
- iv. The last and extended zone is the *exclusive economic zone* which extends to 200 nautical miles within which the state can conduct commercial activity for the exploration of the natural reserves (Rabbani, A.2019).

Under the banner of UN, to negotiate current regime of maritime law which was agreed in 1970 and was titled as “Exclusive Economic Zones”, all the parties had agreed to be subject to same set of maritime laws and regulations, including China. As of today, neither there has been a compliance, nor has China admitted to comply.

Reason for Prolonged Conflict

This is appurtenant to discuss why the issue has not been resolved yet in spite of efforts which have been done on different renowned platforms. After analyzing issue to the core, it seems that there are some factors which are not interested towards permanent solution to conflict (Qi & Xue, 2020). Different delaying tactics are adopted by the states to secure their national interests rather than collective interests of the region. As long as there is a conflict in interests, a conclusive solution shall not be likely (Start Here, 2021). Furthermore, China has been using “cabbage tactics” over this issue (Mohan, 2020). China has been dominating the region though these tactics, for it clearly stands on a stronger economic and diplomatic footing than all the contemporary claimants. Considering all these factors, the future trajectory of the problems encumbered by the Sea seems encircled by indecisiveness and Chinese hegemony.

Another reason which makes this important issue to delay for such a prolonged period is that South-China Sea has been insidious since beginning. Every time any progress is about to happen, global attention is diverted to even more important issue. Stake-holders need to remain more stucked towards its solution on permanent basis. If any positive development is observed, then there is no way towards its implementation or even acknowledgement by all claimants (Mardell, 2021). Theoretically, domains of this delay approach coincides with the views of neo-realism, which suggests achievement of national interests by hook or by crook.

Future of the Conflict

South-China Sea conflict is going to prolong even more, because the US has now started all out interference. Not only does the US openly confront all the states going ultra-vires to her stance, it also aims at a "freedom of navigation" (Buszynski & Do, 2021). Free access to water would certainly help US. Hurdles towards her access to sea is what could be least preferred by her. (Buszynski & Hai, 2019). US can never afford Chinese domination in any such part of world, which may benefit China in any way. China is already giving tough competition to US day-by-day, so now US can never afford Chinese hegemony. US would never want a corridor as important as South China Sea to be handed-over to China. The one who wants to rule the world, should have hegemony over the sea water (Koo, 2009). Because all the trade of world happens through sea waters, if one country is having dominance over there, it means that she is going to rule globally. South-China Sea is that potentially important economic corridor which can be deciding factor between China and US on who among the two is going to rule the world. So US can never let this happen because it does not want Chinese hegemony on global level in anyway (Zou, 2021).

The US have been using the international law in order to justify its muscle power which has been shown in the premises of South China Sea. The gunboat diplomacy is being used to put pressure on China. Also, by using the soft power, a number of East Asian states have been the mouth piece of US providing them the required naval support. US is doing so to curb the claims of China over South China Sea and indirectly the Belt and Road Initiative. However, China also knows the importance of the dominance in this sea route, which is an essential part of the BRI (Dunford, 2014).

SUGGESTIONS AND RECOMMENDATIONS

In the light of the abovementioned discussion made, facts pointed out and opinions recorded, this paper suggests the following solutions to the problems revolving around the South China Sea:

- The use of multi-lateral treaty specifically over the South China Sea. If there can be a successful alliance on political and economic terms between the ASEAN states, a similar approach can be adopted as to solutions for South China Sea. Moreover, we have witnessed the free trade agreements (FTAs) amongst the ASEAN states, Japan and Australia. Such agreements should be promoted further, as they will increase the interdependence over each other and so the chances of the dispute and conflict of interest will be diminished.
- Other possible solution is the use diplomatic measures for conflict resolution bringing an end to the problem through negotiations and collective strategic approach. Foremost step should be the willingness of the states to solve the dispute, which would then pave the ways for negotiations addressing major bones of contentions. Later stage is “around the table diplomacy” where the plans are mapped out and then streamlined to achieve formal and prominent resolutions.
- International law, being a law not as effectively enforceable as municipal laws, should be given an utmost regard and reverence in the international matters direct and substantial as well as ancillary and incidental to any conflict. Therefore, under the regulations of international regime for maritime law, an effective mechanism should be introduced to sanction the states violating their international obligations in the South China Sea.

CONCLUSION

The issue of the South China Sea still appears unresolved and circumstances unfavorable to lead to any conclusive solutions as for now. China wants the issue to be solved bilaterally but refuses to make compromises. Through BRI, China is indirectly using Debt-Trap diplomacy in order to exploit poor nations like Malaysia, Djibouti, Kyrgyzstan, Laos, Magnolia, Maldives and Pakistan, etc. With every increase in debt of a state under BRI comes increase of exposure to the risks of subjugation to Chinese economic imperialism. This Chinese economic expansionism leads to a reasonable fear of Chinese military expansionism as well. Consequentially, US expansionism also becomes inevitable. This eventuates in an unprecedented and unregulated balance of exhibition of military powers which would ultimately reach the far ends of the world, perpetuating instabilities in other regions. Adequate and effective measures, as suggested by this paper, must be adopted for reasonable and in-time solutions to the problems inherited by South China Sea. Otherwise, amidst the multi-polar world order, the repercussions and reverberations could be noxious.

REFERENCES

- Akamatsu, K. (1962). A historical pattern of economic growth in developing countries. *The developing economies*, 1, 3-25.
- Akhtar, N., Khan, H. U., Jan, M. A., Pratt, C. B., & Jianfu, M. (2021). Exploring the determinants of the China-Pakistan economic corridor and its impact on local communities. *SAGE Open*, 11(4), 21582440211057127.
- Al Jazeera. (2020, Nov 22). What's behind the South China Sea dispute?
- BBC. (2016). Why is the South China Sea contentious? Retrieved January 2, 2022
- Dunford, M. (2014). Chinese economic development and its social and institutional foundations. In *The geographical transformation of China* (pp. 31-51). Routledge.
- Guan, A. C. (1999). ASEAN, China and the South China Sea dispute: A rejoinder. *Security Dialogue*, 30(4), 425-430.
- Karan, C. (2021). Nautical Law: What is UNCLOS? Retrieved from Marine Insight (<https://www.marineinsight.com/maritime-law/nautical-law-what-is-unclos/#:~:text=UNCLOS%20is%20an%20acronym%20for,from%2016th%20November%201982.>)
- Kim, J., & Druckman, D. (2020). Shelved sovereignty or invalid sovereignty? *The South China Sea*

- negotiations, 1992–2016. *The Pacific Review*, 33(1), 32-60.
- Layton, P. (2022, Jul 12). Answering China's South China Sea Flying Safety Challenge.
- Macaraig, C. E., & Fenton, A. J. (2021). Analyzing the Causes and Effects of the South China Sea Dispute: Natural Resources and Freedom of Navigation. *The Journal of Territorial and Maritime Studies*, 8(2), 42–58. <https://www.jstor.org/stable/48617340>
- Mardell, J. (2020). The BRI in Pakistan: China's flagship economic corridor. *Mercator Institute for China Studies*.
- Mohan, V. (2021). Changing Political Dynamics in South Asia: The Belt and Road Initiative and Its Effects on Indian Regional Hegemony. *Journal of Indo-Pacific Affairs*.
- RABBANI, A. (2019). China's Hegemony In The South China Sea. *World Affairs: The Journal of International Issues*, 23(3), 66–79.
- Storey, I. J. (1999). Creeping Assertiveness: China, the Philippines and the South China Sea Dispute. *Contemporary Southeast Asia*, 95-118.
- UN General Assembly. (1982). *Convention on the Law of the Sea*.
- Xue, S. (2020). Why joint development agreements fail: Implications for the South China Sea dispute 1. In *Cooperative Development in the South China Sea* (pp. 155-173). Routledge.