



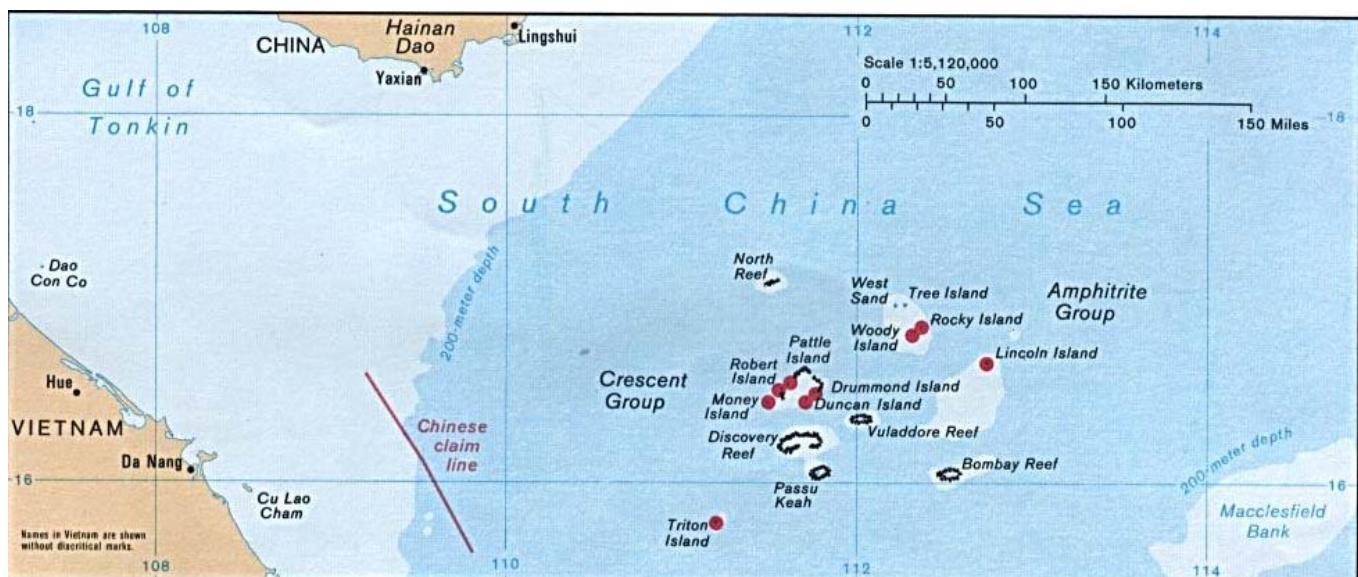
Construction tensions in the South China Sea

By Richard Javad Heydarian

MANILA – In a move that promises to raise regional tensions, China recently stepped up construction work in contested territories in the South China Sea. In late September, Beijing announced plans to accelerate the building of Sansha city, a newly formed administrative unit on Yongxing Island, also known as Woody Island, in the disputed Paracels archipelago.

The city will oversee Beijing's administration of the Paracel Islands, Macclesfield Bank, Scarborough Shoal, and other assorted reefs, sandbanks and some 200 small uninhabited islets and their surrounding waters in the contested Spratly Islands. The People's Liberation Army (PLA), meanwhile, has announced without supplying details plans to build a military garrison at Sansha, a move that threatens greater militarization of the South China Sea's crucial trade lanes.

China's US\$3-million construction plan includes seven road projects with a total length of 5 kilometers, an inter-island transportation network with docking facilities, and a desalination unit with a 1,000-cubic-meter capacity to ensure fresh-water supplies for the city's estimated 3,500 permanent inhabitants.



Sansa city was upgraded to prefecture level on July 24 amid a naval standoff with the Philippines over control of the adjacent Scarborough Shoal. China's announced building plans have agitated the Philippines, which currently controls Pag-asa Island, one of the biggest in the area, as well as Vietnam, which lays claim to the Paracels. Both countries lodged official complaints about Sansha's upgraded status in July.

Piqued by China's rising assertiveness, improved fortifications and gradual administrative consolidation over contested features in the Spratly Islands, Manila has responded in both diplomatic and operational terms. In June, before Sansha's upgrade, Manila summoned a senior Chinese diplomat to protest formally against growing construction activities in areas Philippine officials have consistently argued fall within their country's exclusive economic zone (EEZ).

The complaint came soon after Philippine military officials spotted a number of Chinese vessels in the area, ranging from a salvage and research ship to cargo boats unloading construction materials and building posts on Iroquois Bank in the vicinity of the Spratly Islands, or just 125 nautical miles off the coast of the Philippines' southern island of Palawan.

Manila has also raised its voice against China's expressed plans to plant a "mega oil rig" in the area, raising the possibility of China oil depots and installations near Philippine shores. China is also reportedly planning to build an airstrip at Subi Reef, just next to Philippine-controlled Pag-asa Island. The 3.7-kilometer-wide contested reef already houses two living quarters for Chinese troops, two four-story buildings and a large radar dome.

The Armed Forces of the Philippines have responded with mixed messages. Late last month, the Philippines reportedly deployed 800 marines to Palawan, an island close to contested areas in the South China Sea. However, Lieutenant-General Juancho Sabban, head of the AFP's Western Command, denied the reports on October 1, saying there was an "apparent miscommunication" by military officials. He said the recent deployment of fewer than 100 personnel to Palawan was "defensive", while other commanders said the move was part of routine plans to improve basic maritime patrols.

"These two battalions which arrived recently will be augmenting protection of our islands. We are just on a defensive posture and are ensuring the defense of our islands. It is better to defend than retake islands once other claimants occupy them," Sabban said, making veiled reference to Mischief Reef, which China seized from the Philippines by force in 1995. To bolster coordination and command over deployed forces, the Philippines opened a new Marine Brigade headquarters in nearby Palawan.

At the same time, the Philippines recently said it might fire on Chinese surveillance drones that enter territory it claims in the South China Sea. Yang Yujun, an official with China's Defense Ministry, affirmed plans to use unmanned drones to monitor activity in disputed areas of the South China Sea, including the Scarborough Shoal, the Spratly Islands, and their adjacent waters. Yang asserted China's "indisputable sovereignty" over those areas in announcing its use of drones.

For almost two decades, the Philippines has watched anxiously as China has fortified its claims in the South China Sea. In 1995, just three years after the closure of US bases in the Philippines, China seized control of Mischief Reef from Philippine forces. Soon thereafter, China built structures resembling military installations on the reef, though Beijing claimed at the time they were shelters for fishermen.

Two-pronged approach

Since that armed confrontation, China had taken a more sophisticated approach to consolidating its claims, combining the carrot of multilateral and regional diplomacy with the stick of increasingly aggressive bilateral showdowns with smaller claimant states. Paramilitary vessels and fishing boats implicitly backed by conventional military forces, military fortifications built up by elements of the PLA Navy, and quasi-civilian administrative projects have all bid to crowd out other claimant states, especially Vietnam and the Philippines.

In 2002, China and the Association of Southeast Asian Nations (ASEAN) signed the Declaration of the Code of Parties in the South China Sea, which calls broadly for peaceful and diplomatic resolution of territorial disputes. The non-binding agreement explicitly prohibits the construction of military fortifications in the region, a provision China has consistently violated, Philippine and Vietnamese officials have argued.

The Philippines is perhaps the only country that has failed to make any significant improvement of its structures in the nine islands and reefs it directly controls in the Spratly Islands. Malaysia, another claimant state, has built spas and diving resorts on the Layang-Layang Reef it controls. China and Vietnam have built fortifications, watchtowers, lighthouses, airstrips and even buildings powered by solar panels in their respective areas of control.

Most Philippine structures in the area date back to the 1960s and '70s and are poorly maintained and withering, diminishing the operational capacity as well as the morale of Philippine forces stationed in the area. Philippine officials cite their commitment to the 2002 conduct agreement as a reason for their lagging investment in maintaining and improving its structures in the Spratly Islands. Commentators have pointed toward a lack of strategic foresight as the AFP has focused more on internal threats caused by various insurgencies across the country.

China's construction will also fortify its claims at the international level. According to some legal experts, assuming its territorial claims are eventually submitted for international arbitration by bodies such as the International Tribunal for the Law of the Sea (ITLOS), exercising "effective and continuous sovereignty/control over occupied features" is a more critical factor than "historical claims". So far, China has rejected international arbitration on the grounds that its claims over the area are "inherent" and "indisputable".

China's interpretation of the key legal regime concerning maritime disputes, namely the United Nations Convention on the Law of the Sea (UNCLOS), takes a divergent interpretation of Article 121 on "regime of islands". Southeast Asian claimants such as the Philippines look at the majority of features in the South China Sea as "uninhabitable" and therefore only able to lay claim to 12 nautical miles of territorial waters. By installing relatively large-scale structures capable of housing humans, China seems determined to turn these features into habitable islands.

The implication is significant for the Philippines and other claimant states. Through a more liberal interpretation of the UNCLOS' Article 121 China can feasibly claim 200-mile EEZs from each of its occupied islands, allowing it to lay legal claim to oil-and-gas-rich areas as far south as Indonesia's Natuna Islands as well as the Philippines-claimed Reed Bank.

Strategic analysts say China's buildup could also serve as a foundation for fortifications that enable large-scale future military deployments. China's Defense Ministry announced in July that Sansha city would be the operational center of a new military garrison in the South China Sea, though details of the plan have been scarce. Operationally, such a garrison would allow China to push its claims further into Philippine-claimed EEZs.

The Philippines has responded to these perceived threats by strengthening strategic ties with the US and calling for outside intervention, including from the UN, moves that have likely undermined Manila's simultaneous diplomatic efforts to constrain China's rapid buildup in the contested territories. On October 8, the Philippines began 10 days of joint military maneuvers with some 2,600 US troops and naval vessels, including so-called amphibious landing exercises.

Meanwhile, Philippine Foreign Affairs Secretary Albert del Rosario called on the UN on October 2 to intervene in the conflict, calling on it to fulfill its mission of "protecting the weak from the strong". At the same time, ASEAN members circulated a new draft of the South China Sea code of conduct during a sideline meeting between ASEAN ministers at the UN General Assembly meeting this month.

Meanwhile, anxieties over China's intentions are building among Philippine military planners. "Every time we take periodic pictures of all the islands in the Spratlys, we notice some changes, we observe changes in structures," Sabban said, referring to recent Chinese construction at Sansha.

Richard Javad Heydarian is a foreign affairs analyst based in Manila.