

Brinkmanship in the South China Sea

Increasing the odds of an unintentional US-China military clash

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The multi-party conflict of interest over territorial and maritime rights in the South China Sea has escalated into a dangerous game of chicken between China and primarily the US. Without the parties taking active steps towards de-escalation, this multiplayer test of resolve risks backfiring and accidentally causing a military clash between the two great powers with far-reaching consequences for US-China relations and international security overall. Unfortunately, the upcoming legal ruling on Chinese maritime rights in the South China Sea by a United Nations arbitration court – a case brought by the Philippines and expected to be ruled in its favour – is likely to increase tensions further in the coming months.

The South China Sea is important for both economic and strategic military reasons. It is economically vital because it constitutes one of the world's foremost shipping routes. The area is also important for fishing, and believed to hold vast amounts of natural gas and untapped oil. In addition, the South China Sea is critical for China's coastal and maritime defense, and is likely to become increasingly so given the country's military reorganization. The South China Sea also provides crucial routes by which the US Navy in the Western Pacific can gain access to American forces based in the region and beyond.

Including numerous actors and issues, the conflict in the South China Sea is a complex and multifaceted one, composed of various interconnected conflicts. They are primarily related to neighboring countries contesting China's claim of "indisputable sovereignty" to over 80% of the South China Sea according to the so called "nine-dash line map."

The Parcel and Spratly Island Chains: Rivalling claims, island building and militarization

China claims that the Paracels and the Spratlys – the two main island chains in the South China Sea – have been Chinese territory since ancient times, something that is contested by numerous adjacent states. The Spratlys are currently the source of greatest tension, although incidents have also occurred in the Paracels. This is partly because China has artificially increased the size of the islets it is currently controlling in the Spratlys. Although this has been done by others claimants as well, Chinese efforts to do so dwarf others by a scale of 60:1 according to the Pentagon. The purpose of such construction is allegedly to make the

islets large enough to legally qualify as islands, which in turn would grant them greater maritime rights.

Making the islets bigger has also made it possible to station military personnel and build airstrips on the Spratlys, something that was done recently. This suggests that Chinese president Xi Jinping has reassessed his previous statements of having "no intention to militarize" the islands. This, and the fact that China recently installed surface-to-air-missiles on Woody Islands in the Paracels, have made regional neighbors and the US – who are already worried about the growth of China's military power as well as ambitions – increasingly vary of China taking active measures to strengthen its naval posture in the region.

Freedom of navigation and the US' stake in the conflict

The territorial disputes over the Spratlys and Paracels are closely linked to maritime rights, since islands and coastal areas are entitled to 12 nautical miles of territorial waters and a 200 nautical mile exclusive economic zone (EEZ) according to the UN Convention on the Law of the Seas (UNCLOS). UNCLOS asserts that parties should have unimpeded passage through another state's EEZ as long as such passage can be considered *innocent*, meaning it is "not prejudicial to the peace, good order or security of the coastal State."

China claims foreign warships passing through the 12-mile territorial zone or EEZ need to apply for permission to do so. But the US argues that freedom of navigation should prevail in EEZs and that military activities need not be notified to the coastal state. Not upholding these rights, the US claims, imperils sea lines of communication and by extension the movement of naval forces and trade.



Interestingly, whereas China has ratified UNCLOS, the US has not.

Worry about the Chinese encroaching on right of passage through the South China Sea has caused the US to take active measures by signaling that it does not accept China's claims. This has been demonstrated most directly by having warships pass close to islands claimed by China in what the Pentagon calls "freedom-of-navigation-operations."

Crisis escalation during May 2016

Earlier in May, the US conducted its third freedom-of-navigation-operation only this year by having a guided missile destroyer pass close to one of China's artificially constructed islets in the Spratlys. This marks a drastic increase in frequency given the hiatus in the last three years, implying this is not just business-as-usual in the South China Sea. Rather than viewing these US warships as exercising rights of innocent passage according to UNCLOS, China considers such operations illegal and in breach of its sovereignty. Later in May, the Pentagon reported two Chinese fighter jets flying within 50 feet of an American surveillance plane flying over the South China Sea. Both parties upping the ante in this manner suggest that the conflict in the South China Sea has evolved into a dangerous game of chicken. Who will be the first to flinch?

Brinkmanship driven by the security dilemma?

These examples of brinkmanship may not only be a symptom of the larger geopolitical rivalry between the US and China, but also what international relations theory refer to as a *security dilemma*.

China's actions in the South China Sea and elsewhere may be seen as evidence of its revisionist ambitions by neighboring states and the US, causing them to worry about their own security and take steps to strengthen it. But the steps they take to do so – examples include the US and Japan deepening their military alliance, the US signing a defense cooperation deal with the Philippines, and spending \$250 million to assist the Philippines, Malaysia, Vietnam, Indonesia and Japan in building up their naval capabilities – are likely to be perceived as threatening to China. This in turn may cause China to take further steps to

increase its own security by enhancing its military capability and standing firm with regards to issues of territory and maritime rights in the South China Sea. If this logic is indeed at play, the crisis is likely to continue to escalate, thus increasing the odds of an unintended military clash that neither China nor the US want.

However, if this situation is not driven by the logic of a security dilemma, it is also possible that the steps taken by the US and its allies may deter China from further action, which is most likely what the parties are hoping for.

The uncertainty about whether deterrence may work or whether it will actually increase the odds of China taking measures to strengthen its own security by additional militarization and brinkmanship is what makes the situation so worrisome from a security standpoint.

How does the impending court ruling play in?

The Philippines has taken its conflict of interest with China to the Permanent Court of Arbitration in The Hague, which is expected to rule on numerous related claims, the most important, however, being the validity of China's nine-dash-line. The verdict will come sometime this summer and it is widely expected that the court will rule in favor of the Philippines. But given that the court has no powers of enforcement and that China has made it clear that it will not cooperate with its findings, it is unclear what the repercussions of such a ruling will actually entail. Nevertheless, there are two potential contingencies that are more likely to unfold following a verdict in favor of the Philippines.

First, a ruling in favor of the Philippines may provide an impetus for the US to seek to actively implement the principle of free passage in areas of the South China Sea considered to be within the Chinese EEZ, thereby directly challenging China. Such a scenario has the potential of resulting in a naval stand-off between American and Chinese naval vessels that may inadvertently escalate to a more serious military situation. What makes such a game of chicken dangerous is that both the US and China may have strategic reasons for wanting to stand firm and appear resolved, thus increasing the risks of a potential military clash despite the danger entailed in such a development.



Second, such a ruling may increase the likelihood of the Philippines and China clashing over the Spratlys or the Sharborough Shoal. The Philippines may be more prone to standing up to its more powerful neighbor because it believes that the verdict establishes the moral backing of the international community, and perhaps most importantly, it allys the US. Although the US is not a UNCLOS ratifier, it has an interest in upholding a rules-based international order.

The verdict, in combination with the 1951 Mutual Defense Treaty between the Philippines and the US, may suggest to the Philippines that the US is all but guaranteed to come to its rescue in case of Chinese aggression.

Indeed, President Benigno Aquino of the Philippines recently stated that an American failure to do so would risk the US losing credibility in the region, both in the eyes of its allies and China. This Philippine outlook may cause the country to be more confrontational towards China in the aftermath of the verdict than it otherwise would. This set-up poses the risk of a diplomatic clash becoming militarized, thus potentially drawing in the US.

Needless to say, the US has no interest in being dragged into a conflict with China by a small ally. Nor is it likely to feel obligated towards defending anything but officially recognized Philippine territory from Chinese aggression.

Having said so, President Aquino may nevertheless be right: failure to come to the rescue of an ally could potentially undermine US credibility in the region. This in turn could have significant consequences on international

security and American geopolitical interests more broadly. Whether the US is willing to pay the potential reputational price of in-action in such a situation remains to be seen. Yet, coming to the aid of the Philippines in such a scenario carries the same dangers of escalation and miscalculation as a direct US-China militarized clash.

Potential for de-escalation with new incoming Philippine President?

The incoming Philippine President, Rodrigo Duterte, who takes over from Benigno at the end of July, is allegedly making overtures to China, signaling that he might be more open to cooperation than his predecessor. This suggests there may be potential to prevent these contingencies from developing in the first place. One way to do so would be for the Philippines to withdraw its court case and try to reach a bilateral agreement with China in order to resolve the issue.

Nevertheless, withdrawing the court case would do little to solve the current conflict of interest between the US and China over freedom of navigation. Unfortunately, recent talks between the US and China that concluded on June 7, 2016 indicate that the parties hold views that are too much at odds for a diplomatic solution to be within reach. Consequently, the potentially dangerous US-China brinkmanship in the South China Sea risks getting worse before it gets better.

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