



Introspecting the South China Sea

This editorial is based on “[India’s nuanced approach in the South China Sea](#)” which was published in The Hindu on 19/04/2024. The article explores various facets of the South China Sea and analyzes how New Delhi's strategic reassessment acknowledges the critical importance of the South China Sea to regional security and the global maritime order.

For Prelims: [South China Sea](#), Spratly Islands, Paracel Islands, **the Natuna Islands and Scarborough Shoal**, [ASEAN](#), [UN Convention on the Law of the Sea](#), [Philippines](#), [Taiwan](#), **Luzon Strait**, [Malacca Strait](#), [Nine-dash line](#), [Senkaku Islands](#), [Aegean Sea](#), [Exclusive Economic Zones](#), [Act East Policy](#).

For Mains: Significance of the South China Sea and Related Issues.

In March 2024, India’s External Affairs Minister articulated, in a joint statement during his visit to Manila, India’s full support for the Philippines in upholding its national sovereignty. His comment was made amid the ongoing [South China](#) or West Philippine Sea dispute between Philippines and China which witnessed its most intense and volatile year in 2023, with frequent tensions at sea and diplomatic friction.

A joint statement in 2023 between India and Philippines had also called for China to adhere to the rules-based maritime order and acknowledge the [International Court of Justice \(ICJ\)](#) ruling of 2016 in favour of Philippines. Both these statements are part of an evolving approach that signals a departure from India’s earlier more cautionary and neutral position vis-à-vis the South China Sea.

India’s position on the South China Sea has changed significantly in recent years, mirroring its broader strategic and economic aspirations on the global stage through a more clearly articulated stance backing the provisions of international maritime law, sovereignty, and sovereign rights in the South China Sea.

Note:

South China Sea (SCS):

▪ About:

- The [South China Sea](#) is an arm of western Pacific Ocean in Southeast Asia.
- It is south of China, east & south of Vietnam, west of the Philippines and north of the island of Borneo.
- Bordering states & territories (clockwise from north): the People’s Republic of China, the Republic of China (Taiwan), the Philippines, Malaysia, Brunei, Indonesia, Singapore and Vietnam.
- It is connected by Taiwan Strait with the East China Sea and by Luzon Strait with the Philippine Sea.
- It contains numerous shoals, [reefs, atolls and islands](#). The Paracel Islands, the Spratly Islands and the Scarborough Shoal are the most important.

▪ **Importance:**

- This sea holds tremendous strategic importance for its location as it is the connecting link between the [Indian Ocean](#) and the [Pacific Ocean](#), through Strait of Malacca.
- According to the [United Nations Conference on Trade And Development \(UNCTAD\)](#) one-third of the global shipping passes through it, carrying trillions of trade which makes it a significant geopolitical water body.
- According to the Department of Environment and Natural Resources, Philippines, this sea has one-third of the entire world's marine biodiversity and contains lucrative fisheries providing food security to the Southeast Asian nations.
- The SCS is believed to have huge oil and gas reserves beneath its seabed.
- It is one of the world's most heavily trafficked waterways. An estimated USD 3.4 trillion in ship-borne commerce transits the sea each year, including energy supplies to U.S., Japan and South Korea.



Philippines removes China sea barrier

The Philippines has removed a floating barrier recently installed by Chinese Coast Guard boats to block access to a prime fishing patch within a disputed area of the South China Sea



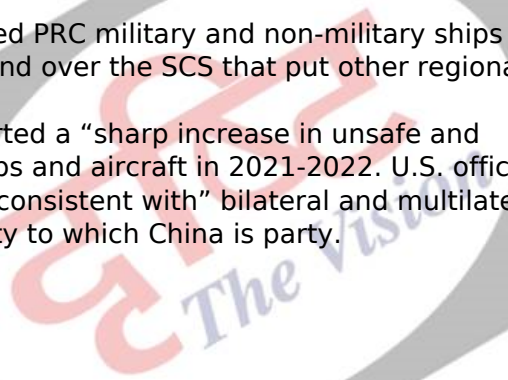
What are the Various Ongoing Disputes in South China Sea (SCS)?

▪ Disputes over Sovereignty:

- In the northern part of the SCS, China, Taiwan, and Vietnam contest sovereignty of the Paracel Islands; China has occupied them since 1974. The PRC and Taiwan also claim **Pratas Island**, which Taiwan controls.
- In the southern part of the sea, China, Taiwan, and Vietnam each claim all of the approximately 200 Spratly Islands, while Brunei, Malaysia, and the Philippines, claim some

of them. Vietnam occupies the most land features in the island chain; Taiwan occupies the largest.

- In the eastern part of the sea, China, Taiwan, and the Philippines claim Scarborough Shoal; China has controlled it since 2012.
 - China's "**nine-dash line**" and Taiwan's similar "**eleven-dash line**" overlap with the theoretical 200-nautical-mile (nm) [Exclusive Economic Zones \(EEZs\)](#) that five Southeast Asian countries—Brunei, Indonesia, Malaysia, the Philippines, and Vietnam—could claim from their mainland coasts under the [1994 United Nations Convention on the Law of the Sea \(UNCLOS\)](#).
- **Dispute over Freedom of the Seas:**
 - The United States and most other countries interpret UNCLOS as giving coastal states the right to regulate economic activities within their EEZs, but not the right to regulate navigation and overflight through the EEZ, including by military ships and aircraft.
 - China holds the minority view that UNCLOS allows them to regulate both economic activity and foreign militaries' navigation and overflight through their EEZs.
 - UNCLOS allows state parties to claim 12-nm territorial seas and 200-nm EEZs around their coastlines and "naturally formed" land features that can "sustain human habitation."
 - Naturally formed land features that remain above water at high tide, but which are not habitable, are entitled to 12-nm territorial seas, but they are not entitled to 200-nm EEZs.
- **Dangerous Encounters at Sea:**
 - The U.S. and other governments have accused PRC military and non-military ships and aircraft of conducting unsafe maneuvers in and over the SCS that put other regional actors at risk.
 - The U.S. Department of Defense (DOD) reported a "sharp increase in unsafe and unprofessional behavior" by PRC military ships and aircraft in 2021-2022. U.S. officials argue that some of these behaviors were "inconsistent with" bilateral and multilateral agreements regarding air and maritime safety to which China is party.





▪ Tensions Between China and Other Claimants:

- In the past decade, tensions have been greatest between China and the Philippines. In 2013—the year after China gained de facto control of Scarborough Shoal following a confrontation between Chinese and Philippine ships—the Philippines sought arbitration under UNCLOS over PRC actions in the SCS.
- In 2016, an UNCLOS arbitral tribunal ruled (among other things) that China's [nine-dash line](#) claim had “no legal basis” and that China violated the Philippines' sovereign rights by interfering with Philippine vessels, damaging the maritime environment, and engaging in reclamation work on a feature in the Philippines' EEZ.

▪ China's Artificial Islands:

- Between 2013 and 2015, China undertook extensive land reclamation (i.e., island-building operations) in the SCS's Spratly Island chain. The reclamation created around five square miles of artificial landmasses on the seven disputed sites that China controls.
 - China built military infrastructure on and deployed advanced anti-ship and anti-aircraft missile systems and other military equipment to the outposts. Although other claimants have carried out reclamation and construction work at SCS sites that they occupy, the scale of China's reclamation work and militarization has greatly exceeded that of other claimants.

▪ Dismantled Regional Cooperation:

- China and the 10-member [Association of Southeast Asian Nations \(ASEAN\)](#) have been negotiating a code of conduct for parties in the SCS since 2002. Some observers say that a binding code is unlikely, and allege that China has prolonged the negotiations to buy time to carry out actions aimed at further strengthening its position in the SCS.

What is the Stand of India With Respect to South China Sea?

▪ Change in India's Shift:

- In July 2016, after the arbitral tribunal announced its ruling in a case brought by the Philippines regarding China's behavior and claims in the South China Sea, India said only that it took note of the award. This was likely meant to avoid taking sides, as China has consistently rejected the award as "illegal" and refused to recognize the tribunal's standing.
 - However, India changed its stance in 2020 and together with Philippines, underlined the need for peaceful settlement of disputes and for adherence to international law. This is the first time that India has proposed abiding by the award, indicating a significant shift in India's "neutral" stance on South China Sea disputes.

▪ Conducting Joint Exercises:

- In May 2019, the Indian Navy, for the first time, conducted joint exercises with the U.S., Japanese, and Philippine navies in the South China Sea. One year later, the Indian Navy held military exercises with the navies of Vietnam, the Philippines, Malaysia, Australia, and Indonesia in August 2021. In May 2023, India for the first time sent warships to participate in a two-day joint exercise with the navies of seven ASEAN states in the South China Sea.

▪ Increased Military Sales and Assistance:

- India has also significantly increased its military sales and assistance to the Philippines and Vietnam. In January 2022, India reached a deal with the Philippines for the export of 100 [BrahMos supersonic anti-ship missiles](#). In June 2023, Vietnam became the first country to receive a fully operational light missile frigate from India.

▪ Repercussions of Complex Ties with India:

- The evolution of India's position on the South China Sea cannot be decoupled from its complex relationship with China. The two countries have a long history of border disputes which have intensified since the Galwan Valley incident of 2020, with Beijing's periodic incursions into India's territory and, most recently, even renaming Indian villages in Arunachal Pradesh.

▪ The Reasons for the Shift:

- **South East Asia as Gateway to Indian Ocean:**
 - Strategic interests, [freedom of navigation](#), and oil and gas resources are the three factors determining India's expanded involvement in the South China sea. Geographically, Southeast Asia serves as a backyard for India and a gateway to the Indian Ocean.
 - Given the rising tensions in the South China Sea, India is worried that the tensions might escalate into wars that would threaten its dominance in the Indian Ocean. As a result, India has attempted to increase its presence in the South China Sea.
- **Pushing Forward Act-East Policy:**
 - The transformation of India's policy orientation from [Look East](#) to [Act East](#) under present government has marked a shift towards a more strategic and active engagement with the [Indo-Pacific region](#).
 - This policy evolution reflects India's acknowledgment of the changing geopolitical landscape and the need for a more proactive and multifaceted foreign policy approach with the Act East Policy emphasising not only economic integration but also strategic partnerships and expanded security cooperation with countries in the Indo-Pacific.
- **Trade Security:**
 - As half of its foreign trade passes through the Malacca Strait, free and secure navigation in the South China Sea is the key to India's trade security. This is another reason why India intervened in the South China Sea issue, although it has no maritime disputes with China or ASEAN countries.
- **Diversifying Energy Resources:**
 - The participation of Indian state-owned enterprises, such as the [Oil and Natural Gas Corporation's overseas arm \(ONGC Videsh\)](#), in oil and gas exploration projects in Vietnam's EEZs and other similar ventures not only signified India's economic stakes in the region but also its support for the principle of freedom of exploration and exploitation of maritime resources within the bounds of international law, specifically UNCLOS.

- **United States as Pull Factor:**
 - The United States is a “pull factor” that encourages India to become involved in South China Sea disputes. Both countries have many common interests. Both are pillars of the [Quad](#), which aims to promote rule-based world order. Both are concerned about China’s dominance in the South China Sea, and both have similar positions on the South China Sea disputes.
- **Responsible Stakeholder in the Indo-Pacific:**
 - As a responsible stakeholder in the Indo-Pacific, India can no longer shy away from taking unambiguous positions on matters of critical importance. Its centrality in the Indo-Pacific theatre means that its periphery is no longer only the Indian Ocean but also the wider maritime domain where China’s rise is challenging the status quo in ways not anticipated before.
 - The ASEAN centrality in India’s Indo-Pacific strategy also makes it imperative for India to buttress the ASEAN position, though differences within the regional grouping continue to pose a challenge to such endeavours.

What are the Future Trends Likely to be Witnessed by India in SCS?

In the near future, India’s presence in the South China Sea will be further expanded in three ways:

- **India’s Growing Stakes in the Region:**
 - Due to fast-growing trade and investment connections and defense cooperation with the ASEAN states, India would have a stronger motivation to embolden its regional ambitions through the South China Sea issue. This would complicate and “internationalize” the South China Sea disputes.
- **Offsetting China’s Advantage in Sino-Indian Border:**
 - India would continue to offset China’s advantages in the Sino-Indian border by manipulating the South China Sea issue. In fact, India has increased its involvement in the South China Sea sharply since the May 2020 clashes with China in [Galwan Valley](#). Given the fragile peace in the border and the cool bilateral relationship, India is likely to utilize the South China Sea issue to restrain China’s strengths in the border.
- **Assistance from the USA:**
 - India would receive help from the United States to intervene in South China Sea disputes. As there will be ongoing confrontation between China and the United States as well as stable relations between China and India in the next few years, India would not hesitate to seize the opportunity to gain benefits from Washington and simultaneously counterbalance China’s rise through cooperating with the U.S. on the South China Sea issue.

What are the Various Ways to Mitigate the Crisis in South China Sea?

- **Leverage Economic Options:**
 - The United States and claimant countries could also sanction Chinese companies and individuals involved in illegal activities, harassment, and coercion in the South China Sea. It should make clear that any Chinese military moves would result in a strong U.S. response, including some of the mitigating options at its disposal.
- **Encourage Other Nations to Align Against China:**
 - These involved nations could collaborate informally to “name and shame” China for its activities, or could issue formal declarations and resolutions in institutions like ASEAN or the [United Nations](#). They could also conduct joint military exercises that cordon off sections of the South China Sea for periods of time.
- **Enforce a Code of Conduct in the South China Sea:**
 - The involved countries could establish and enforce, with like-minded nations, a code of conduct in the South China Sea. This code of conduct would outline responses to provocative or threatening behavior of Chinese vessels. These responses could include ramming and buzzing, or even more traditional activities like boarding and seizing the Chinese vessels.
- **Enhance Security Cooperation and Assistance to Southeast Asian Countries:**
 - There is a need to enhance the military capabilities of other claimants to include a

networked multinational maritime awareness center that links the intelligence gathering and analysis efforts of Southeast Asian countries in order to monitor activities in the South China Sea—and punish countries that violate agreed-upon rules of engagement.

- In 2023, new Bilateral Defense Guidelines strengthened U.S. security commitments under the U.S.-Philippines Mutual Defense Treaty, stating that armed third-party attacks against Philippine armed forces, including Coast Guard, aircraft, or public vessels “anywhere” in the SCS would invoke U.S. mutual security commitments under the treaty.

▪ **Propose Discussions About Arms Control and a Mutual Reduction:**

- The SCS countries could agree, for example, to operate farther from China’s island military outposts in exchange for the complete demilitarization of those islands. The United States could work closely within regional institutions while pressing China privately to adhere to international rules and norms.

▪ **Fostering Dialogue:**

- There is a realisation that the South China Sea problem requires a political framework, which can only be created through dialogue. Leaders of the ASEAN should try to find a political solution through “quiet diplomacy”, as the potential for resolving this issue through legal methods is very low.
- The creation of a “political framework” and progress towards a legally binding “code of conduct” falls more on the shoulders of ASEAN’s leaders. If the ASEAN nations want to convey a crucial political message to China, greater understanding is needed among themselves.

▪ **India’s Advocacy for a Rules-Based International Maritime Order:**

- India’s advocacy for a rules-based international maritime order, especially its emphasis on UNCLOS, reflects a stance against unilateral actions that threaten regional stability. This stance, while rooted in India’s principled foreign policy approach, also indirectly challenges China’s expansive territorial claims and activities in the South China Sea and reflects India’s positioning of itself as a responsible stakeholder committed to regional stability and security.

▪ **Continue FONOPs But No Closer than Twelve Nautical Miles of Contested Features:**

- The United States, along with claimant countries, could signal that the contested features do not have the same rights as territorial seas with respect to freedom of navigation operations (FONOPs), but maintain as much distance as possible to avoid embarrassing and provoking China. It could also continue to push China to apply the Code for Unplanned Encounters at Sea to its coast guard.

▪ **Improving Maritime Reconnaissance and Surveillance Capabilities:**

- This step would help deter China by improving the claimants’ warning time and ability to mount a coordinated response to China’s attempts to change the status quo. Such measures are essentially defensive and would be less provocative to Beijing than offensive measures. They are also desirable for nontraditional security missions like humanitarian aid and disaster relief.
 - The U.S. government seeks to enhance allies’ and partners’ maritime domain awareness in the South China Sea. In 2022, the Quadrilateral Security Dialogue announced an effort to improve [maritime domain awareness](#) throughout the Indo-Pacific, including the SCS.

Conclusion

India is likely to increase its involvement in the South China Sea by various means, which will cause some alarm in China. However, there are limits on India’s influence in the disputes. Unlike the United States, India lacks strong alliances and a military presence in the South China Sea, which will necessarily limit its direct involvement. Moreover, the top priority of India is maintaining dominance over the Indian Ocean, rather than replacing China in the South China Sea.

Finally, even though India has increasingly stood with the Philippines and the United States in the South China Sea disputes, it has largely avoided provoking China. India’s greater cooperation with the U.S. on the South China Sea issue would be restricted by New Delhi’s traditional nonaligned posture and high strategic autonomy.

Drishti Mains Question:

Discuss the geopolitical significance and territorial disputes surrounding the South China Sea, highlighting implications for regional stability and international relations.

UPSC Civil Services Examination, Previous year Question (PYQ)

Prelims:

Q. Consider the following pairs: (2018)

Regions sometimes Country mentioned in news

1. Catalonia — Spain
2. Crimea — Hungary
3. Mindanao — Philippines
4. Oromia — Nigeria

Which of the pairs given above are correctly matched?

- (a) 1, 2 and 3
(b) 3 and 4 only
(c) 1 and 3 only
(d) 2 and 4 only

Ans: c

Q. Southeast Asia has captivated the attention of global community over space and time as a geostrategically significant region. Which among the following is the most convincing explanation for this global perspective? (2011)

- (a) It was the hot theatre during the Second World War
(b) Its location between the Asian powers of China and India
(c) It was the arena of superpower confrontation during the Cold War period
(d) Its location between the Pacific and Indian oceans and its preeminent maritime character

Ans: (d)

Q. Consider the following countries: (2018)

1. Australia
2. Canada
3. China
4. India
5. Japan
6. USA

Which of the above are among the 'free-trade partners' of ASEAN?

- (a) 1, 2, 4 and 5

(b) 3, 4, 5 and 6

(c) 1, 3, 4 and 5

(d) 2, 3, 4 and 6

Ans: c

Q. Consider the following countries: (2009)

1. Brunei Darussalam
2. East Timor
3. Laos

Which of the above is/are member/members of ASEAN?

(a) 1 only

(b) 2 and 3 only

(c) 1 and 3 only

(d) 1, 2 and 3

Ans: C

Mains:

Q. Evaluate the economic and strategic dimensions of India's Look East Policy in the context of the post-Cold War international scenario. **(2016)**

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