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Tensions Rising, Again: South China Sea Disputes 2.0?

By BA Hamzah

SYNOPSIS

China's unrelentingly assertive military posture in support of its fishermen in the South China Sea driven by rising nationalism can lead to low-level skirmishes with regional navies. This can complicate US-China relations and undermine ties with ASEAN as President Donald Trump looks for a diversionary foreign policy.

COMMENTARY

THE GEOPOLITICAL tensions in the South China Sea are simmering once again, after a lull following China's apparent strategy to lie low. ASEAN has been persuaded to pursue negotiations for a code of conduct and there is no chance for a sudden flip by the ASEAN side given the exceptional relations Beijing has developed with the Philippine President Rodrigo Duterte and Cambodian Prime Minister Hun Sen.

There are several reasons why the tensions in the South China Sea may flare up into low-level naval skirmishes between China and ASEAN member states with overlapping claims, namely Vietnam and the Philippines, and lately Malaysia. Even Indonesia, a non-claimant, has been drawn into the fray. This worrying development is likely to be caused primarily by China's unrelentingly assertive military posture driven by rising nationalism.

Latest Flare-Up

China has been sending its well-armed Coast Guard vessels to escort its fishing fleet very close to the shores of Vietnam, the Philippines and Malaysia, challenging the latter's legitimate activities. The intrusion has resulted in deliberate ramming and sinking of fishing vessels from Vietnam and the Philippines.

Ruffled by the presence of more than 100 fishing vessels from China off Thitu or Pagasa, in the Tagalog language, which is the second largest “island” in the Spratlys and where the Philippines has a military presence since 1978, Manila raised the alarm with China in July 2019. President Duterte chose to play down the issue.

Early this year, following a protest note, Indonesia rushed six warships and four F-16 fighter jets to the Natuna Sea to counter intrusion by 60 Chinese fishing vessels, escorted by two Chinese Coast Guard vessels. The showdown was defused after the Chinese vessels left the area, which is reputedly rich in natural gas deposits and fish. Jakarta has since reinforced its military presence on the Natuna Islands which it owns so as to deter future intrusions.

Separately, an ongoing three-month stand-off between Chinese survey vessels, always accompanied by the Chinese Coast Guard, and Malaysian vessels belonging to Malaysia’s enforcement agencies in Luconia Shoals, where Malaysia produces oil and gas since the 1970s, is an unfriendly act. It is beyond what China can legitimately claim as exercising the freedom of navigation under international law.

An incident happened two weeks ago, reportedly on 18 April, when Haiyang Dizhi 8, a Chinese government survey vessel that has been operating in Vietnamese and Philippine waters, was spotted trailing West Capella, a drilling vessel on contract to Petronas, the National Oil Company of Malaysia, in the same location. The seven Chinese Coast Guard vessels have since left the area.

Nevertheless, the incident has drawn some sharp criticisms from netizens and the media. Foreign Minister Hishammuddin Hussein, who maintains close relations with Beijing, chose to play down the incident, urging the disputing parties to resolve it “peacefully based on the principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS) 1982”.

Foreign Minister Hishammuddin also reiterated a point that former Prime Minister Mahathir Mohamad has made earlier, that the presence of warships and vessels in the area has the potential to increase tensions and miscalculations.

The former foreign minister Anifah Aman has called for tougher action against Beijing. In his letter to present Prime Minister Muhyiddin Yassin, Anifah recalled a similar intrusion in 2012, when China’s Coast Guard interrupted seismic survey activities by Petronas contractors. Anifah urged Malaysia to send a protest note to China. He also reminded the prime minister of an earlier proposal to establish a “special entity” to administer the maritime sector.

This author has in the past called for Malaysia to transform its much-neglected maritime sector that contributes roughly 40% of its GDP. His call for one overarching coordinating centre like a Ministry of Maritime Affairs, has fallen on deaf ears.

Entry of US Warships off Sarawak

Reports of Chinese fishing and Coast Guard vessels as well as Chinese warships in Malaysian waters are not new. Thus far, nothing untoward has happened as both sides

are careful not to allow such infringement to spoil their diplomatic and economic relations.

The presence of Chinese warships and armed Coast Guard vessels in the Malaysian waters is a disturbing development for a nation, which depends on China for trade, tourism and investment. Incidentally, appearing on the scene, at the same time, where the Chinese survey ship is harassing West Capella, were a number of US Navy guided-missile cruisers.

Although Beijing has diplomatically downplayed the presence of the US warships in the trouble spot, this region could see escalated tensions between the US and China as President Donald Trump could look for excuses to boost his chances for re-election in November 2020 and away from domestic woes caused by the COVID-19 pandemic.

Trump's Opportunity for Diversion?

The South China Sea could be the target of Trump's diversionary policy. As Commander-in-Chief, he may order the US Navy to strike against military targets with minimum collateral damage to the population and property for limited political objectives. Washington can use the following pretexts for a more coherent foreign policy towards Beijing:

- China denies US warships access to South China Sea by interfering with the freedom of navigation there;
- China's maritime claims and its refusal to abide by the judgement of an international tribunal in July 2016 that debunked China's historic claim to the South China Sea contravene state practices under international law;
- US has a moral responsibility to protect its allies (like the Philippines) and foreign multinational oil companies operating in the South China Sea from harassment by China's Coast Guard;
- China's militarisation of the common space that conduits more than US\$5.3 trillion of seaborne trade annually, is a gross violation of the rules-based international order, that cannot go unpunished.

Too Close for Comfort

It is conceivable that the US authorities may see an action against low-key military targets in the Spratlys as this would not cause an all-out war with China because the damage is very limited. Except for combatants, there are no factories or people in the operational area. At the same time, it is also conceivable that the Chinese authorities could respond to any measured US provocation by hitting back at US warships in the Spratlys.

Since 2017, China has deployed fighter jets, surface-to-air missiles, warships and armed Coast Guard vessels to all the outposts in the Spratlys including Mischief Reef and Fiery Cross that China claims as its new research station. Fiery Cross boasts a 3,000-metre airstrip and deep berthing and docking facilities for warships, Coast

Guard vessels, fishing vessels and “other vessels”. A battery of surface-to-air missiles (SAM) is also stationed there.

Beijing has stated that its current facilities in the South China Sea are not designed for war with the US or against any other countries. They are for defensive purposes. In this author’s view, the developments so far have signalled that such Chinese assets are intended to harass the activities of the other claimant states in the disputed waters. Given the presence of the US Navy in the South China Sea as it exercises the freedom of navigation operations, there can be no certainty of benign repercussion.

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