

# Chapter 13

## Strategic Competition in the South China Sea and the Security Implications for the Indo-Pacific Region

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### I. Introduction

On July 12, 2016, an arbitral tribunal established under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) issued a significant decision on the South China Sea dispute, which has triggered discussions on many legal issues and provided a legal basis for countries' activities in the South China Sea. The ruling was seen as a victory for the Philippines over China and served as the basis for subsequent countermeasures against China by neighboring countries. In 2021, in addition to the U.S. continuing to send warships to sail the South China Sea, many other countries have responded, and China has countered with drills and other actions. With conflicting philosophies and frequent actions from all sides, it is no doubt that the tensions in the South China Sea will be exacerbated. This publication aims to discuss the actions of relevant countries in the South China Sea and their impact on regional security. First, it will explain the conflict between the U.S. and China in establishing the South China Sea order; then, it will explore the actions of the U.S.-China-led countries in the South China Sea and the participation of extraterritorial countries; finally, it will discuss the impact of the aforementioned countries' frequent actions in the South China Sea on the Indo-Pacific region.

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## II. The Establishment and Disagreements of the International Order in the South China Sea

### 1. The Biden Administration Continues the Concept of a “Free and Open Indo-Pacific”

On February 19, 2021, State Department spokesman Ned Price stated that “the United States reaffirms its July 13, 2020 statement on China’s illegal and excessive maritime claims in the South China Sea.”<sup>1</sup> Then, in March, the Biden administration, with its emphasis on rebuilding relationships with allies, elevated the quadripartite security dialogue to the leadership level and issued a joint statement in the leaders’ name setting out an Indo-Pacific vision. The statement did not mention China but emphasized a free and open region free from coercion and a shared commitment to promoting a free and open order based on international law.<sup>2</sup> In April, Joe Biden met with Japanese Prime Minister Suga Yoshihide at the White House, the first foreign leader to meet face-to-face since Biden took office. In the joint statement, the U.S. and Japanese leaders again referred to “a shared vision for a free and open Indo-Pacific region.”<sup>3</sup> Despite the change in the U.S., it is clear that promoting “freedom and openness” in the Indo-Pacific region remains a key U.S. policy for the region.

### 2. A “Rules-Based International Order” and an “International Legality-Based Order”

In addition to a free and open Indo-Pacific vision, a “rules-based international order” plays an equally important role as a U.S. foreign values discourse and as a counterweight to Chinese behavior.<sup>2</sup> In a May 2021 joint statement, the

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<sup>1</sup> “Department Press Briefing—February 19, 2021,” *U.S. Department of State*, February 19, 2021, <https://www.state.gov/briefings/departments-press-briefing-february-19-2021/>.

<sup>2</sup> “Quad Leaders’ Joint Statement: ‘The Spirit of the Quad’,” *The White House*, March 12, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/12/quad-leaders-joint-statement-the-spirit-of-the-quad/>.

<sup>3</sup> “US-Japan Joint Leaders’ Statement: ‘US-JAPAN GLOBAL PARTNERSHIP FOR A NEW ERA’,” *The White House*, April 16, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/16/us-japan-joint-leaders-statement-us-japan-global-partnership-for-a-new-era/>.

seven industrial nations expressed their “commitment to strengthening an open society, shared values, and a rules-based international order” and called on China to “participate constructively in a rules-based international system.”<sup>4</sup> In a joint statement following the May 21 meeting between Biden and South Korean President Moon Jae-in, the leaders again stressed their “opposition to any activity that destabilizes or threatens the ‘rules-based international order’.”<sup>5</sup> It is clear that the “rules-based international order” has become a central part of the U.S. and allies’ discourse on building an international order.

The “international order based on international legality” advocated by China is different from the West. At the 75<sup>th</sup> anniversary summit of the United Nations, Xi Jinping stated that he would “firmly uphold the international system with the United Nations at its core and an international order based on international law” and emphasized that he would “become an advocate and defender of the rule of law in the international arena.”<sup>6</sup> In May 2021, at the Security Council, Wang Yi reiterated in his speech that he would “insist on genuine multilateralism” and emphasized that “international rules should be based on international law,”<sup>7</sup> implying that the is operating multilateralism against China. In addition, Yang Jiechi, Director of the Foreign Affairs Office of the Central Committee of the Communist Party of China, wrote that China firmly upholds the international system with the United Nations at its core and the international order based on international law, and opposes “pseudo-multilateralism” which is unilateralism in the name of multilateralism.<sup>8</sup>

<sup>4</sup> “G7 Foreign and Development Ministers’ Meeting: Communiqué,” *EEAS*, May 5, 2021, [https://eeas.europa.eu/headquarters/headquarters-homepage/97842/g7-foreign-and-development-ministers%E2%80%99-meeting-communic%C3%A9\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/97842/g7-foreign-and-development-ministers%E2%80%99-meeting-communic%C3%A9_en).

<sup>5</sup> “U.S.-ROK Leaders’ Joint Statement,” *The White House*, May 21, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/21/u-s-rok-leaders-joint-statement/>.

<sup>6</sup> “Xi Jinping Delivers an Important Speech at the Summit Commemorating the 75th Anniversary of the Founding of the United Nations,” *Ministry of National Defense of the People’s Republic of China*, September 22, 2020, [http://www.mod.gov.cn/big5/shouye/2020-09/22/content\\_4871568.htm](http://www.mod.gov.cn/big5/shouye/2020-09/22/content_4871568.htm).

<sup>7</sup> “United for True Multilateralism,” *Ministry of Foreign Affairs of the People’s Republic of China*, May 8, 2021, <https://www.fmprc.gov.cn/web/wjbxhd/t1874345.shtml>.

<sup>8</sup> “Yang Jiechi Talks about the Achievements of the CCP’s Diplomacy, All the Credit Goes to Xi Jinping,” *China Central News Agency*, July 3, 2021, <https://www.cna.com.tw/news/acn/202107030085.aspx>.

Since taking office, Biden has intensified calls for China to adhere to a “rules-based international order” and has called on allies to join him and take relevant mandatory measures. China has advocated the centrality of the United Nations in global governance and the fundamental principle of the primacy of national sovereignty. The “rules-based international order” advocated by the West is a vague term for China. Russia’s Foreign Minister Sergey Lavrov, whom the West has also accused, has stated that the West no longer cares about the norms of international law but only demands that every actor follow Western norms and order.<sup>9</sup>

### III. Strategic Competition in the South China Sea

#### 1. The U.S. Pursues a Free and Open Indo-Pacific

In January 2021, then-Secretary of State Michael Pompeo issued a press statement on protecting and preserving the free and open South China Sea, emphasizing that all nations should enjoy the rights and freedoms guaranteed by international law in the region and stated that he would continue to take action until he saw Beijing stop its coercive behavior in the South China Sea.<sup>10</sup>

##### (1) *Continued Freedom of Navigation Operations*

On February 5, 2021, the Seventh Fleet of the Navy completed its first freedom of navigation operation in the South China Sea since President Biden took office. The operation asserted the right and freedom of navigation in the vicinity of the Paracel Islands, challenging China’s 1996 declaration of a straight baseline that included the Paracel Islands, in addition to unilaterally imposing any authorization

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<sup>9</sup> “Foreign Minister Sergey Lavrov’s Remarks at the Meeting of the UN Security Council, ‘Maintenance of International Peace and Security: Upholding Multilateralism and the United Nations-centred International System,’ Held via Videoconference,” *Ministry of Foreign Affairs of the Russian Federation*, May 7, 2021, [https://www.mid.ru/en/press\\_service/minister\\_speeches/-/asset\\_publisher/7OvQR5KJWvMR/content/id/4721942](https://www.mid.ru/en/press_service/minister_speeches/-/asset_publisher/7OvQR5KJWvMR/content/id/4721942).

<sup>10</sup> “Protecting and Preserving a Free and Open South China Sea,” *U.S. Department of State*, January 14, 2021, <https://2017-2021.state.gov/protecting-and-preserving-a-free-and-open-south-china-sea/index.html>.

or advance notice requirements for innocent passage.<sup>11</sup> As of August, the United States has conducted four freedom of navigation operations in the South China Sea, three in the Paracel Islands and one in the Spratly Islands.<sup>12</sup>

(2) *Demonstrating an approach to deepening relations with ASEAN countries*

On July 27, 2021, U.S. Secretary of Defense Lloyd Austin began a trip to Southeast Asia, visiting Singapore, Vietnam, and the Philippines, the first significant cabinet member to be sent to Southeast Asia since Biden took office. In a speech at the International Institute for Strategic Studies in Singapore, Austin emphasized the importance of a stable, open, and prosperous Indo-Pacific region and a rules-based international order, in addition to the current epidemic.<sup>13</sup> In Vietnam, Austin and Vietnamese Defense Minister Phan Văn Giang agreed to prioritize military cooperation in certain areas, including military medical services to combat COVID-19 and improve maritime law enforcement capabilities.<sup>14</sup>

Regarding the Philippines, President Rodrigo Duterte has been threatening to repeal the Philippine-United States Visiting Force Agreement (VFA) for the past year and a half. The repeal of the agreement, which allows U.S. troops to use Philippine military bases, would undoubtedly be detrimental to U.S. operations in the Indo-Pacific region. However, at a subsequent press conference, Philippine Defense Secretary Delfin Lorenzana stated the President's decision to withdraw the termination of the VFA,<sup>15</sup> which was undoubtedly the most critical outcome of Austin's visit to Southeast Asia.

On August 3, U.S. Secretary of State Antony Blinken met with Indonesian

<sup>11</sup> "7th Fleet Destroyer Conducts Freedom of Navigation Operation in South China Sea," *Commander, US 7th Fleet*, February 5, 2021, <https://www.c7f.navy.mil/Media/News/Display/Article/2494240/7th-fleet-destroyer-conducts-freedom-of-navigation-operation-in-south-china-sea/#.YBz2a2BKNqs.twitter>.

<sup>12</sup> "U.S.-China Strategic Competition in South and East China Seas," *Congressional Research Service*, August 4, 2021, <https://sgp.fas.org/crs/row/R42784.pdf>.

<sup>13</sup> "Transcript: US Defense Secretary Austin's speech in Singapore," *Nikkei Asia*, July 27, 2021, <https://asia.nikkei.com/Politics/International-relations/Transcript-US-Defense-Secretary-Austin-s-speech-in-Singapore>.

<sup>14</sup> "Vietnam, US Military Medics to Cooperate in Covid-19 Prevention," *VNEXPRESS*, July 29, 2021, <https://e.vnexpress.net/news/news/vietnam-us-military-medics-to-cooperate-in-covid-19-prevention-4332493.html>.

<sup>15</sup> "'As if Nothing Happened': Duterte Nixes Termination of PH-US VFA, Says Lorenzana," *Manila Bulletin*, July 30, 2021, <https://mb.com.ph/2021/07/30/as-if-nothing-happened-duterte-recalls-termination-of-ph-us-vfa-lorenzana-says/>.

Foreign Minister Retno Marsudi in Washington, D.C., and announced that the U.S. had initiated a strategic dialogue. The two sides pledged to cooperate on defending the freedom of navigation in the South China Sea.<sup>16</sup> In late August, Vice President Kamala Harris visited Singapore and Vietnam, where she condemned China's actions in the South China Sea and advocated upholding a rules-based international order.<sup>17</sup> The back-to-back visits by the Secretary of Defense and Vice President in just two months demonstrate the importance of Southeast Asian countries and show that the United States is actively drawing in allies to counter China's frequent actions in the South China Sea.

### (3) *Joint military exercises to demonstrate deterrence capabilities*

The U.S. will conduct Large Scale Global Exercise 21 (LSGE21) from August 2 to August 27, 2021, an exercise developed by the Department of Defense and conducted by the Indo-Pacific Command. Participants include the U.S. Army, Navy, Air Force, Marine Corps, the British Armed Forces, Australian National Defense Force, and Japanese Self-Defense Forces. The purpose of the exercise is to strengthen cooperation with allies to maintain regional stability, reinforce a rules-based international order, and maintain a free and open Indo-Pacific region.<sup>18</sup> The joint military exercise spans from the East China Sea and South China Sea to the Eastern Mediterranean and the Black Sea, signaling to China and Russia that the U.S. can respond to multiple fronts simultaneously. This action can be interpreted as the U.S. building a joint deterrent force to prevent a full-scale world war.<sup>19</sup>

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<sup>16</sup> "The United States and Indonesia Defend Freedom of Navigation in the South China Sea," *China Times*, August 5, 2021, <https://www.chinatimes.com/newspapers/20210805000672-260309?chdtv>.

<sup>17</sup> "End of Harrison's Southeast Asia visit: US will 'speak loudly' on South China Sea issue," *Central Radio*, August 26, 2021, <https://www.rti.org.tw/news/view/id/2109615>.

<sup>18</sup> "US Indo-Pacific Command Will Conduct Large Scale Global Exercise 21," *US Indo-Pacific Command*, August 2, 2021, <https://www.pacom.mil/Media/News/News-Article-View/Article/2716767/us-indo-pacific-command-will-conduct-large-scale-global-exercise-21/>.

<sup>19</sup> Jiang Xinpyo, "Strategic Implications of U.S. 'Large-scale Global Exercises'," *Institute for National Defense Security*, August 11, 2021, [https://indsr.org.tw/tw/News\\_detail/3441/美國「全球大規模演習」的戰略涵義](https://indsr.org.tw/tw/News_detail/3441/美國「全球大規模演習」的戰略涵義).

## 2. China's Assertion of Sovereignty

### (1) *Establishing order in the South China Sea through domestic legislation*

As of February 1, 2021, the Law of the People's Republic of China on Maritime Police came into force, which gives the maritime police agency the right to take all necessary measures, including the use of weapons, to suppress infringements.<sup>20</sup> The maritime police agency may even use weapons directly if it is too late to warn or if a warning may lead to more severe consequences.<sup>21</sup> The Marine Police have the right to order the construction of structures in the waters and islands under Chinese jurisdiction without the approval of the competent authorities or to demolish them within a certain period; for those who refuse to stop illegal acts or do not demolish them after a certain period, the Marine Police have the right to stop them or to demolish them forcibly.<sup>22</sup> If claimants build structures on the South China Sea islands and reefs, they may be forcibly demolished. The passage of the law has raised concerns in many countries, with a U.S. State Department spokesperson stating that “allowing the maritime police to disrupt the economic structures of other countries and use force to defend China's maritime claims in disputed areas strongly suggests that the law could be used to intimidate China's maritime neighbors.”<sup>23</sup>

In addition, the Standing Committee of the National People's Congress (NPC) passed in April to amend the Maritime Traffic Safety Law of the People's Republic of China, which came into effect on September 1. The amended law requires that specific foreign vessels entering or leaving the waters under the jurisdiction of the People's Republic of China should report to the maritime administration, including “other vessels that may endanger the safety of maritime traffic in the People's Republic of China as prescribed by law, administrative regulations, or

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<sup>20</sup> “Coastal Police Law of the People's Republic of China,” *Ministry of National Defense of the People's Republic of China*, January 23, 2021, [http://www.mod.gov.cn/big5/regulatory/2021-01/23/content\\_4877678.htm](http://www.mod.gov.cn/big5/regulatory/2021-01/23/content_4877678.htm), p. 22.

<sup>21</sup> “Coastal Police Law of the People's Republic of China,” Articles 48 and 49.

<sup>22</sup> “Coastal Police Law of the People's Republic of China,” Article 20.

<sup>23</sup> “US Concerned at Chinese Law Allowing Coast Guard Use of Arms,” *Financial Times*, February 20, 2021, <https://www.ft.com/content/14d52b20-b104-4d59-a8e0-ef211e1b08c4>.

the State Council.”<sup>24</sup> China can prevent foreign vessels from entering the so-called jurisdictional waters in order to maintain maritime traffic safety and protect the marine environment.

## (2) *Maritime militias and gray zone strategy*

Since March 2021, up to 220 Chinese vessels have been moored in the waters of Whitsun Reef in the Spratly Islands, which the Philippine defense minister has described as a military provocation in the area, demanding that China stop the operation and arguing that the vessels are a “maritime militia.”<sup>25</sup> At a regular press conference at the Chinese Foreign Ministry on April 6, Zhao Lijian noted that “Whitsun Reef is part of China’s Spratly Islands, and Chinese fishing vessels are in the waters of the Spratly Islands. Chinese fishing boats are operating there reasonably and legally.”<sup>26</sup> This did not stop when the Philippines protested, and Philippine media noted that Chinese militia vessels continued to be seen operating in the Philippines’ exclusive economic zone on May.<sup>27</sup>

According to Jill Goldenziel, a U.S. Marine Corps University professor, China is increasingly using “maritime militias” as part of its military operations as it seeks to control the South China Sea. China’s use of militias to swarm and even occupy disputed islands and reefs in the South China Sea poses a significant challenge to U.S. freedom of navigation. These fishing boats have collided with merchant ships and warships, but the fishermen staffing them are civilians, and the U.S. is not free to respond.<sup>28</sup>

<sup>24</sup> “Maritime Traffic Safety Law of the People’s Republic of China,” *Xinhua Net*, [http://www.xinhuanet.com/politics/2021-04/30/c\\_1127394062.htm](http://www.xinhuanet.com/politics/2021-04/30/c_1127394062.htm), Article 54.

<sup>25</sup> “South China Sea Dispute: Huge Chinese ‘Fishing Fleet’ Alarms Philippines,” *BBC News*, March 21, 2021, <https://www.bbc.com/news/world-asia-56474847>.

<sup>26</sup> “Ministry of Foreign Affairs Spokesperson Zhao Lijian Hosted a Regular Press Conference on April 6, 2021,” *Ministry of Foreign Affairs of the People’s Republic of China*, April 6, 2021, [https://www.fmprc.gov.cn/web/wjdt\\_674879/fyrbt\\_674889/t1867092.shtml](https://www.fmprc.gov.cn/web/wjdt_674879/fyrbt_674889/t1867092.shtml).

<sup>27</sup> “Nearly 300 Chinese Vessels Still Scattered in West Philippine Sea, Says Task Force,” *ABS-CBN News*, May 12, 2021, <https://news.abs-cbn.com/news/05/12/21/287-chinese-vessels-west-philippine-sea-may122021>.

<sup>28</sup> Jill Goldenziel, “The US Is Losing The Legal War Against China,” *Forbes*, August 3, 2021, <https://www.forbes.com/sites/jillgoldenziel/2021/08/03/the-us-is-losing-the-legal-war-against-china/?sh=47141ee56cab>.



(3) *Military exercises as a demonstration of force*

The South China Sea is an important training ground for China and a warning to countries challenging China's claims in the South China Sea through military exercises. January 27-30, 2021, vessels are prohibited from entering the waters between the Gulf of Tonkin and the western part of the Leizhou Peninsula in southwestern China. The military exercise was seen as Beijing's response to U.S. military action and a way for China to test Biden and demonstrate that it was ready to stand up to the U.S.<sup>29</sup> In March, China issued another navigation restriction notice for an area within a 5-kilometer radius of the South China Sea, West of the Leizhou Peninsula. Since July 2020, China has held several military exercises in the area, indicating that the area is a routine location for exercises. The exercise coincided with renewed frequent U.S. close-range reconnaissance of China's coastal areas and the hydrographic environment of the South China Sea.<sup>30</sup> Chinese military exercises in the South China Sea have become a regular occurrence, and the August 6-10, 2021, exercise is said to have set a new record for the size of exercises in the South China Sea, covering up to 100,000 square kilometers where no vessels are allowed to enter during the exercises.<sup>31</sup>

### 3. Extraterritorial Participation

In addition to the neighboring countries in the Indo-Pacific region, the French nuclear-powered attack submarine *Émeraude* S604 and support ship BSAM Seine crossed the South China Sea in February 2021. The French defense minister said the operation demonstrated the French Navy's ability to deploy long-range, alongside its strategic partners in Australia, the United States, and Japan.<sup>32</sup> The August departure of HMS Queen Elizabeth from the East Atlantic and the

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<sup>29</sup> Lin Sen, "Military Expert Says China's South China Navy Exercise Is a 'Testing the Waters' of the U.S.," *VOA Cantonese*, January 28, 2020, <https://www.voacantonese.com/a/china-drills-20210128/5755159.html>.

<sup>30</sup> "China to Hold Month-long Military Drills in South China Sea," *Global Times*, February 28, 2021, <https://www.globaltimes.cn/page/202102/1216821.shtml>.

<sup>31</sup> "The Biggest Ever! China Launches 100,000-square-kilometer South Navy Exercise, U.S. Army Responds to Kickoff," *NewTalk News*, August 7, 2021, <https://newtalk.tw/news/view/2021-08-07/617033>.

<sup>32</sup> "French Warship Passes South China Sea with High Profile, Scholars' Analysis: Release Signal of Fearlessness," *Central News Agency*, February 14, 2021, <https://www.cna.com.tw/news/firstnews/202102140005.aspx>.

Mediterranean was the strike group's first ocean-going mission and demonstrated that Britain could contribute to the Indo-Pacific region. The Strike Group began its first operational voyage in May and is the first to sail to the Indo-Pacific region, with joint training planned with regional allies such as the United States, India, Singapore, Japan, South Korea, and Australia.<sup>33</sup> In addition, the German Navy sent the patrol ship Bayern on a long-range voyage to the South China Sea, demonstrating its support for multinational efforts to stop Chinese expansionism in the region. A statement from the German defense minister said the operation "is a symbol of stability, prosperity and a rules-based multilateral order."<sup>34</sup>

## IV. Implications for the Indo-Pacific Region

### 1. Tensions in the South China Sea are Unlikely to Cool Down

On the fifth anniversary of the South China Sea arbitration, U.S. Secretary of State Blinken said that the rule-based maritime order was under serious threat in the South China Sea and called on China to comply with international law.<sup>35</sup> In response to the U.S. statement, Chinese Foreign Ministry spokesman Zhao Lijian rebutted the U.S. position in six points and called the arbitration case a piece of waste paper, urging the U.S. to stop abusing international law, stop provocations and disputes in the South China Sea, and comply with international law centered on the UN Charter and respect China's sovereign rights in the South China Sea.<sup>36</sup> The same position was expressed by Chinese Foreign Minister Wang Yi at the East Asia Summit Foreign Ministers' meeting. Furthermore, the exact position was reiterated in a speech by Chinese Foreign Minister Wang Yi at the East Asia Summit Foreign

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<sup>33</sup> "British Aircraft Carrier 'Queen Elizabeth' Sails into Philippine Sea: Demonstrates Determination to Maintain Indo-Pacific Security," *EToday*, August 2, 2021, <https://www.ettoday.net/news/20210802/2045646.htm>.

<sup>34</sup> "German Frigate Departs for the South China Sea," *Maritime Executive*, August 3, 2021, <https://www.maritime-executive.com/article/german-frigate-departs-for-the-south-china-sea>.

<sup>35</sup> "Fifth Anniversary of the Arbitral Tribunal Ruling on the South China Sea," *US Department of State*, July 11, 2021, <https://www.state.gov/fifth-anniversary-of-the-arbitral-tribunal-ruling-on-the-south-china-sea/>.

<sup>36</sup> "Ministry of Foreign Affairs Spokesperson Zhao Lijian hosted a Regular Press Conference on July 12, 2021," *Ministry of Foreign Affairs of the People's Republic of China*, July 12, 2021, [https://www.fmprc.gov.cn/web/wjdt\\_674879/fyrbt\\_674889/t1891432.shtml](https://www.fmprc.gov.cn/web/wjdt_674879/fyrbt_674889/t1891432.shtml).

Ministers' Meeting, in which he called on countries to respect the efforts of regional countries to maintain peace and to refrain from extending their hands into the South China Sea.<sup>37</sup> Since the arbitration results came out, the U.S. and China have taken a firm position on their respective claims. However, the aforementioned arguments also show that there are still considerable differences between the United States and China on the positioning of the South China Sea.

Inheriting the U.S. policy of “free and open Indo-Pacific,” Biden has sent warships to the South China Sea since he took office to conduct freedom of navigation operations while conducting joint military exercises with allies to deter China. Not to be outdone, China has continued to conduct military exercises in the South China Sea and has enacted the Maritime Police Act and the Maritime Traffic Safety Act through domestic law to strengthen enforcement in its waters, attempting to use domestic law to protect its interests better and establish a China-dictated order in the South China Sea. However, as the U.S. frequently conducts freedom of navigation operations in the South China Sea to challenge China's claims, it will pass through waters 12 miles from the islands and reefs in the process, and if China enforces the law vigorously in those waters, it will further exacerbate tensions in the South China Sea.

## 2. The “Internationalization” of the South China Sea Issues

China has always taken the position that external forces should not intervene in the South China Sea disputes and advocates that the internationalization of the South China Sea issue would be detrimental to the resolution. Such a position is also evident in China's protests against the United States, the United Kingdom, France, Germany, and other countries in the South China Sea. The Declaration on the Conduct of Parties in the South China Sea and the Code of Conduct in the South China Sea is another tool for China to regionalize the South China Sea, encouraging other countries to respect the principles outlined in the Code because China does not want extraterritorial involvement in the South China Sea. China

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<sup>37</sup> “Wang Yi Stresses ‘Four Respects’ on South China Sea Issue,” *Ministry of Foreign Affairs of the People's Republic of China*, August 5, 2021, <https://www.fmprc.gov.cn/web/wjzbzd/t1897509.shtml>.

seeks to portray the South China Sea as an issue solely between China and the South China Sea claimants, thereby excluding extraterritorial involvement.

However, it is worth noting that with the Biden administration actively promoting multilateralism and uniting more allies, it is difficult to limit the South China Sea issue to neighboring countries. The U.S. has continued to conduct freedom of navigation operations in the South China Sea, and a large-scale global exercise in August 2021 will even include non-South China Sea coastal states, including Australia, the United Kingdom, and Japan; the French nuclear-powered attack submarine *Jade* and support ship *Senna* crossed the South China Sea in February; the British HMS *Queen Elizabeth* arrived in August; and the *Byron*, which is expected to cross the South China Sea in mid-December, is the first German military vessel to cross the area since 2002. These signs point to an inevitable trend toward internationalization of South China Sea issues.

## **V. Conclusion**

Looking back at the competition in the South China Sea in 2021, the situation in the South China Sea continues to heat up and become more complex. The U.S. assertion of a “rules-based international order” is being seriously challenged in the South China Sea, and China is being called upon to comply. On the other hand, China considers the U.S. view of the order to be factually incorrect and vague, and a “pseudo-multilateralism,” and supports an “international order based on international law” and demands that the U.S. respects China’s sovereignty. The U.S. and China have very different propositions based on the South China Sea order, making it difficult to cool down the competition between the U.S. and China in the region. To defend and preserve their respective positions, the U.S. has challenged China’s maritime claims through freedom of navigation operations and has drawn in allies to participate in operations in the region. On the other hand, China continues to demonstrate its capabilities militarily through military exercises, politically through domestic legislation to establish an order that meets

its expectations for stricter enforcement in the South China Sea, and through maritime militias to enforce gray areas.

In addition to the U.S. and China as the main actors in the South China Sea, extraterritorial actors also play an essential role. In addition to participating in joint military exercises, U.S.-led allies are also sending their ships to sail the South China Sea, in part challenging China's claims in the South China Sea and inevitably internationalizing and complicating the issue. However, it is expected that under the Biden administration's policy of promoting multilateralism, the U.S. and its allies' joint involvement in the South China Sea and the Indo-Pacific region may become normalized.

