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EUROPEAN POLICY BRIEF



CHINA'S COVID-19 DIPLOMACY AND THE SOUTH CHINA SEA DISPUTE

Dominik Mierzejewski, Mateusz Chatys, October 2020

INTRODUCTION

At the time of the Covid-19 pandemic, China's diplomacy has been increasingly assertive in global politics and Southeast Asia in particular. In its policies toward ASEAN, Beijing has had to address situations in which small and medium powers involved in territorial disputes with China, placed the South China Sea (SCS) on the international agenda, were pressed by military reactions or moved to gain a possible extension of their continental shelf. China's responses have had two different faces. First, its multi-vector assertive policies, conflicting not only with ASEAN and the United States due to the militarization of the artificial islands in the South China Sea, but also with Taiwan, Hong Kong, India and Japan, have demonstrated the power of the Chinese Communist Party to a domestic audience. Second, China has attempted to portray itself as a positive, even benevolent force, as its ultimate goal is to limit negative reactions to China's South China Sea claims and manage the territorial issues bilaterally, an approach termed "mask diplomacy". Nevertheless, it is at the United Nations that major battles between the parties to the SCS dispute have continued during the first half of 2020.

EVIDENCE AND ANALYSIS

Anticipating the global pandemic and China's responsibilities regarding COVID-19, Southeast Asian countries tied into territorial disputes with China, hoped to take advantage of the situation to push back against China's domination in the SCS. At the 53rd session of the United Nations Commission on the Limits of the Continental Shelf (CLCS) (New York, 12 December 2019), Malaysia filed a submission to establish the limits of its continental shelf in the northern part of the disputed South China Sea - following art. 76, para. 8 of the United Nations Convention on the Law of the Sea (UNCLOS) of 1982. Hereby Malaysia doubled the size of the country's continental shelf when compared to the borders fixed in 1979. In addition, indirect support was expressed for the

ruling of the Permanent Court of Arbitration (PCA) in the case between China and the Philippines concerning the territorial dispute over the Spratly Islands. According to the PCA's ruling, objects within the above-mentioned archipelago are entitled to generate only the territorial sea extending over a distance of 12 nautical miles, without the right to an Exclusive Economic Zone (EEZ), the range of which reaches 200 nautical miles. The application also indirectly questioned the legitimacy of Chinese claims in the SCS and was interpreted by Beijing as a violation of Chinese sovereignty by Malaysia. China's UN delegation urged the CLCS not to consider Malaysia's submission to expand the outer limits of its legal continental margin beyond the 200 nautical mile limit.

Serious tensions arose between Jakarta and Beijing when at least 65 Chinese fishing boats escorted by a Chinese coast guard vessel, were fishing illegally near the Natuna Islands, within Indonesia's EEZ. The event on December 19, 2019 met an immediate response from Indonesia's Ministry of Foreign Affairs with China's ambassador, Xiao Qian, summoned by Foreign Minister Retno Marsudi. An official Indonesian protest against Chinese activity near the Natuna Islands was filed on 30 December.

The Indonesian response went beyond the normative angle. In early January 2020, four new warships joined the four vessels already deployed in the Natuna area. At the same time, 120 fishermen from Pantura (Java's northern coast) were sent to the fisheries off the Natuna Islands to exercise their exclusive fishing rights and prevent China from blocking this region with civilian vessels as had been the case previously. The Navy received support from the Air Force's F-16 fighters starting regular patrols in the area over this area of growing tension.

The stabilization of relations between China and Indonesia in early April 2020 coincided with a period of increased tension between Beijing and Hanoi. The main reason was the ramming and sinking of a Vietnamese fishing boat by the Chinese vessel Haijing 4301 near the Paracel Islands. Most likely, this was the result of "Blue Sea 2020", China's recent law enforcement campaign, which over a period of eight months aimed at cracking down on "violations in offshore oil exploration and exploitation", as well as on marine and coastal project construction. This concerns the area north of the 12th parallel and includes both the Paracel Islands as well as the Scarborough Shoal.

Vietnam's Ministry of Foreign Affairs immediately protested the Chinese violation of state sovereignty, the threat to the lives and legitimate interests of Vietnamese fishers and the damage done to their property. In response, the Chinese coastguard presented its position stating that the crew of the Vietnamese cutter was engaged in illegal fishing and did not comply with commands. Further, it was claimed that the ship performed a series of dangerous manoeuvres, resulting in a collision between the two units.

After a first visit in March 2018, an American aircraft carrier visited for the second time the port of Danang in March 2020. Moreover, at the end of July 2020, the US State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) and the Vietnamese Ministry of Agriculture and Rural Development's Directorate of Fisheries (DFISH) signed a Memorandum of Understanding (MOU) to strengthen Vietnam's fisheries management and law enforcement capabilities. These three examples are evidence of Vietnam's development of bilateral relations in key areas to enhance its maritime security and counteract China's grey zone operations in the SCS. They offered sufficient pretexts to Beijing to limit its epidemiological aid to Vietnam. If the threat from coronavirus would increase, the government in Hanoi would have to focus on its internal situation. This, in turn, would make it easier for China to continue its expansionist activities near the Paracel Islands and within Vietnam's EEZ.

Interestingly, Vietnam's protest received immediate, yet surprising support of the Philippines. Despite President Duterte's pro-Chinese policy, Philippines' Foreign Affairs (DFA) expressed solidarity with Hanoi, citing a similar event involving a Filipino fishing boat in June 2019 near the Spratly Islands. Back then, the Chinese crew did not rescue 22 Filipino fishers after ramming and sinking a fishing vessel; they were saved by a Vietnamese ship. The event might explain the Philippines' support for Vietnam. Yet, it is also worth noting that in March 2020, the DFA published a list of 45 diplomatic protests opposing Chinese activity in the West Philippine Sea reported since the elections won by Duterte. The report was submitted to Congress at a meeting of the National

Task Force West Philippines Sea. Shortly after its publication, the Philippines' Permanent Mission to the UN, in its response to China's diplomatic note to the UN over Malaysia's December 2019 petition for extending the limits of its continental shelf in the SCS, made clear that Chinese claims in the SCS were unfounded and inconsistent with international law (UNCLOS).

The government in Beijing did not remain passive and launched the "Blue Sea 2020" law enforcement campaign in early April. The next step at the beginning of May was to introduce a controversial fishing ban in the South China Sea, which covers the area north of the 12th parallel and includes both the Paracel Islands as well as the Scarborough Shoal. Once the ban was announced, the Vietnam Fisheries Society (VINAFIS) and the National Federation of Small Fisherfolk Organizations in the Philippines (PAMALAKAYA) raised objections. In its statement, VINAFIS stressed that Vietnamese fishers had the right to fish in the sovereign waters of Vietnam, as guaranteed by international law. Fernando Hicap, chairman of PAMALAKAYA, spoke in an even sharper tone, saying that "China's bullying should immediately stop, and be protested. We have international and local fisheries' laws that can be implemented to combat China's aggression". Both organisations announced that they would not comply with the illegal prohibition of the PRC government, and made clear that they intended to work together in the future to limit Beijing's territorial ambitions.

POLICY IMPLICATIONS AND RECOMMENDATIONS

With COVID-19's negative impact on China's economic performance, the Communist Party appears to be using confrontation with its neighbors to demonstrate strength to the Chinese public. Beijing's assertive position in the SCS serves to distract attention from domestic problems arising from the COVID-19 crisis. The 'mask charm offensive' consisting of donations of medical equipment, however, failed to incentivize countries with territorial disputes. In the vast majority of cases it did not consist of donations, but was simply a sale of equipment necessary to fight the pandemic; it also included special visiting missions of Chinese medical teams to help treat COVID-19 infected in other countries and various types of loans and financial support for governments that cannot afford to buy the medical equipment they need or to set up relief programs to offset the negative economic effects.

The SEA countries, on their own behalf, hoped to take advantage of the COVID 19 outbreak and exploit the weakening position of the PRC in the region. The economic slowdown that affected China for the first time in several decades, the increased international pressure to create new supply chains bypassing China, as well as the escalation of many disputes by the government in Beijing, offered an opportunity to place the contested SCS onto the international agenda, attempt to escape from bilateral deals with the Mainland and limit China's territorial aspirations by internationalizing the problem.

From the perspective of the European Union, the biggest dilemma is to secure its position between rising big power politics and the role of international law supported by small and medium powers. As indicated by Washington, the Trump administration expects the EU to support US efforts to curb China's growth and assertive policies in the Pacific region. Germany's or France's close economic ties with Beijing, on the one hand, and the military alliances between the United States and Poland or the Baltic states, on the other hand, make a coherent policy more difficult.

The EU should follow the normative approaches as stated in the "Council conclusions on EU priorities at the UN and the 75th UN General Assembly, September 2020 – September 2021". By supporting ASEAN as a whole and the small and medium powers in particular in the UN discussions as well as civil society in ASEAN member states, the EU will strengthen rules-based multilateralism. The EU-UN conflict prevention dialogue will remain instrumental in this regard. This approach is in fact in line with the change in US diplomacy: regardless of its own intentions, Washington's support for EEZ petitions will create room for the substantial role of international law as a part of China-ASEAN relations.

RESEARCH PARAMETERS

Competing Regional Integrations in Southeast Asia (CRISEA) is an interdisciplinary research project that studies multiple forces affecting regional integration in Southeast Asia and the challenges they present to the peoples of Southeast Asia and its regional institutional framework, ASEAN.

CRISEA innovates by encouraging ‘macro-micro’ dialogue between disciplines: global level analyses in international relations and political economy alongside socio-cultural insights from the grassroots methodologies of social sciences and the humanities.

Coordinated by the Ecole française d'Extrême-Orient (EFEO) with its unique network of ten field centres in Southeast Asia, the project brings together researchers from seven European and six Southeast Asian institutions, with three objectives:

1. Research on regional integration

Multiple internal and external forces drive regional integration in Southeast Asia and compete for resources and legitimacy. CRISEA has identified five ‘arenas of competition’ for the interplay of these forces, investigated in the project’s five research Work Packages. It further aims to assess the extent to which they call into question the centrality of ASEAN’s regional model.

2. Policy relevance

CRISEA reaches beyond academia to engage in public debate and impact on practitioners in government and non-government spheres. By establishing mechanisms for dialogue with targeted audiences of policymakers, stakeholders and the public, the project furthers European science diplomacy in Southeast Asia and promotes evidence-based policymaking.

3. Networking and capacity-building

CRISEA reinforces the European Research Area (ERA) in the field of Asian Studies through coordinated EU-ASEAN academic exchange and network development. It connects major research hubs with emerging expertise across Europe and Southeast Asia. CRISEA also promotes participation of younger generation academics in all its activities, notably policy dialogues.

PROJECT IDENTITY

PROJECT NAME

Competing Integrations in Southeast Asia (CRISEA)

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CONSORTIUM

Ecole française d'Extrême-Orient – EFEO – Paris, France
University of Hamburg – UHAM – Hamburg, Germany
University of Naples l'Orientale – UNO – Naples, Italy
Institute of Social and Political Sciences – ISCSP - Lisbon, Portugal
University of Lodz - UL – Lodz, Poland
University of Oslo – UiO – Oslo, Norway
University of Cambridge – Cam – Cambridge, UK
Chiang Mai University – CMU – Chiang Mai, Thailand
The Centre for Strategic and International Studies - CSIS – Jakarta, Indonesia
Ateneo de Manila University – ADMU – Quezon City, Philippines
University of Malaya – UM – Kuala Lumpur, Malaysia
Vietnamese Academy of Social Sciences – VASS – Hanoi, Vietnam
The University of Mandalay – MU – Mandalay, Myanmar

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