

SOUTH CHINA SEA SOVEREIGNTY AND MARITIME RIGHTS: STRATEGIC POLICY ANALYSIS

Policy Analysis for the Ministry of Foreign Affairs, People's Republic of China

I. ISSUE BRIEF

The South China Sea represents a critical nexus of territorial sovereignty, maritime jurisdiction, and strategic access for the People's Republic of China. Encompassing approximately 3.5 million square kilometers,[1] the disputed waters contain competing claims from six parties: the PRC, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan. At stake are substantial hydrocarbon reserves estimated at 11 billion barrels of oil and 190 trillion cubic feet of natural gas,[2] vital sea lines of communication carrying approximately \$3.4 trillion in annual trade (representing roughly one-third of global maritime commerce),[3] and rich fishery resources supporting regional food security, with annual catches exceeding 10 million tons.[4]

The PRC's position rests upon historical rights within the Nine-Dash Line, affirmed through what Chinese scholars characterize as continuous administrative presence in the Paracel (Xisha) and Spratly (Nansha) island groups since ancient times, documented in historical records dating to the Han Dynasty.[5] However, the 2016 arbitral tribunal ruling in *Philippines v. China* under UNCLOS Annex VII rejected the Nine-Dash Line's legal basis for historic rights to resources,[6] declared certain features including Scarborough Shoal as rocks incapable of generating exclusive economic zones under Article 121(3),[7] and found PRC activities including construction at Mischief Reef violated Philippine sovereign rights[8]—a decision Beijing has consistently refused to recognize, declaring it "null and void" and possessing "no binding force." [9]

Recent developments compound strategic complexity. The Philippines has strengthened defense cooperation with the United States through the Enhanced Defense Cooperation Agreement (2014), granting expanded access to nine military facilities as of 2023,[10] including strategically significant locations in Luzon and Palawan. Vietnam continues hydrocarbon exploration activities in disputed waters, with reported drilling operations in Block 06-1 within the Nine-Dash Line,[11] while modernizing its maritime capabilities through acquisition of Kilo-class submarines and Gepard-class frigates.[12] The AUKUS security partnership announced in September 2021 has introduced nuclear-powered submarine technology into regional security calculations,[13] fundamentally altering underwater warfare balance. Simultaneously, ASEAN states demonstrate persistent inability to achieve consensus on a substantive Code of Conduct despite negotiations commencing in 2002,[14] with the current Single Draft Negotiating Text remaining incomplete after multiple rounds.[15]

The fundamental policy challenge confronting the Ministry is reconciling assertion of sovereign rights and maritime interests with maintenance of regional stability, economic connectivity under the Belt and Road Initiative (with ASEAN representing \$718 billion in bilateral trade as of 2023),[16] and avoidance of escalatory dynamics that could precipitate major power confrontation potentially involving U.S. treaty commitments under the Mutual Defense Treaty with the Philippines.[17]

II. STRATEGIC INTERESTS

Primary Interests:

The PRC's core interest lies in protecting territorial sovereignty and maritime rights within the Nine-Dash Line as defined by historical evidence and continuous administrative practice. The Chinese government's 2016 white paper on the South China Sea reaffirms sovereignty over the Nansha Zhudao (South China Sea Islands) and adjacent waters based on historical discovery, continuous administration, and succession from previous Chinese governments.[18] This encompasses absolute sovereignty over the Paracel and Spratly island groups, sovereign rights over maritime zones generated by these features consistent with UNCLOS provisions on territorial sea and exclusive economic zones,[19] and historic rights to biological and non-living resources throughout relevant waters predating the modern UNCLOS regime.[20]

Energy security constitutes a vital national interest given domestic consumption trajectory and import dependency. China's petroleum import dependence reached 72% in 2023,[21] with total crude oil imports of 11.3 million barrels per day.[22] Natural gas import dependency similarly reached 43%.[23] Secure access to South China Sea hydrocarbon resources, whether through exclusive exploitation or controlled joint development arrangements, directly supports economic sustainability outlined in the 14th Five-Year Plan[24] and reduces strategic vulnerability to supply disruptions through the Malacca Strait chokepoint, through which 80% of China's oil imports transit.[25]

Secondary Interests:

Maintenance of unimpeded sea lines of communication through the South China Sea remains essential for economic security, with over 60% of PRC maritime trade (valued at approximately \$2.6 trillion annually) transiting these waters.[26] The State Council's 2015 Maritime Strategy white paper explicitly identifies secure sea lanes as critical to national development.[27] Any compromise of navigational freedom or hostile interdiction capability in disputed areas would constitute an existential economic threat to China's export-oriented economy, which generated \$3.38 trillion in exports in 2023.[28]

Regional stability supporting continued ASEAN economic integration under BRI frameworks serves medium-term development objectives articulated in the Belt and Road Initiative action plan.[29] ASEAN member states host 37 BRI infrastructure projects valued at over \$200 billion,[30] while the Regional Comprehensive Economic Partnership (RCEP) agreement signed in 2020 creates the world's largest free trade area encompassing 2.2 billion people.[31] Excessive maritime tensions risk undermining these economic diplomacy achievements and providing justification for enhanced U.S. military presence, as evidenced by increased EDCA site access in the Philippines.[32]

Reputational Interests:

Demonstration of resolve in sovereignty disputes signals credibility to other territorial questions, including Taiwan reunification and land border delimitations with India. The Ministry of Foreign Affairs has consistently linked South China Sea sovereignty to core interests comparable to Taiwan and Tibet,[33] establishing domestic political constraints on perceived compromise. Perceived weakness in South China Sea posture could embolden separatist elements and complicate broader strategic deterrence, as scholarship on reputation in international relations suggests.[34]

III. CONSTRAINTS

Legal-Diplomatic Constraints:

The 2016 arbitral ruling, despite rejection by China, creates persistent diplomatic costs. ASEAN claimants regularly invoke the decision to challenge PRC activities, with the Philippines citing the award in 47 diplomatic protests between 2016-2023.[35] Extra-regional powers including the United States, United Kingdom, France, Germany, and Japan employ the ruling to contest maritime claims through freedom of navigation operations (FONOPs), which increased from 4 operations in 2015 to 9 operations in 2023.[36] Complete dismissal of UNCLOS frameworks risks international isolation and provides justification for maritime coalitions against Chinese interests, as evidenced by the Quad's maritime security cooperation initiatives.[37]

The PRC ratified UNCLOS in 1996[38] and has derived substantial benefits from the convention's provisions on territorial sea (Article 3), contiguous zones (Article 33), and continental shelf delimitation (Article 76),[39] including in the East China Sea. China has invoked UNCLOS in its own disputes, including the 2012 submission regarding the outer limits of the continental shelf beyond 200 nautical miles in the East China Sea.[40] Wholesale abandonment of the treaty framework would undermine the legal basis for these claims and strengthen arguments for non-recognition of PRC ocean rights globally, while contradicting China's advocacy for international law compliance in other contexts.[41]

Military-Strategic Constraints:

While the People's Liberation Army Navy has achieved regional superiority in conventional surface combatants—operating 340+ battle force ships as of 2023, including 3 aircraft carriers, 50+ destroyers, and 49 frigates[42]—sustained high-intensity conflict would strain logistics, particularly if confronting combined ASEAN capabilities supported by potential U.S. intervention under alliance commitments. The U.S. Department of Defense assesses that PLA Navy logistics capabilities for extended operations beyond the first island chain remain limited.[43]

The Taiwan contingency remains the primary military planning scenario outlined in PLA strategic documents,[44] limiting resource allocation for extended South China Sea operations. The Central Military Commission's strategic guidelines prioritize "preparation for military struggle" focused on Taiwan reunification scenarios.[45] Geographic disadvantages persist despite island-building efforts that created 3,200 acres of artificial land on seven features between 2013-2016.[46] All PRC-controlled features remain within potential strike

range of land-based anti-ship systems operated by Vietnam (Bastion-P, range 300km)[47] and the Philippines (BrahMos missiles, range 290km under consideration).[48] The Malacca Strait chokepoint, controlled by Singapore, Malaysia, and Indonesia, continues to represent a critical vulnerability for energy imports, with 15 million barrels per day of oil transiting the strait.[49]

Economic Constraints:

ASEAN collectively constitutes the PRC's largest trading partner, with bilateral trade reaching \$975.3 billion in 2023, surpassing China-U.S. trade (\$664.5 billion) and China-EU trade (\$783.2 billion).[50] Escalatory maritime policies risk economic decoupling pressures, supply chain disruptions affecting manufacturing inputs, and reduced investment flows precisely when domestic economic growth faces structural headwinds, with GDP growth slowing to 5.2% in 2023 from 8.4% in 2021.[51]

Individual ASEAN economies demonstrate significant interdependence: Vietnam (\$171.9 billion bilateral trade),[52] Malaysia (\$190.2 billion),[53] and Thailand (\$131.2 billion).[54] Confrontational policies risk triggering coordinated economic responses, as occurred following the 2012 Scarborough Shoal standoff when the Philippines experienced informal Chinese restrictions on banana imports, reducing exports by 32%.[55]

Hydrocarbon exploitation in disputed areas faces technical challenges and prohibitive costs without regional cooperation. Most South China Sea oil and gas deposits lie in deep water exceeding 1,000 meters,[56] requiring advanced offshore drilling technology and substantial capital investment estimated at \$5-15 billion per major field development.[57] Unilateral development invites infrastructure sabotage, international sanctions on extracted resources comparable to those imposed on Russian Arctic projects,[58] and potential armed confrontation disproportionate to actual resource gains given that proven reserves remain modest compared to Middle Eastern fields.[59]

IV. POLICY OPTIONS

Option A: Assertive Sovereignty Consolidation

Accelerate administrative incorporation of disputed features through permanent civilian settlements beyond current rotational presence, expanded coast guard rotations exceeding current 100+ vessel deployments,[60] and unilateral resource exploitation within the Nine-Dash Line including drilling operations in contested blocks. Enforce maritime jurisdiction through exclusion zones around occupied features extending to 12 nautical miles under territorial sea claims, and denial of foreign military activities within claimed waters through active interdiction by PLA Navy forces.

Assessment: Maximizes sovereignty demonstration and establishes facts on the ground supporting adverse possession claims under international law principles.[61] However, guarantees diplomatic isolation exceeding current levels, invites coordinated ASEAN-U.S. response potentially including enhanced military cooperation frameworks, and risks military confrontation with probability of escalation to kinetic exchanges. High probability of economic sanctions from Western powers and ASEAN states, as evidenced by Congressional proposals for Magnitsky Act sanctions following South China Sea militarization.[62] BRI

disruption through project cancellations and reduced participation would undermine decade-long economic diplomacy investments. Incompatible with regional stability objectives outlined in the 14th Five-Year Plan and Xi Jinping's "peripheral diplomacy" framework emphasizing amity, sincerity, mutual benefit, and inclusiveness.[63]

Option B: Strategic Accommodation Through Multilateral Framework

Pivot toward substantive Code of Conduct negotiations offering genuine constraints on militarization in exchange for ASEAN recognition of PRC administrative presence in occupied features, comparable to confidence-building measures in the 2002 Declaration on the Conduct of Parties.[64] Propose joint development zones for hydrocarbon resources with equitable revenue sharing pending final delimitation, modeled on the 2008 China-Japan Principled Consensus on East China Sea Issues.[65] Accept international dispute resolution mechanisms for fishing rights and maritime boundary delimitation in exchange for U.S. reduction of military presence and FONOP frequency.

Assessment: Reduces immediate tensions and strengthens regional economic ties, potentially accelerating RCEP implementation and BRI project approval rates. Demonstrates "peaceful rise" narrative central to Chinese diplomatic messaging.[66] However, requires compromise on sovereignty principles articulated in the 2016 South China Sea white paper that may be domestically untenable given nationalist public opinion, with 87% of Chinese citizens surveying supporting strong territorial defense.[67] Risk of establishing adverse precedents for Taiwan reunification negotiations and India border disputes, where compromise could signal weakness. CCP legitimacy partially derived from territorial integrity protection,[68] making substantial concessions politically hazardous. Unlikely to achieve complete withdrawal of U.S. military presence given American strategic commitment to regional access, as evidenced by the 2022 National Defense Strategy's Indo-Pacific prioritization.[69]

Option C: Calibrated Coercion With Selective Engagement

Maintain robust presence operations including regular coast guard patrols (current 100+ vessels), air force operations from Fiery Cross, Subi, and Mischief Reef airfields (3,000-meter runways capable of accommodating advanced fighters),[70] and administrative control over occupied features while avoiding escalation to direct military confrontation with neighboring naval forces. Pursue bilateral arrangements with individual claimants on resource development and fishing rights, exploiting ASEAN institutional divisions and economic dependencies on Chinese trade. Continue coast guard enforcement within claimed areas using "gray zone" tactics below armed conflict threshold,[71] but avoid lethal force employment or sinking of civilian vessels. Strengthen economic interdependence through targeted BRI investments in claimant states' infrastructure sectors, creating material disincentives for confrontation through debt-equity dynamics.[72]

Assessment: Balances sovereignty assertion with conflict avoidance, maintaining core positions while managing escalation risks. Bilateral approach exploits ASEAN disunity demonstrated by Cambodia and Laos' consistent blocking of collective statements referencing South China Sea disputes,[73] reducing coordination against Chinese interests. Preserves maximum flexibility by avoiding binding multilateral commitments and prevents precedent-setting compromises that could affect other territorial disputes. Gradually normalizes administrative presence and Chinese effective control through persistent operations, supporting adverse possession claims over extended timeframes.[74] Economic leverage

proves effective, as demonstrated by 2016 Cambodian opposition to ASEAN arbitral award statement following \$600 million in Chinese assistance.[75] However, carries moderate escalation risk through cumulative provocations and potential miscalculation during maritime encounters, as nearly occurred during 2023 water cannon incidents with Philippine vessels.[76]

Option D: Status Quo Management With Enhanced Deterrence

Focus on anti-access/area denial (A2/AD) capabilities through expansion of DF-21D and DF-26 anti-ship ballistic missile deployments (current range 1,500-4,000km),[77] rather than additional territorial expansion beyond current seven occupied features. Consolidate existing positions through military infrastructure enhancement including radar installations, missile batteries, and aircraft deployments, without additional island reclamation beyond the 3,200 acres completed.[78] Emphasize legal arguments based on historical rights predating UNCLOS[79] while selectively engaging UNCLOS mechanisms where advantageous, such as continental shelf claims and fishing rights in traditional areas.

Assessment: Minimizes escalation risk by avoiding new provocations while strengthening defensive capabilities against potential U.S. intervention scenarios. Enhanced A2/AD creates credible deterrence against FONOP expansion and allied military operations. However, fails to advance sovereignty objectives and allows erosion of claims through adverse possession by other claimants, with Vietnam occupying 21 features and the Philippines 9 features in the Spratlys.[80] Reactive rather than proactive posture potentially signals declining resolve, encouraging further Vietnamese drilling operations and Philippine resupply missions to Second Thomas Shoal. Does not address core energy security needs or resource exploitation objectives. May be interpreted domestically as insufficient given nationalist expectations, creating political vulnerability for leadership.[81]

V. RISK ASSESSMENT AND RECOMMENDED COURSE OF ACTION

Recommended Strategy: Option C – Calibrated Coercion With Selective Engagement

This approach optimally balances sovereignty protection against strategic risk exposure, consistent with strategic culture scholarship emphasizing incremental advancement of interests while avoiding decisive confrontation.[82] By maintaining persistent administrative presence while avoiding kinetic escalation, the PRC preserves core territorial claims without triggering coordinated multilateral opposition comparable to Cold War containment dynamics.[83]

Implementation Framework:

Maintain persistent coast guard presence through regular rotations ensuring continuous occupation of Woody Island (Paracel Islands), and seven features in the Spratly Islands including Fiery Cross Reef, Subi Reef, and Mischief Reef, while continuing administrative activities including weather stations, lighthouse operations, and civilian research facilities as documented in State Oceanic Administration reports.[84] Establish clear protocols preventing military escalation through Central Military Commission directives limiting rules of

engagement to non-lethal responses for coast guard encounters, comparable to Japan Coast Guard protocols in Senkaku/Diaoyu disputes.[85]

Pursue bilateral provisional arrangements with the Philippines on joint hydrocarbon development in specific blocks including SC-72 (Reed Bank area), structured explicitly under 2002 Declaration on Conduct of Parties Article 6 (cooperative activities) as provisional arrangements "without prejudice to the final settlement of territorial and jurisdictional disputes." [86] Offer Vietnam joint development frameworks for Block 06-1 in exchange for suspension of unilateral drilling, with revenue sharing formulas favoring Chinese participation through technology provision and capital investment, modeled on 2008 East China Sea arrangements with Japan.[87]

Accelerate economic integration through maritime Silk Road investments targeting port infrastructure in claimant states including Sihanoukville (Cambodia, \$2 billion investment),[88] Kyaukpyu (Myanmar, \$1.3 billion),[89] and potential Manila Bay reclamation projects, creating material disincentives for confrontation through economic dependency relationships documented in political economy literature.[90] Deploy economic statecraft selectively, using market access for agricultural products (bananas, tropical fruits) as leverage during bilateral negotiations, as employed effectively during 2012 Philippines disputes.[91]

Diplomatically, continue principled rejection of the arbitral ruling consistent with Foreign Ministry statements characterizing the tribunal as lacking jurisdiction,[92] while selectively invoking UNCLOS provisions supporting PRC positions including Article 76 (continental shelf beyond 200nm),[93] Article 62 (fishing rights in EEZ),[94] and historical rights arguments based on pre-UNCLOS state practice.[95] Support ASEAN-led Code of Conduct negotiations demonstrating cooperative intent, but maintain positions preserving maximum sovereignty claims including insistence on exclusion of extra-regional military activities (targeting U.S. FONOPs) and bilateral dispute resolution mechanisms rather than multilateral adjudication.[96]

Risk Mitigation:

This strategy carries moderate escalation risk if bilateral arrangements fail or if the United States intensifies freedom of navigation operations beyond current 9 annual operations, potentially triggering maritime incidents comparable to the 2001 EP-3 collision.[97] However, economic interdependence through RCEP frameworks (\$2.2 trillion trading bloc)[98] and calibrated response mechanisms codified in coast guard protocols reduce probability of sustained military confrontation. Academic analyses of crisis stability in maritime disputes support gradualist approaches that maintain ambiguity while building effective control.[99]

The principal vulnerability lies in domestic political pressure for more assertive action, requiring careful management of nationalist expectations through controlled information flows via Cyberspace Administration censorship guidelines[100] and strategic communication emphasizing long-term strategic gains over immediate territorial expansion. State media messaging should highlight successful bilateral economic cooperation and infrastructure development demonstrating Chinese leadership, while portraying U.S. activities as external interference undermining regional stability, consistent with "wolf warrior diplomacy" frameworks.[101]

This policy framework advances practical resource access through joint development arrangements, manages escalation dynamics through graduated responses below armed conflict thresholds, and positions the PRC as a responsible regional actor committed to peaceful dispute resolution within bilateral frameworks that favor Chinese strategic advantages in economic leverage and patient presence operations. The approach preserves non-negotiable sovereignty claims articulated in the 2016 white paper while acknowledging operational constraints and optimizing within existing power distributions, consistent with authoritative strategic guidance on peripheral diplomacy.[102]

FOOTNOTES

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