

Borders and Margins Frontières et marges

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EVENTS IN THE SOUTH CHINA SEA AS A THREAT TO REGIONAL STABILITY AND SECURITY

Today, many experts who have long been studying the situation in the South China Sea, have a feeling that the conflict in this region has changed its character. For a long time it existed, as it were, in two phases which relatively quickly replaced one another - the sharp confrontation period , and the slow negotiations period that sometimes created the illusion that the sought compromise was about to be found. This illusion was very strong when all the participants in the conflict signed the so-called rules of conduct in the South China Sea in 2003, and the PRC joined the ASEAN security treaty. But all these positive events were dismissed soon and replaced by a completely different reality. China, in violation with all agreements, declared 80% of the SCS its territory, completely ignored the interests of its neighbors and caused a new round of aggravation in the region.

The United States has interfered in the matter, and recently the

rhythm of this conflict has become dangerous for the cause of peace and stability. And if earlier the conflict was about the clash of China's interests with Vietnam, the Philippines, other ASEAN countries, today the main message is about potential clashes and confrontation of Chinese military against US forces. Of the latest reports on this subject, one can point out that the American reconnaissance aircraft ignored warnings from the Chinese military and several times flew around coral reefs, where China actively carried out illegal works to expand them, to create the foundations of the naval and aviation infrastructure, and in particular modern airfields. Of the latest news, American destroyer went camping through zones that China declared forbidden for military navigation. It is obvious that at any time, all these actions can cause a big conflict between China and the US, its consequences can be unpredictable.

It is necessary to mention that the conflict in the South China Sea for a long time did not attract special attention. Beijing, which captured part of the Paracel Islands as far back as 1956, attempted to expand its control zone there and in January 1974, as a result of the military operation, it managed to capture all the Paracel Islands, which were then under the control of South Vietnam, to whose troops the Americans didn't help to repel the attack.

After that China continued its expansion on the Spratly Islands and in the mid-1990s gradually established control over one small island after another. All attempts to find a compromise with the PRC did not bring any joint projects to success, and the

conflict itself gradually evolved from a bilateral one between China and Vietnam, which had legitimate rights to these territories to multilateral, when China encountered its expansion with most ASEAN countries.

The beginning of a new stage in the development of this conflict was in 2009 when, in a letter to the United Nations, Beijing officially designated the notorious nine-dot line with which it fenced more than 2.2 million square kilometers of the South China Sea without any legal grounds, that is, almost 80 % of its entire water area.

From that time step by step, the Chinese authorities are moving to transform formal ownership into the real one, and establish effective control over all these vast spaces. All the conversations, which I heard in international forums in 2009-2010 that such a vast territory is allocated by the Chinese authorities only as a matter for future bargaining and that China is allegedly preparing to make certain concessions to its neighbors in advance, proved to be wrong. The Beijing authorities demonstrate, today, that everything that was allocated then will not only remain under China's sovereignty, but will be tightly controlled and mastered by it. An example of such a policy was the decision of the PRC government adopted in 2013 when it introduced new fishing rules in the South China Sea without any coordination with neighboring countries. This innovation required foreign vessels that previously were free to fish to obtain official permission to cross the border and fish in the waters to which China is spreading its illegal jurisdiction.

The fishermen of the Philippines, Vietnam, Malaysia, Brunei, as well as Taiwanese vessels that traditionally fished there suffered the most from this decision..

The Chinese authorities explained their decision allegedly by the interests of open and reasonable use of fish resources and their protection. However, from the point of view of all surrounding states, this was simply an excuse aimed at concealing the true intention - to close the "foreign fishermen" access to the waters that they always considered their own and where they had fished for a long time. This unilateral decision worsened life of thousands of families of fishermen from neighboring countries and caused protests and direct denial from the authorities of the Philippines, and the government of Taiwan that stressed that they does not recognize the rules established by Beijing.

But the most consistent in this issue was Vietnam, which not only stated the illegality of the actions of the Chinese authorities, but also widely covered every attack by Chinese warships on peaceful Vietnamese fishermen in the press in international organizations, which is strong harmed the image of China as a peace-loving country.

It can be said that, it was Vietnam that proved to be the most consistent defender of both its own and region-wide interests. It was the Vietnamese position that compelled the other ASEAN countries to raise the issue of the South China Sea to the forefront of regional policy, and it is Vietnam that exerts a tremendous influence on the development of the ASEAN position

on this issue. The recent meetings of the foreign ministers and the ASEAN summits confirm this conclusion.

The contradictions in the South-China Sea were used by the US to show that Washington was the only defender of the Southeast Asian countries from the illegal actions of Beijing. Americans said that they consider China's actions as a "provocative and potentially dangerous act," and that "China did not provide any explanation or justification under international law for these vast naval claims." However, neither the American statements, nor the sharply negative reaction of neighbors had any effect on the PRC policy. On the first day of January 1, 2014, when new fishing rules were introduced in the disputed waters of the South China Sea, China demonstratively conducted military exercises in this zone involving 14 warships.

The next step in the further escalation of the conflict was the decision taken in early 2014 in Beijing to begin the so-called "oil exploration", in the areas that in accordance with UN convention on the law of the sea from 1982, should belong to Vietnam . Again without any consultation with its neighbors, the Chinese authorities published a report on the start of drilling operations on the official website of the Chinese Maritime Security Administration. There they, in particular, warned that from May 4 until August 15, 2014, the Chinese drilling rig will operate near the Paracel Islands. The message of the Chinese authorities also indicated that for the time of their research they forbid the movement of any ships within a radius of 4.8 kilometers from the place of their conduct.

In response, the Vietnamese government demanded from China to stop drilling oil wells in the South China Sea. The Vietnamese authorities defending their legitimate interests took a tough stance, which Beijing finally had to take into account. The "war of nerves" lasted several months and in the end, the Chinese authorities removed their drilling rig ahead of schedule, not in August as they announced before, but in mid-July 2014. At the same time, they did not achieve anything, they found no oil, but only even more worsened their image in the region and in the world.

After the withdrawal of the rig, the relative lull in the South China Sea was short-lived. In Beijing, found a new topic for pressure on their neighbors in the region. They decided to implement the program of territorial expansion of the islands, so that they could accommodate military garrisons and airfields for transport and military aircraft. The Chinese have already created about 4 square kilometers of land," noted Admiral Harry Harris, commander of the Pacific Fleet of the United States in April 2015. He added that the construction of the islands is necessary for the PRC in order to increase the space of sea holdings, and that in Beijing it is expected that if an island is built, it will automatically expand the Chinese border by at least 12 nautical miles. It was not important for them that the construction of artificial islands in the South China Sea and their militarization seriously affect the ecological situation in the region. That the underwater reefs and small islands cease to be the center of fish resources and fisheries.

Today, on illegally built islands are installed missile and anti-aircraft complexes, military airfields, they turn into the military control centers of the PRC in the South China Sea . According to available information, cruise missiles are deployed on the islands occupied by China, which are capable of delivering strikes within a radius of 295 nautical miles (about 546 kilometers), as well as striking air targets at a distance of 160 nautical miles (approximately 296 kilometers). In total, Beijing has 27 advanced bases, almost all of them equipped with runways.

Analyzing the current situation, one can ask a question of how effective such a confrontational line of Beijing in the South China Sea is, what advantages China actually received as a result of all these exacerbations. Strangely enough, it is difficult to find the moments that are positive for the promotion of the PRC's interests, but there are more than enough negative ones. This is the increased distrust and hostility with the neighbors in the region and the return to the region of the US Army and Navy. Against the danger of Chinese actions China's neighbors are actively arming. According to the information of the analytical service of the publishing house "Jaynes" if in recent years Hanoi has allocated about 3 percent of GDP for military appropriations, then in the near future they will increase to five percent. According to forecasts, Vietnam's annual military budget in 2013-2017 increased by 30 percent from 3.8 billion to 4.9 billion dollars. The government of the Philippines also rearms its army.

As we can see China's unilateral actions lead to serious

problems, primarily for China itself. Under the slogan of protecting the freedom of shipping, US warships will continue to defiantly violate all the borders and restrictions established by China in the South China Sea and cross the waters that the PRC declared its own, provoking Beijing to a clash. All the long-cherished plans to oust the United States from the region are thereby crumbling, on the contrary, China only encourages the United States to increase its presence in the region. If President Dutherte that found a balance between the interests of the US and China, didn't win the elections in the Philippines , then the US troops would once again be standing on traditional bases in the Philippines in Subic Bay and Clark Field.

Thus, by its actions, China actually opens the door to the region for Washington, gives it the opportunity to achieve goals of American politics - the encirclement of China by forming special relations not only with the Philippines, but also as they count with Vietnam and with Myanmar. The meaning of these alliances is to use the Southeast Asian countries in their own interests against China.

It seems to me that in Beijing, it became perfectly clear that the policy of open expansion in the South China Sea seriously spoils relations with the ASEAN countries and harms the Chinese image as a peaceful country . Therefore, today China has changed its tactics somewhat, trying to avoid clashes and began to demonstrate readiness for a compromise in the negotiations on the project of a new code of conduct in the South China Sea. The meetings of senior officials of ASEAN and China held in May

and the conference of foreign ministers in August 2018 generally confirm this.

However, even these changes in tactics do not prevent Beijing from continuing to promote measures to impose its sovereignty and gradually attempt to fully control The South China Sea. In Beijing they still rejects to acknowledge the decision of the Hague Arbitration Tribunal despite the fact that it opened the only rational way for a compromise in the South China Sea. Arbitration has abandoned the practice of the so-called historical law and pointed out that the settlement of the situation is possible only within the framework of modern international law based on the UN Convention on the Law of the Sea 1982.

This position of the court does not suit Beijing and it seeks to refute it with all its might. In order to achieve this, China is actively using political, diplomatic and economic influence to mobilize and persuade countries not to support the arbitration award . However the ASEAN countries continue to support the implementation of the decisions of the Hague Tribunal and for the peaceful settlement of the dispute of the South China Sea based on the norms of modern international law. It should be noted that the role of Vietnam is especially great in that the ASEAN countries are firmly defending their position of supporting the decisions of the Hague Tribunal. The fact is that Vietnam has no less, or even more than China's historical evidence, that the Vietnamese emperors controlled and economically used the islands now disputed. But Vietnam, understanding the importance and objectivity of the decision of

the Hague court, agreed to resolve the conflict without appeal to historical law. This Hanoi demonstrated the desire for a peaceful and just solution existing contradictions based on modern international law and the UN Convention on the Law of the Sea of 1982, which formed the basis for the decisions of the Hague Tribunal. Such a consistent position of Vietnam has become today in fact a common position of all the ASEAN countries.

I wish that in near future China will change the vector of it's politics, and return to the idea of cooperation with its neighbors, to take into account their legitimate interests, to seek and reach a compromise on the basis of international law and in particular the 1982 United Nations Convention on the Law of the Sea. Yes, this convention is not entirely perfect, but it is the only reliable and legitimate foundation for reaching a compromise when considering mutual claims in the maritime areas. Besides this the compromise with ASEAN countries is the only reliable way to stop American interference and enforce Chinese influence in the critically important for China region of the South East Asia.