



Delhi Policy Group

Advancing India's Rise as a Leading Power



DPG POLICY BRIEF

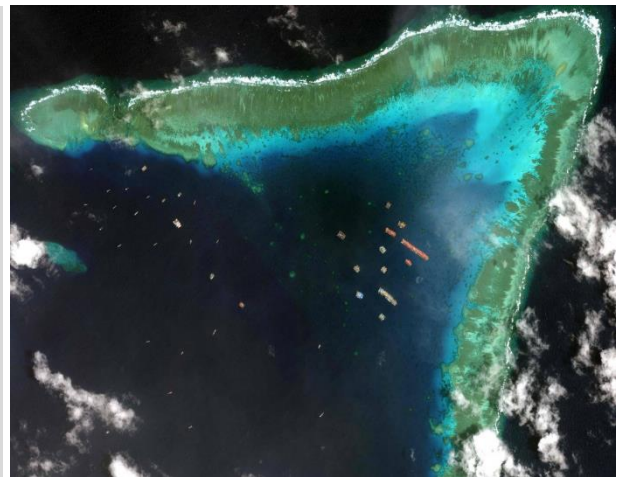
Déjà vu in the South China Sea

Author

Lalit Kapur

Volume VI, Issue 12

APRIL 11, 2021



Delhi Policy Group

Core 5A, 1st Floor, India Habitat Centre, Lodhi Road, New Delhi- 110003

www.delhipolicygroup.org



Delhi Policy Group

Advancing India's Rise as a Leading Power

DPG Policy Brief Vol. VI, Issue 12

April 11, 2021

ABOUT US

Founded in 1994, the Delhi Policy Group (DPG) is among India's oldest think tanks with its primary focus on strategic and international issues of critical national interest. DPG is a non-partisan institution and is independently funded by a non-profit Trust. Over past decades, DPG has established itself in both domestic and international circles and is widely recognised today among the top security think tanks of India and of Asia's major powers.

Since 2016, in keeping with India's increasing global profile, DPG has expanded its focus areas to include India's regional and global role and its policies in the Indo-Pacific. In a realist environment, DPG remains mindful of the need to align India's ambitions with matching strategies and capabilities, from diplomatic initiatives to security policy and military modernisation.

At a time of disruptive change in the global order, DPG aims to deliver research based, relevant, reliable and realist policy perspectives to an actively engaged public, both at home and abroad. DPG is deeply committed to the growth of India's national power and purpose, the security and prosperity of the people of India and India's contributions to the global public good. We remain firmly anchored within these foundational principles which have defined DPG since its inception.

Author

Commodore Lalit Kapur (Retd.), Senior Fellow for Maritime Strategy, Delhi Policy Group

The views expressed in this publication are those of the author and should not be attributed to the Delhi Policy Group as an Institution.

Cover Photographs:

Satellite Image of Chinese Vessels Anchored at Whitsun Reef, March 23, 2021

Source: Japan Times

The USS Theodore Roosevelt Strike Group Exercises in the South China Sea, April 07, 2021.

Source: US INDO-PACOM

© 2021 by the Delhi Policy Group

Delhi Policy Group

Core 5A, 1st Floor,

India Habitat Centre,

Lodhi Road, New Delhi- 110003.

www.delhipolicygroup.org

Déjà vu in the South China Sea

by
Lalit Kapur

The Scarborough Shoals lie well within the 200 nm EEZ of the Philippines, about 125 miles west of Luzon, 465 nm southeast of Hainan and 435 nm southwest of Taiwan. On April 8, 2012, a Philippine Navy patrol aircraft spotted eight Chinese fishing vessels anchored in the lagoon. BRP Grigorio del Pilar, the largest warship of the Philippine Navy, was directed to investigate and arrived two days later¹. Filipino sailors from the warship boarded a Chinese fishing vessel and found catches of coral, giant clam and live black tip shark, protected under Philippine anti-poaching laws. Two China Marine Surveillance vessels (now part of the China Coast Guard) arrived on the scene and positioned themselves at the mouth of the lagoon, effectively blocking the Filipino warship from the fishermen. The Chinese vessels reiterated China's sovereignty, beginning a standoff that would end with Filipino fishermen being barred from the shoal.

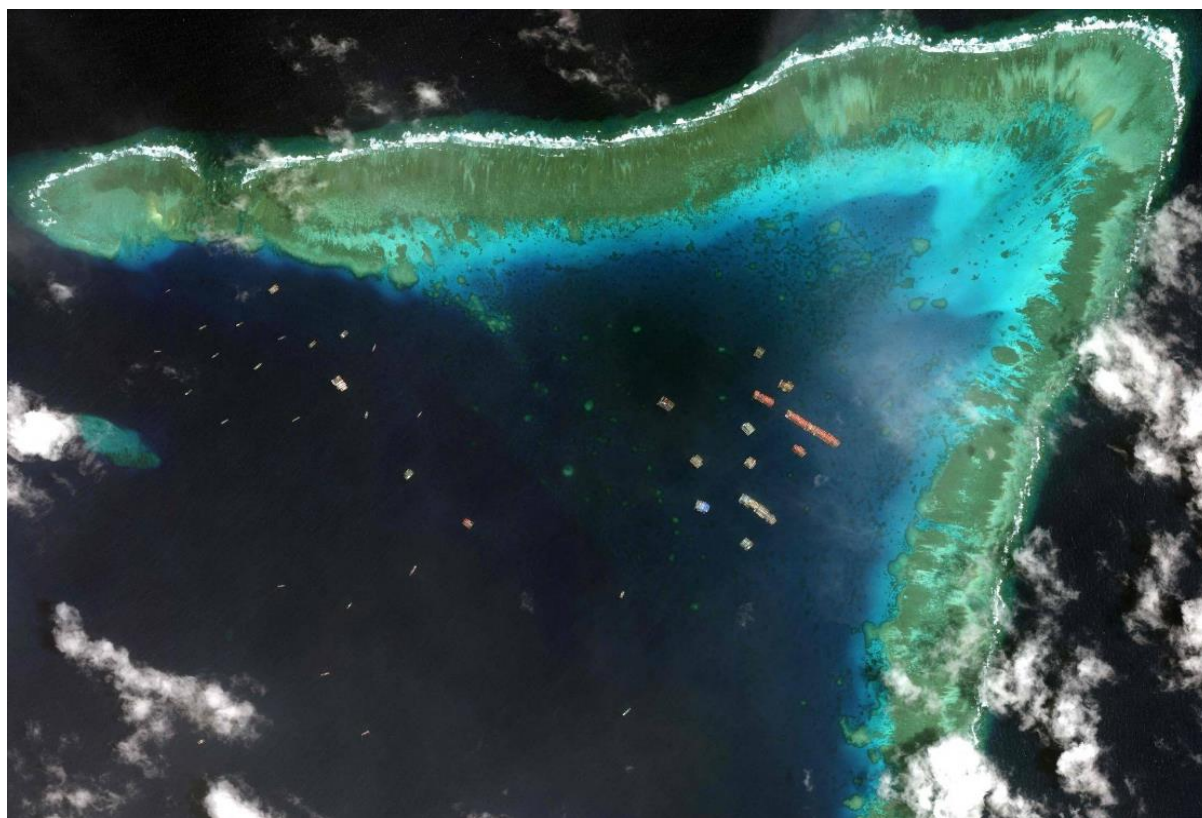
Diplomatic negotiations proved fruitless. Both sides upped the ante. China used cyber-attacks and economic coercion, including a travel ban for Chinese tourists to the Philippines and quarantine on imported Filipino fruits (bananas, pineapples and papayas). The Philippines sought to internationalise the matter, first by asking ASEAN to take a stand (it didn't) and then raising the issue at the first US-Philippines 2 + 2 dialogue on April 30, 2012². As per published records, then Assistant Secretary of State for East Asian and Pacific Affairs, Kurt Campbell met with Chinese Vice Foreign Minister Fu Ying in early June and proposed simultaneous withdrawal of vessels of both sides from the Shoal. Presumably after obtaining China's concurrence, the US pressed the Philippines to pull out its ships, which it did on June 15, 2012. China, however, stayed put and erected a barrier preventing Filipino fishing boats from entering the lagoon, effectively cementing its possession. In the words of the then Filipino ambassador to the US, "We were shortchanged"³.

¹ Compiled from "Countering Coercion in Maritime Asia: The Theory and Practice of Gray Zone Deterrence", published by Center for Strategic and International Studies, May 2017 and Ely Ratner, "Learning the Lessons of Scarborough Reef", <https://nationalinterest.org/commentary/learning-the-lessons-scarborough-reef-9442>

² Ibid

³ Jim Gomes, "Philippine Diplomat to China: Don't turn shoal into island", April 12, 2016, <https://www.philstar.com/headlines/2016/04/12/1572446/philippine-diplomat-china-dont-turn-shoal-island>

As Chinese maritime militia vessels and fishing boats remain anchored for a prolonged period at Whitsun Reef, about 500 Km (270 nm) southwest of Scarborough Shoal, the Philippines would be experiencing a sense of déjà vu. Whitsun Reef is a submerged atoll with an area of about 10 Km² in the Union Bank, part of the Spratly Islands group. It was visible only at low tide till the 1990s, but reports since then indicate the appearance of sand dunes, attributed to dumping of sand by China and perhaps Vietnam. Previously unclaimed, it lies midway between Fiery Cross Reef and Mischief Reef, both Chinese airstrips constructed after 2015. It is about 180 nm from Palawan (and thus within the Philippines EEZ), 580 nm from Hainan, and more than 800 nm from Taiwan (all claimant countries).



Satellite Image of Chinese Vessels Anchored at Whitsun Reef, March 23, 2021
Source: Japan Times

On March 7 2021, the Philippines observed a number of Chinese fishing boats tied together and anchored at the Whitsun Reef, known in the Philippines as Juan Felipe Reef⁴. The number of such boats had increased to over 220 by the

⁴ Scott Neuman, "Philippines Calls on China to Remove Massive Fishing Fleet at Disputed Reef", <https://www.npr.org/2021/03/22/979923065/philippines-calls-on-china-to-remove-massive-fishing-fleet-at-disputed-reef>

end of the month. Despite calm weather, they were not engaging in fishing activity. At least some of them have been identified as belonging to the People's Armed Forces Maritime Militia (PAFMM)⁵. Large numbers remain inside the lagoon at the time of writing, though some have moved to other locations claimed by the Philippines, including Thitu Island.

Protests from the Philippines have become increasingly more vocal. On April 03, 2021, Defense Secretary Delfin Lorenzana stated, "The Chinese Ambassador has a lot of explaining to do. I am no fool. The weather has been good so far, so they have no other reason to stay there"⁶. In an even stronger statement a day later, he said, "The utter disregard by the Chinese Embassy in Manila of international law especially the UNCLOS to which China is a party is appalling"⁷. China's embassy in Manila took note of the "perplexing statement by Philippine Defense Secretary on Chinese fishing vessels in the South China Sea". It described the Niu'e Jiao (Whitsun Reef) as part of China's Nansha Islands, and said it was "completely normal for Chinese fishing vessels to fish in the waters and take shelter near the reef during rough sea conditions"⁸. An earlier statement had said "There is no Chinese Maritime Militia as alleged"⁹. The Philippines Department of Foreign Affairs responded by accusing the Chinese Embassy spokesperson of using "blatant falsehoods such as claims of adverse weather conditions when there were none and the supposed non-existence of maritime militia vessels in the area"¹⁰. It concluded by reminding Chinese Embassy officials that "they are the guests of the Philippine Government, and as guests must at all times observe protocol and accord respect to Philippine Government officials. China's wolf warrior spokesperson

⁵ Andrew S Erickson and Ryan D Martinson, "Records Expose China's Maritime Militia at Whitsun Reef", <https://foreignpolicy.com/2021/03/29/china-militia-maritime-philippines-whitsunreef/>

⁶ Philippines Department of National Defense Statement on the continued presence of Chinese Vessels in the WPS dated April 3, 2021, <https://www.dnd.gov.ph/Postings/Post/Statement%20on%20the%20continued%20presence%20of%20Chinese%20Vessels%20in%20the%20WPS>

⁷ Philippines Department of National Defense Statement on the continued presence of Chinese Vessels in the WPS dated April 4, 2021, [https://www.dnd.gov.ph/Postings/Post/On%20the%20Chinese%20Embassy%E2%80%99s%20Statement%20justifying%20the%20presence%20of%20%20Chinese%20vessels%20in%20the%20Julian%20Felipe%20Reef%20\(WPS\)#x](https://www.dnd.gov.ph/Postings/Post/On%20the%20Chinese%20Embassy%E2%80%99s%20Statement%20justifying%20the%20presence%20of%20%20Chinese%20vessels%20in%20the%20Julian%20Felipe%20Reef%20(WPS)#x)

⁸ Statement by Spokesperson of the Chinese Embassy, <http://ph.china-embassy.org/eng/sgdt/t1866914.htm>

⁹ Statement by Spokesperson of the Chinese Embassy on the Philippines on the Presence of Alleged Chinese Maritime Militia Vessels at Niu'e Jiao, <http://ph.china-embassy.org/eng/sgdt/t1863034.htm>

¹⁰ Statement: DFA Deplores Chinese Embassy Response to Secretary of Defense's Statement, <https://dfa.gov.ph/dfa-news/statements-and-advisoriesupdate/28811-dfa-deplores-chinese-embassy-response-to-secretary-of-defense-s-statement>

Zhao Lijian, meanwhile, echoed the words of China's Embassy in Manila and called on the Philippines to "look at this objectively and correctly, and immediately stop wanton hype-up, and avoid casting negative influence on bilateral relations and the overall peace and stability in the South China Sea"¹¹.

The South China Sea (SCS) is strategically vital for China, as a buffer region for its industrialised coast; a bastion for its nuclear deterrent and the gateway as well as springboard for its Maritime Silk Road. China has expended much effort to bring the SCS under its control, disregarding its commitments under Articles 2(3) and 33 of the UN Charter¹² as well as treaty commitments under UNCLOS; a binding award from the Permanent Court of Arbitration; Articles 1, 4 and 5 of the Declaration on the Conduct of Parties in the South China Sea¹³ and Articles 2, 10 and 13-17 of the Treaty of Amity and Cooperation in Southeast Asia¹⁴.

Nevertheless, the latest action at Whitsun Reef prompts queries about its purpose. Militarily, China already possesses defended airstrips and harbour facilities about 50 nm east (at Mischief Reef); 99 nm west (at Fiery Cross Reef) and 67 nm north (at Subi Reef). Through the creation of the Xisha (Paracel) and Nansha (Spratly) Districts in April 2020, China gave itself the ability to administratively govern the region, and it possesses the muscle to do so even in the face of opposition from South East Asian nations. The only discernible purpose of occupation at this stage is as a prelude to obtaining exclusive possession, pushing Filipino fishermen out.

The timing of the action, however, is interesting. Research indicates that some of the PAFMM vessels involved departed Guangdong on February 16, 2021¹⁵. This indicates that China had put in place a plan to test US resolve and show up its limitations well before President Biden's release of the Interim National Security Strategic Guidance and the Anchorage dialogue two weeks later. It was careful not to risk a confrontation of the type that had occurred with India in Eastern Ladakh. In picking on the Philippines as its target, China chose the nation it calculated was the least likely to respond. Going through an economic and health crisis due to the pandemic, the Philippines was able to start its vaccination programme only on March 01, 2021, based on receipt of 600,000

¹¹ Foreign Minister Spokesperson Zhao Lijian's Regular Press conference on April 6, 2021, https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1867187.shtml

¹² <https://www.un.org/en/about-us/un-charter/full-text>

¹³ https://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea-2

¹⁴ <https://asean.org/treaty-amity-cooperation-southeast-asia-indonesia-24-february-1976/>

¹⁵ Andrew S Erickson, "China's Secretive Maritime Militia May Be Gathering at Whitsun Reef", <https://foreignpolicy.com/2021/03/22/china-philippines-militia-whitsun/>

doses donated by China¹⁶. The first bulk supplies of vaccine (from China) are expected in May 2021, while those contracted from other countries are likely to be available only around July. As of the time of writing, the Philippines does not figure in the list of countries supplied vaccines by India¹⁷.

China's operation to occupy Whitsun Reef has proceeded as smoothly as its operation at Mischief Reef in February 1995¹⁸ and at Scarborough Shoal in June 2012 (described above). It is, as has become usual, accompanied by obfuscation and denial. In response to a question, China's spokesperson specifically stated that China has no plan to maintain a permanent presence at Whitsun Reef¹⁹. As before, the operation presents a fait accompli, one that will be well-nigh impossible to roll back without a conflict no one wants.

The Philippines finds itself in a cleft stick. On the one side are nationalist considerations, prompting strong words from its Secretaries of Defense and Foreign Affairs. On the other is consciousness of the massive power differential between it and China, as well as economic and health considerations. The Philippines' experience of 1995 (Mischief Reef), 2012 (Scarborough Shoal) and 2016 (the unenforceable award by the PCA), coupled with the limitations of ASEAN solidarity and Duterte's perception of the unreliability of the US (both demonstrated in 2012) leave him with little choice. He has already indicated his commitment to a peaceful resolution of the row²⁰. The strong words of his diplomats and military may also be driven by political considerations: Duterte's term ends in May 2022 and he is not eligible for re-election.

The deafening silence from ASEAN is noteworthy. Already distracted by developments in Myanmar, consensus-based ASEAN possesses neither the unity of purpose nor the means to make a difference. Its purpose is not so much to build trust among member states as to manage mistrust²¹. ASEAN-

¹⁶"Philippines Launches Coronavirus Vaccination Drive Amid Supply Problems", https://www.business-standard.com/article/current-affairs/philippines-launches-coronavirus-vaccination-drive-amid-supply-problems-121030100146_1.html

¹⁷Made in India Vaccine Supplies as on April 08, 2021, <https://mea.gov.in/vaccine-supply.htm>

¹⁸Philip Shenon, "Manila Sees China Threat on Coral Reef", New York times, February 19, 1995, <https://www.nytimes.com/1995/02/19/world/manila-sees-china-threat-on-coral-reef.html>

¹⁹https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1867187.shtml

²⁰Philippines Duterte calls for peaceful resolution of China boats impasse, https://www.channelnewsasia.com/news/asia/philippines-duterte-peaceful-resolution-boats-south-china-sea-14566314?cid=h3_referral_inarticlelinks_24082018_cna

²¹Bilahari Kausikan, "Will ASEAN Survive Until 2030", <https://www.internationalaffairs.org.au/australianoutlook/will-asean-survive-until-2030/>

centric mechanisms such as the EAS, ADMM + and the ARF thus find themselves unable to effectively deal with interstate disputes. Even as great power geopolitical competition grows and China increasingly bares its expansionist intent, ASEAN's relevance will diminish further.



The USS Theodore Roosevelt Strike Group Exercises in the South China Sea, April 07, 2021. Source: US INDO-PACOM

US decision-makers too would be experiencing a sense of déjà vu. The failures of the Obama administration resulted in the seizure of the Scarborough Shoal and the later militarisation of SCS features. They also emboldened China. The Trump era was generally successful in deterring China's maritime intimidation – stepped up USN (and RAN) presence in the West Capella affair in April and May 2020 was instrumental in China backing down^{22,23} - even though it could

²²Ben Werner, "Maritime Standoff Between China and Malaysia Winding Down", <https://news.usni.org/2020/05/13/maritime-standoff-between-china-and-malaysia-winding-down>

²³Niharika Mandhana, "US Warships Support Malaysia Against China Pressure in South China Sea", <https://www.wsj.com/articles/u-s-sends-warships-to-support-malaysia-in-south-china-sea-amid-china-pressure-11589382717>

not roll back earlier gains. This, however, is a new administration. The Chinese action indicates this is a test of Biden's resolve.

On March 28, 2021, Secretary of State Blinken said the US "stands with our ally, the Philippines, in the face of the PRC's maritime militia amassing at Whitsun Reef"²⁴. He reiterated strong US support for the Philippines, called on the PRC to abide by the 2016 arbitral tribunal award and reaffirmed the applicability of the 1951 US-Philippines Mutual Defense Treaty to the South China Sea". These words were repeated in a call with Philippine Secretary of Foreign Affairs Locsin on April 08, 2021²⁵. The USS Theodore Roosevelt Carrier Strike Group returned to the South China Sea on April 04²⁶, and exercised with the Malaysian Navy on April 06-07, 2021²⁷. It is, therefore, available to deter intimidation. Clearly, the US understands that failure in this test would damage its credibility. The chosen course of action would appear to be letting the Philippines take the lead, but remaining prepared to back up its ally if needed. Duterte is unlikely to call for that help.

The lesson for India is to prepare for similar grey zone coercion and intimidation in the Indian Ocean in the years ahead. The requirement to tackle this prospect comprises four parts: awareness, presence, an ability to scale up this presence sufficiently to make the costs of continuing coercion unpalatable, and the political will to take a stand. India must not be found wanting in the maritime challenges that might lie ahead.

²⁴<https://www.wsj.com/articles/u-s-sends-warships-to-support-malaysia-in-south-china-sea-amid-china-pressure-11589382717>

²⁵<https://www.state.gov/secretary-blinkens-call-with-philippine-secretary-of-foreign-affairs-locsin-2/>

²⁶<https://www.pacom.mil/Media/News/News-Article-View/Article/2562905/theodore-roosevelt-carrier-strike-group-returns-to-south-china-sea/>

²⁷<https://www.pacom.mil/Media/News/News-Article-View/Article/2564733/theodore-roosevelt-carrier-strike-group-conducts-bilateral-exercise-with-royal/>



Delhi Policy Group
Core 5A, 1st Floor,
India Habitat Centre, Lodhi Road
New Delhi - 110003
India

www.delhipolicygroup.org