

Double session

Title: Re-assessing the Latest Developments in the South China Sea Dispute (panel I)

Convenors:

Alfred Gerstl (University of Vienna)

alfred.gerstl@univie.ac.at

Maria Strasakova (Metropolitan University Prague)

maria.strasakova@mup.cz

The South China Sea has been an apple of discord between China and Southeast Asian states for decades. In the last few years, however, tensions have risen sharply due to several reasons. Firstly, the dispute has not only underscored the political and strategic implications of China's rise, but it has also challenged the centrality of ASEAN as well as called into question the credibility of US in balancing China's assertiveness in the dispute. Furthermore, several crisis have broken out further weakening ASEAN's intermittent efforts to reduce tensions. In 2014, the China National Offshore Oil Corporation (CNOOC) placed an oil-rig in contested waters near the Paracel Islands (also claimed by Vietnam) causing a major blow to Sino-Vietnamese relations. In 2015 images showing Chinese land reclamation activities heightened further concerns that the PRC would impose an ADIZ zone over the area, as it did in the East China Sea. In July 2016 an Arbitral Tribunal under the UN Convention on the Law of the Sea issued its ruling in favour of the Philippines' case that had been lodged against China in 2013. As expected, the PRC rejected the Tribunal's jurisdiction. Hence, the impact of the ruling and future developments in the dispute are difficult to predict. Thus, the objective of this panel is to shed light on the latest developments in the South China Sea dispute, with special emphasis on relevant legal and military issues as well as domestic developments (e.g. President Duterte's new policies) and wider geostrategic implications for the region.

Paper I: The South China Sea Dispute: A Shift to a More Proactive Role in ASEAN's Discourse and Concrete Policies since 2012?

Dr. Alfred Gerstl (Department of East Asian Studies, University of Vienna)

Email: alfred.gerstl@univie.ac.at

Despite the ASEAN-China Declaration on the Conduct (DOC) of Parties in the South China Sea (2002) and China's increasingly assertive behavior in this region since 2009, the Association of Southeast Asian Nations (ASEAN) was in the last decade reluctant to actively promote multilateral dispute management. Utilizing the constructivist Copenhagen School's securitization and discourse analysis ("speech act") approach, this contribution demonstrates that the failure of the ASEAN Foreign Minister's Meeting (AMM) in July 2012 proved as a watershed, yet with a small time lag: Since 2014 ASEAN is in the process of stronger securitizing the South China Sea dispute, even without labeling it an "existential threat".

Having addressed the dispute ever since 1992, the AMM plays the key role in this process, though the ASEAN Summit's discourse has also become more robust. Even though the security organization ASEAN Regional Forum (ARF) includes 17 other members, its South China Sea-related speech act resembles strongly the AMM's. The main exception is that the ARF has not yet securitized the dispute according to the strict Copenhagen School's criteria. The analysis of the speech acts of ASEAN (since 1992) demonstrate that ASEAN's discourse and policies on the South China Sea are in line with each other. While a speech act alone is not sufficient to explain ASEAN's dispute management, it reveals the narrative behind the Association's policies and sheds light on its future policies.

Paper II: China, the Philippines and the South China Sea Dispute: One Year after the Arbitral Tribunal's Ruling

Dr. Ian Storey (Senior Fellow, ISEAS Yusof Ishak Institute, Singapore)

Email: ijstorey@iseas.edu.sg

On 12 July 2016, the Arbitral Tribunal in the case between the Philippines and China in the South China Sea issued its final award. The compulsory dispute resolution proceedings had been unilaterally initiated by the Philippines under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) in January 2013. Citing lack of jurisdiction, China refused to participate directly in the legal proceedings. The award—which determined, *inter alia*, that China's "historic claims" to resources within the so-called nine-dash line were incompatible with UNCLOS—represented a major legal victory for Manila and a decisive defeat for Beijing which refused to be bound by it. However, the award posed an inconvenient problem for the new administration of President Rodrigo Duterte, who had been elected in May 2016 and who had assumed office a month before the Tribunal issued its ruling. Duterte had not supported the arbitral proceedings, and once in power chose to put aside the ruling as part of a policy to improve strained relations with China. This paper charts the evolution of Sino-Philippine relations from July 2016 to July 2017. It identifies and explores the central drivers which led Duterte to pursue rapprochement with China and downgrade the country's long-standing military alliance with the United States. It assesses whether Duterte's foreign policy *volte-face* has enabled the Philippines to uphold its territorial and maritime jurisdictional claims in the South China Sea, and the impact it has had on US-Philippines relations and regional security in Southeast Asia.

Paper III: The South China Sea Dispute in Sino-Vietnamese Relations since 2014

Dr. Maria Strasakova (Department of Asian Studies, Metropolitan University Prague)

Email: maria.strasakova@mup.cz

Even though China and Vietnam have expanded contacts and cooperation in many spheres (political, economic, cultural, etc), several lingering issues have marred their relationship, such as China's massive and constantly growing trade surplus and insufficient investment in Vietnam as well as territorial disputes in the South China Sea. In addition, the South China Sea dispute plays a crucial role in shaping and reinforcing Vietnam's traditional perception of China as an aggressive, expansive and revisionist power. It also inexorably underscores the power asymmetry between the two countries and Vietnam's vulnerability. Mutual relations hit

their low in 2014, after China National Offshore Oil Corporation (CNOOC) had placed the Haiyang 981 oil-rig in the contested waters near the Paracel Islands (also claimed by Vietnam). However, the leaders of both countries managed to put the relationship back on track by December 2014. Hence, the paper argues that despite the ongoing conflict in the South China Sea the new Vietnamese leadership will strive to reaffirm the comprehensive strategic cooperative partnership with China emphasizing economic ties on one hand, and compartmentalizing the South China Sea dispute from the relationship, on the other.

XXXXX

Title: Re-assessing the Latest Developments in the South China Sea Dispute (panel II)

Convenors:

Alfred Gerstl (University of Vienna)

alfred.gerstl@univie.ac.at

Maria Strasakova (Metropolitan University Prague)

maria.strasakova@mup.cz

The South China Sea has been an apple of discord between China and Southeast Asian states for decades. In the last few years, however, tensions have risen sharply due to several reasons. Firstly, the dispute has not only underscored the political and strategic implications of China's rise, but it has also challenged the centrality of ASEAN as well as called into question the credibility of US in balancing China's assertiveness in the dispute. Furthermore, several crisis have broken out further weakening ASEAN's intermittent efforts to reduce tensions. In 2014, the China National Offshore Oil Corporation (CNOOC) placed an oil-rig in contested waters near the Paracel Islands (also claimed by Vietnam) causing a major blow to Sino-Vietnamese relations. In 2015 images showing Chinese land reclamation activities heightened further concerns that the PRC would impose an ADIZ zone over the area, as it did in the East China Sea. In July 2016 an Arbitral Tribunal under the UN Convention on the Law of the Sea issued its ruling in favour of the Philippines' case that had been lodged against China in 2013. As expected, the PRC rejected the Tribunal's jurisdiction. Hence, the impact of the ruling and future developments in the dispute are difficult to predict. Thus, the objective of this panel is to shed light on the latest developments in the South China Sea dispute, with special emphasis on relevant legal and military issues as well as domestic developments (e.g. President Duterte's new policies) and wider geostrategic implications for the region.

Presenters to be found.