

Beijing's Ambitions in the South China Sea: How Should Europe Respond?

by Nicola Casarini

Beijing's growing assertiveness in the South China Sea is putting Europe's economic interests in the area at risk. More than one third of Europe's external trade takes place with the Indo-Pacific region and any escalation of tensions in this area will undoubtedly have a direct impact on Europe.

China has recently stepped up territorial and maritime claims over large swaths of the South China Sea. These claims are not only based on economic and security considerations, but also on national identity and the renewal of China's past *grandeur*. President Xi Jinping's reiteration of his vision of a "Chinese dream", as most recently outlined during the 13th National People's Congress held in Beijing in March 2018, reflects these efforts to rebrand China's image and polish its credentials as a global actor.¹

¹ "Speech delivered by President Xi at the NPC closing meeting", in *China Daily*, 22 March 2018, <http://www.chinadaily.com.cn/>

Xi's closing speech at the 2018 National People's Congress chimed with an increasingly assertive foreign policy, in particular when he cited China's island-building campaign in the South China Sea as one of the key accomplishments of his presidency. This implicitly linked his vision of a Chinese dream and the rejuvenation of the country with the idea of restoring the glory of the ancient times, when China presided over a Sino-centric order in East Asia.

Chinese policy makers and senior People's Liberation Army (PLA) officials have repeatedly asserted that the islands, shoals and waters of the South China Sea are now a "core national interest", alongside Tibet and Taiwan. This is much more than a Chinese version of America's 19th century Monroe Doctrine, since it goes to the very heart of China's national identity. For instance, in geography classes across the country, Chinese school

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*Nicola Casarini is Senior Fellow at the Istituto Affari Internazionali (IAI).
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children study maps of China's territory including the entire South China Sea, where the nine-dash line is clearly highlighted.²

The so-called nine-dash line is a Chinese interpretation of its sovereign rights over the entire South China Sea. It includes the islands, banks and shoals as well as the surrounding waters of the Paracels, Spratlys, Scarborough Shoal and Macclesfield Bank, and the Pratas Islands all the way down to James Shoal as its southernmost tip, 1,800 miles from mainland China.

Chinese claims emphasize its sovereignty over territorial "features" (i.e. islands) within the area demarcated by the dashed lines. It follows that overlapping claims, and alternative interpretations, by other countries in the region – in particular Brunei, Malaysia, the Philippines, Taiwan and Vietnam – are not recognized by Chinese authorities.

The hard-line approach taken by the Chinese Communist Party finds support among Chinese public opinion, which has come to view Beijing's construction of artificial islands as perfectly within its rights, since it occurs within Chinese territory. The overwhelming view in China is that these are "our islands".³

² For more information on the nine-dash line, see the The South China Sea website: *Territorial Claims – Maps*, <http://www.southchinasea.org/?p=1329>. See also Marina Tsiaras, "What Does the Nine-Dash Line Actually Mean?", in *The Diplomat*, 2 June 2016, <https://thediplomat.com/?p=85783>.

³ Lisa Murray and Angus Grigg, "Chinese Public Opinion Firmly Behind Beijing's Actions in the South China Sea", in *Financial Review*, 16 July 2016, http://www.afr.com/brand/special_

Chinese claims reach well within the 200-nautical-mile demarcating the exclusive economic zones of other nations in the area. In the case of Malaysia and Brunei, for instance, the nine-dash line even encompasses operating oil and gas fields, suggesting that China might one day think about seizing them for its own use.

As the world's largest importer of crude oil, China's oil imports, which are now equal over half of world consumption, come from the Persian Gulf and Africa, reaching mainland China through the South China Sea.⁴ Moreover, more than 80 per cent of the country's maritime imports follow the same route. For Beijing, control of these sea-lanes is therefore a matter of national security.

China is now building artificial islands, installing military facilities, drilling for oil and gas, and chasing off vessels belonging to its Southeast Asian neighbours from waters that international organizations – such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Hague Tribunal – say they can operate in.

There appears to be a glaring division between liberal democracies and China when it comes to the application of international law to sovereignty disputes in the South China Sea. In July 2016, after more than three years of deliberation, the Permanent Court

[reports/asia_trade/chinese-public-opinion-firmly-behind-beijings-actions-in-the-south-china-sea-20160714-gq5v56](https://www.icj.org/press/20160714-gq5v56).

⁴ Tsvetana Paraskova, "China's Becomes World's Next Top Oil Importer", in *Oilprice*, 6 February 2018, <https://oilprice.com/Energy/Crude-Oil/Chinas-Becomes-Worlds-Next-Top-Oil-Importer.html>.

of Arbitration in The Hague rendered its award in the Arbitration between the Philippines and China, making it clear that China's extensive claims to maritime areas within the so-called "nine-dash line" are incompatible with UNCLOS and therefore illegitimate.⁵ The tribunal also underscored that none of the land features claimed by China qualify as "islands" – something that would in turn warrant the claiming of an exclusive economic zone under the United Nations Convention on the Law of the Sea (UNCLOS).

China strongly condemned the ruling, declaring it "null and void" and questioned the legitimacy of the tribunal itself, prompting other claimants to reinforce their actions and the US to intensify its freedom of navigation operations to deter Beijing from adopting more confrontational policies in the future.

At the 31st ASEAN summit in Manila in November 2017, China agreed to begin talks with the regional body on details of a code of conduct for the South China Sea. Yet, no timeframe has been given for an agreement and many in the region are sceptical about Chinese intentions.

Following the ruling by the Hague Tribunal, Federica Mogherini, the EU's High Representative, issued a declaration stressing the need for the parties to resolve the dispute in

⁵ Permanent Court of Arbitration, Award in the Case No. 2013-19: *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)*, 12 July 2016, <https://www.pcacases.com/web/sendAttach/2086>.

accordance with international law.⁶ The declaration took Chinese leaders by surprise, as they did not expect the EU to be able to find the necessary cohesion to issue such a declaration. Beijing had tried to block the initiative by putting pressure on some EU member states that have received significant Chinese investments. In the end, the declaration's final version was watered down by Greece, Hungary and Croatia, which did not want to send too strong a message to Beijing at a time of growing economic ties with the Asian giant.⁷

Other EU members have taken a different approach. France's former Defence Minister, Jean-Yves Le Drian, declared at the Shangri-La Dialogue in Singapore in 2016, that Paris would encourage the European Union to undertake "regular and visible" patrols in the area⁸ – something that is being considered by other European maritime powers such as the United Kingdom, Italy, Spain and the Netherlands.

The EU has expressed its availability to facilitate ASEAN-China dialogue on devising a code of conduct for the South China Sea. The EU remains the

⁶ European External Action Service (EEAS), *Declaration by the High Representative on behalf of the EU on the Award rendered in the Arbitration between the Republic of the Philippines and the People's Republic of China*, 15 July 2016, <http://europa.eu/!UW99Hp>.

⁷ Robin Emmott, "EU's Statement on South China Sea Reflects Divisions", in *Reuters*, 15 July 2016, <http://reut.rs/29IfxU8>.

⁸ Jean-Yves Le Drian, *Address at the IISS Shangri-La Dialogue 2016 Fourth Plenary Session*, Singapore, 5 June 2016, <https://www.iiss.org/en/events/shangri-la-dialogue/archive/shangri-la-dialogue-2016-4a4b/plenary4-6c15/drian-5b52>.

staunchest supporter of diplomatic initiatives aimed at promoting regional cooperation, multilateralism and trust building – as stated in the EU Global Strategy⁹ – in stark contrast to the Trump administration which shows contempt for multilateralism and institutions, preferring bilateral bargaining and power relations instead.

Europe's soft power approach needs to go hand in hand with a firm commitment to international law. In this vein – and should China continue to challenge the existing regional order and the rule based system in the South China Sea – the possibility that some European countries equipped with naval capabilities undertake patrols in the area to support freedom of navigation should be welcomed. Ideally, such operations should be conducted under the EU flag, a further means to convey the message that Europe is able to respond to Chinese ambitions in deeds as well as words.

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⁹ EEAS, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy*, June 2016, p. 41, <https://europa.eu/globalstrategy/en/node/331>.

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Via Angelo Brunetti, 9 - I-00186 Rome, Italy

T +39 06 3224360

F + 39 06 3224363

iai@iai.it

www.iai.it

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