

EAST SEA (SOUTH CHINA SEA) STUDIES



E S N A P S H O T

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Issue 27 (31st December 2012 – 6th January 2013)

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ACTIVITIES OF THE CLAIMANTS

China

Chinese Surface combat frigate enters China's South Sea Fleet

31st December | *Want China Times*

The newest frigate has entered the South Sea Fleet of the PLA Navy. Liuzhou is currently considered one of China's most advanced surface combat Type 054A vessels, with a stealth hull design with sloped surfaces and radar absorbent materials. Equipped with a medium-range air defense missile system, the vessel is capable of destroying air targets at a distance of up to . Although it is not as lethal as the Russian-built Sovremenny class and domestic destroyers, the new frigate still serves as a multi-role warship in the Chinese fleet.



[Full report](#)

China adds destroyers to marine surveillance

31st December | *AFP*

China has transferred two destroyers and nine other ex-navy vessels to its maritime surveillance fleet, reports said, as it moves to beef up its position in bitter territorial rows with Japan and other neighbours. Beijing renovated the ships and transferred them to surveillance operations to "alleviate the insufficiency of vessels used to protect maritime interests", Tencent, one of China's major news portals, reported.

[Full report](#)

China “concerned” about The Law of the Sea of Vietnam

31st December | *Ministry of Foreign Affairs of the People's Republic of China*



In response to the question: “It is reported that the Law of the Sea of Viet Nam will come into effect on January 1, 2013. What is China's comment?”, Chinese Foreign Ministry Spokesperson Hua Chunying said: “We are deeply concerned about this law's negative impact on the situation of the South China Sea once it comes into effect. We require the Vietnamese side to call off actions that would complicate and aggravate this issue.”

[Source](#)

China says "board and search" sea rules limited to Hainan coast

31st December | Reuters

Chinese Foreign Ministry spokeswoman Hua Chunying said the scope of Hainan's rules, announced by state media in November, represented no change from regulations passed in 1999 limiting enforcement to within 12 nautical miles of Hainan's coast. "What I want to stress is that these local rules were formulated by the Hainan provincial government to strengthen border controls over the coast and maritime management," Hua told a daily news briefing. "Their aim is to tackle crime at sea and maintain peace on the seas. There is no change to the scope of how these rules are used compared to the 1999 rules," she added, without elaborating.

[Full report](#)

Taiwan "protests" The Law of the Sea of Vietnam

3rd January | Focus Taiwan

On January 3rd, Taiwanese Ministry of Foreign Affairs spokesman Steve Hsia said: "We have expressed concern and strong protest over the Vietnamese law,". He also called on the other claimants to the area to exercise self-restraint, replace confrontation with dialogue and collaborate in formulating a code of conduct for the region.

[Full report](#)

Vietnam

Rescue centre built in Ly Son island

3rd January | Phap Luat TP. Ho Chi Minh

On January 2nd, Pham Nhu So, Vice Chairman of Quang Ngai province, said the Vietnamese Defense Ministry has approved the investment of search and rescue stations located in Ly Son island district, Quang Ngai. The project has a total budget of over 70 billion VND (\$3.3 million), including rescue teams, two ships of over 3,000 CV, two specialized canoes, first aid rooms with 20 beds, with medical equipment, systems communications systems, emergency vehicle.



[Full report](#)

Brunei

Sea row tops ASEAN agenda under Brunei's chairmanship

3rd January | The Brunei Times

A political solution to the ongoing territorial dispute in the South China Sea is on top of Brunei's agenda as ASEAN chair, officials from the Ministry of Foreign Affairs and Trade of Brunei said. The country is keen to pursue a code of conduct between claimants in the disputed waters.

[Full report](#)

REGIONAL SNAPSHOTS

Indian warship docks at Da Nang

1st January | Vietnamplus

India's naval warship INS SUDARSHINI, carrying six officers and 70 sailors, docked at Tien Sa port in Da Nang city on January 1st to begin a three-day goodwill visit to the city. The visit by the Indian training vessel, commanded by Lieutenant Colonel Nshyam Sundar, marks the 20th anniversary of ASEAN-India relations and the 40th anniversary of Vietnam-India relations.

[Full report](#)



Philippines welcomes new ASEAN Secretary General

3rd January | Vietnamplus

Philippine Foreign Minister Albert del Rosario has expressed his trust on the role of the new Secretary General of the ASEAN Le Luong Minh who succeeded Surin Pitsuwan on January 1st. In a statement released on January 2nd, Rosario also stressed that the change came at the time when numerous challenges are lying ahead of the bloc on some important issues in the region.

[Full report](#)

India keeps a close watch on China's strategic moves

2nd January | Times of India

China is working on a draft for a law on international seabed exploration that would enable it to explore mineral and other deep sea resources in the Indian Ocean and other seas far from its shores, Indian official sources said. The move is likely to worry New Delhi that keeps a close watch on China's strategic moves in the Indian Ocean with the help of countries like Sri Lanka.

[Full report](#)



COMMENTARIES & ANALYSES

Hainan's New Maritime Regulations: An Update

By *M. Taylor Fravel*



The scope of the new regulations will be limited. First, regarding the activities of foreign vessels, the regulations refer only to the province's 12 nautical mile territorial waters (*linghai*). As a result, the zone where public security units might board or seize foreign vessels is limited to the area where coastal states enjoy more or less sovereign rights apart from innocent passage (that the new regulations do not challenge) under the UN Convention on the Law of the Sea.

Second, according to Article Five, the regulations apply only to public security border defense units (*gong'an bianfang jiguan*). The provision states that the "province's public security border defense organs are responsible for this province's coastal defense and public order management work." The article further calls on other departments—including foreign affairs, maritime affairs and fisheries—to assist the public security units in their work, indicating that the regulations do not apply directly to these other actors. In other words, these regulations do not empower "other departments" that routinely operate within China's claimed 200 nautical miles Exclusive Economic Zone to seize or detain foreign vessels. Third, despite the reference to the islands and reefs of Sansha City, the regulations will be implemented mostly in the waters around Hainan Island itself and the Paracel Islands, not other disputed areas in the South China Sea. Wu Shicun, the director of Hainan's foreign affairs office (and president of the National Institute for South China Sea Studies), noted in December that the regulations would only apply to those areas of Hainan where China had drawn baselines, from which a 12 nautical mile territorial waters would be delineated. In 1996, China announced baselines around the Paracels as well as Hainan Island, but not other land features that it claims in the South China Sea, including Scarborough Shoal and the Spratly Islands.

[Full article](#)

"China holds the key to resolution of problems in the South China Sea"

By *Maj Gen PK Chakravorty*

The obvious question that arises is about the options for resolving the issue. Broadly speaking, there are two options. The first is to resolve the problem through negotiations bilaterally or multilaterally. In the event of no success during negotiations the parties could resort to other modalities of dispute

settlement such as conciliation, arbitration and adjudication. Since this is a sovereignty dispute, it would be difficult to refer it to any form of third party without the consent of the parties involved. Furthermore, China has exercised her right under Article 298 of the UN Convention of Law of Seas to opt out of a compulsory binding dispute settlement. Therefore, the case cannot go before the International Tribunal for Law of Sea. The other option would be to set aside sovereignty issues and to undertake the joint development of disputed areas. Joint development has produced tangible results between Malaysia and Thailand (1979-1990), Malaysia and Vietnam (1992) as also between Australia and Timor Leste (2002). This issue can be applied to Disputed Areas. However, China has yet to clarify its claims. Thereafter, the aspect of Joint Development could be analysed. Resolution of disputes in the South China Sea would depend on China's keenness to clarify its claims and be prepared to negotiate with other claimants. As of now, all claimants have to dig in their heels and wait for China to clarify its claims.

[Full article](#)

Where is China taking Asia?

By Mahani Zainal Abidin

China sees itself as an integral part of, and source of growth and prosperity for the regional economy. In this context China should be mindful that it cannot separate economics from strategic imperatives. By recklessly showing off its maritime power, China will surely create an unsettled economic environment. An environment of peace and stability must be nurtured: economic and commercial activities can only grow in a climate free from tension. The way that China advances



economically and uses its military will have far reaching implications for the region. Other countries in the region too need to walk a fine line between economic interdependence and protecting their strategic interests. The decisions that the new Chinese leadership make will largely determine the region's future but other countries in the region, and their partners, will also have to play their card right. The way that China advances economically and uses its military will have far reaching implications for the region. Other countries in the region too need to walk a fine line between economic interdependence and protecting their strategic interests. The decisions that the new Chinese leadership make will largely determine the region's future but other countries in the region, and their partners, will also have to play their card right.

[Full analysis](#)

ASEAN Region: India Needs To Stand Strategically Tall

By Dr. Subhash Kapila

The United States strategic pivot to Asia Pacific has weaned away ASEAN nations from adopting 'hedging strategies' against China's coercive strategies. It is in India's strategic interests to take this

process still further by “standing tall” strategically in the ASEAN region not by rhetoric but by India’s strategic postures. India’s traditional ‘soft power diplomacy’ in ASEAN needs to be reinforced if not supplanted by enhanced Indian ‘military diplomacy’ which could effectively contribute to greater strategic integration of India with the ASEAN nations. The repetitive and hackneyed phrases of strategic cooperation encompassing, anti-piracy operations, disaster relief management and counter-terrorism as the Indian foreign policy ‘mantras’ need to be dispensed with. India needs to be seriously contributing to the military-capacity building of ASEAN nations Armed Forces and particularly of ASEAN navies. India military experts and military professionals should be left to work out strategies and initiatives in this direction. India seriously needs to match her political rhetoric by substantial strategic and military moves befitting her power attributes lying pickled over the decades. India must recognise the pressing imperatives in 2012 that India’s economic integration with ASEAN need to be accompanied strongly in tandem with India’s strategic integration in ASEAN’s security matrix.

[Full analysis](#)

Why joint resource exploration and development in the South China Sea are difficult to implement?

By Lucio Blanco Pitlo III

One big stumbling block in any joint undertaking in the SCS is defining which areas are in dispute and which are not. China, for instance, has yet to finalize the exact extent and limits of its sweeping nine-dash line claim. This is in stark contrast with other claimants which have already officially defined their claims in the SCS and, thus, renounced any further claims beyond the same. Another principal hindrance to joint resource exploitation and management in the SCS is the issue of sovereignty. Lingering Cold War fears, zero-sum thinking, maximizing claims and refusal to compromise and bargain by claimants create disincentives for engaging in joint resource exploration and development in the area. This issue of sovereignty is tied with nationalism making it difficult for leaders of each claimant country to reach a compromise agreement on the SCS for fear of being branded as a “traitor,” a “coward,” if not accused of high treason. Differences in the form of government, as well as in the political and social culture also create mistrust and animosities between SCS claimants. For instance, for many Chinese unaccustomed to Philippine democracy and active social movements, it is difficult to comprehend how coordinated rallies and protests staged in Chinese embassies and consulates worldwide can take place without the support of the government. All these factors and issues illustrate the intricacies of resolving the SCS dispute. It demonstrates that the forces that impede the future of joint resource sharing and management in SCS are not only legal and political in nature, but also social and cultural. Sensitivity to the history, culture and society of each claimant country should thus be exerted. While government will play the lead role in resolving the dispute, mass media, civil society, academics, experts and the general public can all contribute in fostering mutual understanding and sympathy which can help establish the best climate for a peaceful and lasting solution to the South China Sea dispute.

[Full paper](#)