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Recent Developments in the South China Sea

Yoon SukJoon*

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* Senior Research Fellow, Korea Institute for Maritime Strategy(KIMS).

I. Introduction

Recent activities in the South China Sea (SCS) by countries involved in territorial disputes—China and several ASEAN members—and also by the US, have layered further complexity upon already intractable problems. Heightened tensions have reinforced the prevailing perception that these are problems which can only be resolved by the great powers of the region, China and the US, despite the potential impact on all the nations of the Indo-Asia-Pacific and the fact that the SCS is a lynchpin of the regional and global economy. China's assertive behaviour, most recently by its extensive land reclamations to build military bases in disputed territories, has ignored international legal structures and threatens to ignite a serious conflict. The US, although not directly involved in any disputes, being ostensibly only concerned with freedom of navigation in the SCS, is squaring up to confront China. The members of ASEAN are most affected by SCS issues, but their cohesion has been undermined by China's economic clout. Yet there are many other stakeholders whose common interest in regional peace and good order would be better served by cooperative diplomacy and coordinated multilateral strategies to address regional maritime economic and political concerns. Recent developments have prompted an unprecedented debate among these other stakeholders, especially the countries of the region. Of these, South Korea, as an impartial middle power and party-state of delimiting the specific zonal maritime boundary in the Yellow Sea, such as the Exclusive Economic Zone (EEZ), that is under process of the reaching the delimitation, is well placed to contribute its constructive role to the new strategic power structures which are emerging: it is time to move away from zero-sum great power games toward negotiated settlements based on building trust and limiting risk, all within the framework of international law.

II. China's Recent Land Reclamation and Firepower Displays

China has recently been establishing a number of artificial islands by building up previously uninhabited reefs and shoals in the SCS which it claims as Chinese territory, despite their disputed status, and these actions have prompted considerable international criticism.¹⁾ It seems that the actual construction of the islands is now completed, but development work continues. China argues that the artificial islands projects are entirely legitimate, based on its historical rights and usages. Given the sensitivity of SCS issues however, China's actions are clearly causing alarm among its neighbors, inviting a maritime crisis in which they will become potential adversaries.

These artificial islands have proved very controversial and excited much heated debate, not least from the US, but also from countries not involved in any territorial disputes in the SCS, including Japan, India, Australia and South Korea. Since China's land reclamation works began, in 2013, a division of opinion has been clear among these commentators. Some see China's new islands as part of a long-term geostrategic plan, a kind of 'salami slicing' approach to establishing Chinese hegemony in the SCS and restoring its historical dominance of the region.²⁾ This is interpreted as a battle to build a "New Type of Great Power Relationship"

1) This process proceeded very rapidly, using such vessels as the 127m Tian Jin Hao, the largest dredger in Asia, which can extract 4,500 cubic meters of sand and rock per hour. Vast numbers of civilian roll-on/roll-off barges designed for river use were also used to transport construction materials and military equipment. See James Hardy, Krispen Atkinson & Richard Hurley, 'Beijing goes all out with major island building project in Spratlys', *IHS Jane's Defence Weekly*, 25 June 2014, p.17; Richard D Fisher, Jr., 'Ro-ro barges emerge as China's modest power-projection platform', *IHS Jane's Defence Weekly*, 19 August 2015, p.17. Last July, China media reported an army exercise in the Nanjing Military Region in which a similar barge was used to transport about 10 ZBD86D infantry fighting vehicles and ZSD89 armoured personnel carriers.

2) Kelvin Wong, 'Analysis: China says South China Sea reclamation efforts are legitimate', *IHS Jane's Defence Weekly*, 10 June 2015, p.22.

between China and US which undermines any attempt to establish a rules-based regime in the SCS.³⁾ By contrast, others argue that China is simply reacting to similar projects by other nations with claims to disputed SCS territories: Taiwan, Malaysia, Vietnam and the Philippines have all carried out land reclamation works, though on a very much smaller scale than China's recent works.⁴⁾ On this view China has as much right as the other countries to carry out reclamation work, so that any third party involvement would constitute unwarranted interference and would likely cause a needless increase in tension.

In the face of this perception gap there are two issues which need to be clarified: is China's land reclamation in the SCS in fact different from that by other claimants, and what is the legal status of the Chinese actions? The Taiwanese and Vietnamese land reclamations are most readily interpreted as defensive strategy against Chinese assertiveness in the region: they have seen physical clashes with China in 1978, 1988, 1998 and 2012. By contrast, Chinese land reclamations seem intended to play a more offensive role: their remarkable speed, scale and scope should be seen in the context of related measures taken by China to pursue its stated ambition to become a "True Maritime Power". Thus, China is in clear violation of the Declaration on the Conduct of Parties in the SCS (DOC), and has also backtracked on earlier negotiations with ASEAN intended to establish a mechanism to implement DOC, the Code of Conduct in the SCS (COC), so that this now seems unlikely to be agreed in the foreseeable future.⁵⁾ Indeed, China's aggressive attitude on SCS issues appears to be part of a much broader policy of military expansionism. A report was recently published by the US Congressional Research

3) Youna Lyons and Wong Hiu Fung, 'South China Sea: Turing Reefs into Artificial Islands?' *RSIS Commentary*, No. 104, 30 April 2015.

4) Sukjoon Yoon, 'Assessing China's Land Reclamation', *SSCS Think Tank*, No. 4, 22 July 2015; Gavin Phipps, 'Ma reaffirms Taiwan's Spratly island claims', *IHS Jane's Defence Weekly*, 15 July 2015, p.17.

5) China's recent assertiveness is seen as going against the spirit of the DOC, which China agreed with ASEAN in 2002.

Service, *Chinese Land Reclamation in the South China Sea: Implications and Policy Options*, which argues that the Chinese government has impinged on the territorial rights of other nations around the SCS.⁶⁾

As to legal situation, by ignoring the United Nations Convention of the Law of the Sea (UNCLOS), and instead basing its claims upon very dubious evidence of the so-called “nine-dashed line”, and by then deploying military forces to the newly constructed island garrisons, China has left itself without any plausible legal justification: it has crossed a red line, though it is far from clear what can be done about it.

Despite this, the Chinese government insists that its reclamation plans are entirely legitimate.⁷⁾ The People’s Liberation Army Navy (PLAN) has established significant naval facilities on the previously uninhabited reefs and shoals, including radar installations, anti-aircraft artillery, airstrips and pier facilities. Other nations around the SCS have expressed their fears about China’s intentions, but in practice China will obtain little military benefit from operating such facilities, given the constraints imposed by rough weather and the lack of logistical and maintenance capacities for the ships and aircraft deployed there.⁸⁾

From the wider geopolitical perspective, China is seeking to establish a reputation as a good neighbour through its “One Belt and One Road Initiative” (BRI) which aims to interconnect China’s continental and maritime political and economic strategies. China claims that its true intention is to treat its smaller weaker neighbours as equal partners, accommodating the differences and distrust arising from historical legacies. The recent land reclamations in the SCS are seriously undermining such Chinese charm offensives, however, and provide ammunition for those who accuse

6) See Ben Dolven, Jennifer K. Elsea, Susan V. Lawrence, Ronald O’Rourke, Ian E. Rinehart, *Chinese Land Reclamation in the South China Sea: Implications and Policy Options* (Washington, D.C.: Congressional Research Service, June 16, 2015).

7) Ye Qiang and Jiang Zongqiang, ‘China’s Nine-dash Line Claim’, *RSIS Commentary*, No. 011, 14 January 2015.

8) Sukjoon Yoon, ‘Why is China Militarising the South China Sea?’ *RSIS Commentary*, No. 113, 11 May 2015.

China of arrogance, hypocrisy, and semantic trickery, not least in the US.

It seems that China is willing to face such charges in order to expand its geopolitical influence: surely the US does not really care about an uninhabited collection of rocks? China believes that significant oil and gas reservations lie underneath the SCS,⁹⁾ and to demonstrate that the stakes are worth fighting for, China has recently, in mid- and late July, been intimidating its weak and vulnerable neighbours by conducting dozens of naval exercises in the SCS. This exhibition of China's growing naval capabilities is aimed at the neighbours, but also at the Chinese people: the ambition to become a "True Maritime Power" is part of the "Chinese Dream".¹⁰⁾ The Chinese leadership is keen to show how far the Chinese military has progressed, and indeed it seems that Chinese firepower has already superseded the naval capacity of its neighbors.

China is also growing militarily closer to Russia. In late August the navies of China and Russia conducted their largest ever bilateral naval drills in the East Sea (a.k.a. Sea of Japan) off the coast of Vladivostok; the drills involved more than 20 ships and included joint amphibious assault operations.¹¹⁾ Taken as a whole, China's assertive stance, its enhanced military clout, and its increasing closeness to Russia have led some ASEAN members, especially Cambodia, Myanmar and Thailand, to lean more toward the US, despite their economic dependence upon China. Others remain in the Chinese camp, desiring the benefits that China's BRI concept could bring them.

9) Ridzwan Rahmat, 'SCS dispute becomes test case for US-Chinese ties', *IHS Jane's Defence Weekly*, 17 June 2015, pp.24-25.

10) Andrew Tate, 'PLAN holds largest-ever firepower display in SCS drills', *IHS Jane's Defence Weekly*, 12 August 2015, p.17.

11) This bilateral joint naval exercise was the second in 2015, following one in the Mediterranean in April. Ahead of the exercise two PLAN frigates visited the Russian naval base at Novorossiysk on the Black Sea, the first such port call for the Chinese navy.

III. Unhelpful Countermeasures from the US and its Allies

Against China's assertive attitude and unilateral actions in the SCS, there are very few who can stand. The US is the only power which seems capable of safeguarding maritime peace and good order in the Indo-Asia-Pacific region, and only power which might restrain China from further military expansion in the SCS. However, the allies and partners of the US should not ignore the difficulties it faces. First, the US is not a member of the UNCLOS, though its stated policy is to respect the international maritime regime of which UNCLOS forms the major part. Second, the only interest which the US officially asserts in the SCS is to safeguard the freedom of navigation. Third, except for verbal exhortations toward a peaceful resolution of SCS territorial disputes, there is little else that US can do to help. Fourth, China seems determined to set aside the existing legal regime in the SCS, replacing the current uneasy status quo by "Chinese characteristic international law and conspicuous legal principles"¹²⁾ such as the nine-dashed line and China's historical rights and usages.

Indeed, the US has not responded with any obvious diplomatic finesse to China's assertive and often preemptive actions in recent years. US official policy has recently been updated, a revision of that originally published in 2007 with the same title: "A Cooperative Strategy for 21st Century: Forward, Engaged, Ready (CS-21R)", and this is supplemented by another document: "Asia-Pacific Maritime Security Strategy".¹³⁾ A particular problem is the remarks made by several US forward deployed combatant commanders, which have sent some very unfortunate

12) Lee Kuan Yew, China's unfettered redefining of the Rules of the Seas', *Forbes Asia*, April 2014, p.14.

13) Both documents are published by US Department of Defense: *A Cooperative Strategy for 21st Century Sea Power: Forward, Engaged, Ready*, March 13, 2015; *Asia-Pacific Maritime Security Strategy*, August 27, 2015.

messages to China, while attempting to reassure vulnerable US allies and partners.¹⁴⁾ Given the US status as a third party in SCS territorial disputes, such ill-considered statements have led to unnecessarily provocative reactions from China. The US has also taken a variety of ambiguous actions including: dispatching advanced maritime patrol aircraft and deploying modern multi-purpose naval platforms, such as Littoral Combat Ships (LCSs), which are controversial, because the way in which their missions will replace those of the current surface combatants is poorly defined.¹⁵⁾ The US Navy can see the advantages of the lower maintenance required by the latest LCSs in rotation-based deployment to the Indo-Asia-Pacific region,¹⁶⁾ but it is far from certain that this hi-tech approach by the US will suffice to restrain China's assertive behaviour in the SCS. The US is also stepping up joint naval exercises, such as CARAT and SEACAT, and applying diplomatic pressure,¹⁷⁾ and recently began to deploy naval task units including LCS platforms, as well as dispatching maritime surveillance air patrols over China's land reclamation activities. So far, however, China has shrugged off all such moves, and seems to be thinking several moves further ahead than the US.¹⁸⁾

The only clear principle adhered to by the US is to maintain freedom of navigation on the high seas, and the US has no leverage to persuade China to implement international legal principles such as a binding COC

14) Jim Gomez, 'Admiral assures Asian allies US forces ready for contingencies', *The China Post*, July 18, 2015, p.13.

15) The US Navy plans to build 32 multi-mission-oriented LCSs, including 3,188 tonne aluminium trimarans and single-hulled ships with a beam of 31.6 m and a draught of 4.45 m. These will be assigned for littoral operations such as Mine Countermeasures Warfare, littoral Anti-Submarine Warfare, Anti-Surface Warfare and in support of Anti-Aircraft Warfare.

16) Megan Eckstein, 'Navy Assessment: LCS Fort Worth Needed 90 Percent Less Maintenance than Freedom in First 3 Months of Deployment', *USNI*, May 27, 2015.

17) James Hardy, 'US ramps up South China Sea rhetoric, outlines force posture', *IHS Jane's Defence Weekly*, 20 May 2015, p.4.

18) Andrew Jacobs, 'China, updating military strategy, puts focus on extending naval power', *International New York Times*, May 28, 2015, p.3.

agreement. During the multinational security and military dialogues in Kuala Lumpur in August 2015, held under ASEAN auspices, US Secretary of State John Kelly clashed with Chinese Foreign Minister Wang Yi about the recent Chinese land reclamation works in SCS. Their exchange was mostly concerned with attempts to blame one another, and there is little prospect of agreement to relieve the difficulties currently faced by ASEAN members.¹⁹⁾

The US, as the sole global sea power is relying on a cooperative maritime strategy in the Indo-Asia-Pacific region, but is widely believed to be a declining maritime power. China is a resurgent regional sea power committed to an Anti-Access/Area Denial (A2/AD) strategy in the SCS, and which clearly intends to prise regional control of the seas around China away from the US, whatever this implies for the stability of international legal regimes.²⁰⁾ The US will surely retain a global maritime role in countering the naval expansion of Russia in the Black Sea and the Mediterranean, but eventually it may well have to make space for the emerging maritime power of China.

This problem is at least equally serious for US allies and partners whose economic dependence upon China is a complicating factor in securing the broader maritime interests of the US, and this dilemma is most acute for the weaker countries in ASEAN. The stronger countries of the region, Japan, South Korea and Australia, as significant players in the US regional security alliance have recently expanded their outreach to Southeast Asia, though this offers little real protection for ASEAN. The Japanese Maritime Self-Defense Force participated in a US-Philippines Pacific Partnership 2015 humanitarian exercise; the Royal Australian Navy has provided some retired navy vessels to ASEAN members, and allowed the US to use its naval bases for US rotational deployments;

19) *Beijing Slams US Militarization of Disputed Territories in South China Sea*, <http://www.globalsecurity.org/military/library/news/2015/08/mil-150810-sputnik01h...> (accessed August 12, 2015).

20) Euan Graham, 'Expanding Maritime Patrols in Southeast Asia', *RSIS Commentary*, No. 082, 7 August 2015.

and both Australia and Japan have been involved in Strategic Pacific Partnership with ASEAN.

A new element has recently been thrown into the mix: rather surprisingly, Washington has been asking Seoul to take a stand against Beijing's growing assertiveness, meaning that SCS issues have begun to complicate South Korea's strategic calculations as it tries to stay balanced amid the escalating Sino-US rivalry in the region. US Assistant Secretary of State for East Asia and Pacific Affairs, Daniel Russel, told a Washington-based Security Forum that South Korea should speak out against China's land reclamation works, since it is a major stakeholder in the regional security structure that it has long benefited from.²¹⁾

IV. The Divided Members of ASEAN Build Up their Maritime Forces

Unquestionably, the parties with the most urgent need to resolve the SCS territorial disputes are among the members of ASEAN. Moreover, ASEAN has lately become more fragile, as China has implemented its "two-track approach" in which the peace and stability of the SCS is secured by round-table negotiations between China and all the members of ASEAN, whereas China will deal separately and individually with each ASEAN claimant nation to resolve specific territorial disputes in the SCS; this is clearly intended to disrupt the coherence of the ASEAN group.²²⁾ So far, ASEAN has been hoping to attract more attention for SCS issues from third parties, such as the US and European Union, but ASEAN members are also now starting to seek support from institutional

21) Song Sang-ho, 'US urges Korea to speak out on China sea disputes', *The Korea Herald*, June 5, 2015, p.4.

22) Barry Desker, 'China's Conflicting Signals on the South China Sea', *RSIS Commentary*, No. 180, 24 August 2015.

regimes, such as UNCLOS, in order force China to reach a binding COC.

China's two-track approach has effectively prevented ASEAN from reaching an agreement on the practical aspects of COC implementation, for example on the principles by which hotlines should operate. Recognizing these problems, the Philippines and Vietnam have lately adopted tougher positions toward China, seeking alternatives to prevent the Chinese from establishing de facto control of the SCS. On 8 July 2015, the International Court of Arbitration in The Hague began deliberation on whether it had the jurisdiction to resolve the dispute between the Philippines and China on the exploitation of maritime resources in the SCS, where there were overlapping maritime territorial claims. The Philippines argues that the Court is the correct venue for the proceedings.²³⁾ However, China does not recognize the Court's jurisdiction and claims that the dispute is about sovereignty, not the exploitation of resources.²⁴⁾ The tribunal has already ruled, however, that documents issued by China to explain its objections "constitute, in effect, a plea". China has thus become a participant in the case, despite its absence.

Vietnam has moved distinctly closer to the US: in a ground-breaking policy, the US is about to lift sanctions against Vietnam to allow the purchase of defense-oriented maritime patrol assets, such as P-3C maritime patrol aircraft. As to the other ASEAN members: Indonesia, Malaysia and Brunei have simply ignored PLAN patrols in the disputed islands of the SCS, in particular in the waters north of the Natuna archipelago, which Indonesia claims;²⁵⁾ and Cambodia, Laos, Myanmar

23) The Philippines has made five arguments for its case: China is not entitled to claim historic rights under UNCLOS; China's ill-defined nine-dashed line in the SCS is invalid under UNCLOS since it is excessive and presumably supports historic rights; the features that China has claimed and occupied the SCS are not entitled to any maritime territory; China has interfered with the Philippines' exercise of UNCLOS rights in the SCS; and China has irreversibly damaged the marine environment with its fishing practices in contravention of UNCLOS. See Republic of the Philippines Department of Foreign Affairs, Manila, *Notification and Statement of Claims*, released in 22 January 2013.

24) James Hardy, 'Footprints in the sand', *IHS Jane's Defence Weekly*, 18 February 2015, pp.22-29.

25) Ristian Atriandi Supriyanto, 'Indonesia's Natuna Islands: Next Flashpoint in the South

and Thailand have supported efforts to downplay SCS issues, preventing the inclusion of any reference to SCS disputes when they host the ASEAN-related forums.

As ASEAN's commercial and trade linkages with China have burgeoned, the political and military partnership between ASEAN and the US has weakened: ASEAN still professes neutrality, but there is, in effect, an emerging strategic partnership with China. ASEAN hopes to enjoy significant benefits from China's "One Belt, One Road Initiative", and is also a strong supporter of the new Asian Infrastructure Investment Bank (AIIB) with its registered capital of US\$100 billion: China has essentially bought out any opposition from the minor players of ASEAN, further complicating any resolution of the SCS territorial disputes.

The appeal of the US-led maritime strategic partnership has remained strong for the small and weak nations of ASEAN, but now they are facing the disruptive consequences of the Chinese two-track approach, so they are striving to enhance their maritime security capabilities by boosting their defense cooperation not just with the US but also with other ASEAN members and with regional powers such as Japan and Australia. ASEAN members are now pursuing substantive projects and programs to enhance their naval and maritime law enforcement capacities, which has meant steadily increasing defense budgets.

Example of this shift include Vietnam's decision to participate in the Trans-Pacific Partnership (TPP) negotiations and its support for a larger role in regional maritime security by the US.²⁶⁾ Similarly, the Philippines has reversed course: after forcing the withdrawal of American forces from Clark airbase and Subic naval base in 1992, it is now seeking renewed military ties, including signing a ten-year Enhanced Defense Cooperation; it has also been designated as a major non-NATO

China Sea', *RSIS Commentary*, No. 033, 16 February 2015.

26) 'Pacific Rim trade session ends with heels dug in', *International New York Times*, August 5, 2015, p.1 & 15

ally and is a strong supporter of US restraint for China's resurgent maritime ambitions.

ASEAN countries are committed to the purchase and construction of new patrol vessels and aircraft, which will mostly be deployed by 2020, but the resulting budget squeezes have led to social welfare being cut dramatically. This may well be the primary reason behind the increasing numbers of piratical sea robberies around Indonesian seas.²⁷⁾ For example, the MV Okam Harmony, registered to a Malaysian shipping company, was recently attacked, and the International Maritime Bureau of the International Maritime Organization has reported many other pirate attacks upon private oilers and cargo ships in the SCS.

It is also worth mentioning here that Sam Bateman, an Australian maritime expert based in Singapore, argues that the idea which some have suggested, for the US to send surveillance aircraft and littoral patrol ships to affirm freedom of navigation around the islands that China claims in the SCS would be a catastrophe for all parties.²⁸⁾

V. Fixing the SCS : Old and New Approaches

This region is undergoing a comprehensive transition in which entirely new strategic power structures are emerging; the old approach of focusing on the balance of power between the two great regional powers is just an attempt to prop up the status quo and is plainly not conducive to securing peace and prosperity for the region. Both China and the US appear wedded to an obsolescent view of power politics: from the perspective of those within the region, the US "safeguarding the freedom

27) Sam Bateman, 'Impact of Lower Oil Prices: Increased Piracy in Regional Waters', *RSIS Commentary*, No. 092, 15 April 2015.

28) Sam Bateman, 'Does the US know what it's doing in the South China Sea?' *ASPI Strategist*, 19 May 2015.

of navigation on the high seas” is all very well, but it makes no contribution toward resolving the SCS issues; China, meanwhile, has its own resolution in mind, by riding roughshod over all comers, irrespective of any inconveniences like international legal principles, and “salami slicing” the SCS until it can present Chinese control as a *fait accompli*.

This old approach suffers from three difficulties. First, the US argues that its rebalance to Asia is the only option capable of preventing the rise of China from destabilizing the Indo-Pacific region, but seems incapable of putting its money where its mouth is. Second, China seems ready to risk a regional conflagration to restore its historically wounded dignity, whatever impact this has upon the regional economy. Indeed, the Chinese militarization of the SCS is a misguided strategy driven by political choices, rather than an expression of military flexibility.²⁹⁾ Third, there is little indication that these two powers are willing and capable of setting their own narrow interests aside and cooperating to resolve the intractable SCS disputes for the long-term benefit of the whole region. It is exactly this simplistic narrowness of vision which is at the heart of the problem: a more balanced and inclusive new approach is needed, initially to deal with political crises and military contingencies which may arise, and ultimately to formulate solutions for the SCS issues of disputed territories and artificial islands.

Apart from China and US, the primary concerns of every other nation in the region are threefold: preserving freedom of navigation, ensuring the free flow of commerce and upholding international law; and it is obvious that military confrontations play no constructive part in these issues. Any sensible new approach must acknowledge the vital global importance of the SCS for commercial shipping routes, and as medium of economic interconnection underpinning the region’s essential role as the primary nucleus of global manufacturing. Having acknowledged these facts, the conclusion should be obvious: the internationalization

29) Sukjoon Yoon, ‘Why is China Militarising the South China Sea?’ *RSIS Commentary*, No 134, 12 July 2015.

of the SCS issues to include many other stakeholders. There is simply no other way to address these profoundly intractable problems which are threatening to seriously affect a zone through which roughly a third of the world's shipping passes. It is no longer sustainable for obsolescent theories of power politics to be allowed to undermine peace and prosperity in the region, and potentially to cause global economic destabilization. And there are several reasons to be optimistic that such a new approach is actually feasible. First, despite the military posturing between China and US, neither Washington nor Beijing wants a real military confrontation. Second, both powers' strategic interests are aligned toward discovering a less volatile and more practical means of preserving stability in the SCS. Third, neither wants their extensive trade and economic relations damaged by chaotic and unpredictable crises in the SCS.

A multilateral solution can and must be found. Only by expanding the circle of interested parties to encompass many more of those countries whose economies and geopolitical interests really do depend upon the precarious balance in the SCS is there any prospect of formulating a feasible solution: the US and China must stop pretending that it is "all about them", because plainly it is not; and one of the countries with a significant contribution to bring to the table is South Korea.

VI. Conclusions

Over the last six years, the SCS has become a seething cauldron which could explode at any time. China continues its salami slicing tactics, the US merely grumbles, and ASEAN remains divided. Only the internationalization of the SCS crises offers any prospect of stabilizing the region: new approaches must become involved in negotiating a new regional security architecture which allows sustainable peace and good order to facilitate the economic interactions which are the common

interest of all parties. It respects international law, and is a member of the UNCLOS, but is not involved in any territorial disputes in the SCS. No country is better placed to initiate a debate on opening up SCS issues to encompass many more voices than just those of China and the US.

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요 약

최근 남중국해 상황

윤 석 준*

최근 남중국해(South China Sea: 南中國海)가 동아시아 해양안보의 중심 이슈로 대두되고 있다. 아울러 남중국해 문제가 당사국 간 해양분쟁 및 해양경제협력 이슈만이 아닌, 제3자 개입 등의 다자간 해양분쟁과 대립으로 확산되는 매우 복잡한 양상을 보이고 있다. 이러한 남중국해 해양문제는 미국과 중국 간의 강대국 경쟁구도가 적용되어 힘의 시현을 위한 대결 국면이 되는 반면, 중국이 전통적 해양이익을 구단선(nine dash line)을 근거로 주장하면서 국제법 적용 문제에 따른 법적 문제의 성격을 나타내고 있다. 이에 따라 최근 남중국해 상황은 ‘항해의 자유(Freedom of Navigation)’ 보장을 주장하는 미국, 역사적 권리 보장을 위해 일반적 조치를 강행하고 해군력을 증강시키는 중국, 그리고 남중국해를 경유하는 수많은 선박들의 항해 안전(navigational safety)을 강조하는 역내 국가 간 의견이 표출되는 복잡한 양상으로 나타나고 있다. 특히 최근 중국이 상설중재재판소의 남중국해 중재판결을 무시하여 국제법 적용이 어려운 가운데 포괄적 동아시아 해양안보 차원에서 남중국해 이슈 해결을 위한 새로운 접근방안이 요구되고 있다. 이는 남중국해에 대한 당사국 간 평화적 분쟁 해결과 더불어, 강대국 간의 전략적 함의에 의한 해결이 병행되어야 함을 의미한다.

핵심어: 남중국해 해양갈등, 해양안보, 해군력 증강, 강대국 간 힘의 대결, 국제법 존중

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* 한국해양전략연구소 선임연구위원.