The South China Sea Arbitration and Its Implications for ASEAN Centrality

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The Obscure South China Sea Dispute

The South China Sea (SCS) dispute is not only a struggle among countries in the area for sovereignty over various land features, territorial waters, and underwater natural resources, but also the focal point of great power politics. The international dispute over the SCS has been going on for decades. The Declaration on the Conduct of Parties in the South China Sea (DOC), signed by China and the ASEAN countries, has no binding power. Since the DOC was signed, the SCS has continued to be the focus of traditional and non-traditional security threats. There have been intermittent conflicts and standoffs between fishing boats and government vessels, including the cutting of the cables of Vietnamese and Filipino fishing boats by Chinese coastguard vessels.

The majority of the most prominent conflicts within the region involve China, on the one hand, and either Vietnam or the Philippines, as Beijing views the SCS as its “traditional sphere of influence.” In April 2012, there was

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5 Carlyle A. Thayer, China and Southeast Asia: A Shifting Zone of Interaction, in Clad, McDonald, and Vaughn, supra note 3, at 235.
a ten-week standoff between Chinese and Filipino naval vessels in the Scarborough Shoal.\textsuperscript{6} This incident could easily have escalated, as it also affected China’s relations with the United States (U.S.). In 2014, while a Chinese oil platform, the HD 981, was operating in the SCS, there was a more serious standoff between Chinese and Vietnamese naval vessels. Vietnamese coastguard vessels kept cruising around the HD 981, trying to prevent it from establishing a fixed position, while the Chinese coastguard took countermeasures, producing a crisis in Sino-Vietnamese relations.\textsuperscript{7}

In addition to these two large-scale confrontations, China continued to strengthen its law enforcement measures in the SCS, adopting a tough stance toward fishermen from neighboring countries and carrying out land reclamation projects in the Spratly Islands. Beijing’s assertive presence in these troubled waters caused a deterioration in its relations with its Southeast Asian maritime neighbors. However, more efforts are being made by Beijing to reduce confrontation in the SCS.\textsuperscript{8}

This continuing unrest in the SCS has attracted the attention of the international community. The development of the SCS dispute has been discussed at various Track I and Track II multilateral forums. On 4 July 2016, during a special session of the IISS Shangri-La Dialogue in Singapore, on “Managing South China Sea Tensions,” Adam Ward, the IISS Director of Studies, described the situation in the SCS as “a set of zero-sum territorial and sovereignty disputes, prosecuted with some vehemence.” The dispute fuels nationalist impulses and militarization and has given rise to security dilemmas. Attempts to resolve it include third-party mediation and arbitration. It is true that “regional security institutions have failed, so far, to impose themselves meaningfully on the problem.”\textsuperscript{9} It is also true that the SCS dispute has not only affected the bilateral

\textsuperscript{8} Mingjiang Li describes China’s behavior in the SCS as a “combination of non-confrontation and assertiveness.” See Mingjiang Li, \textit{China Debates the South China Sea Dispute}, in Ian Storey and Lin Cheng-Yi, eds., \textit{The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions} (2016)67.