



INDIA INTERNATIONAL  
CENTRE

-----KAS-CCAS- IIC Diginar-----  
**RIISING TENSIONS IN THE SOUTH CHINA SEA**  
**Monday, February 14, 2022**  
**18:30-20:00 hrs.**  
**On Zoom**

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## *The Context*

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With the status quo under challenge and competition for strategic space intensifying, especially among the major regional powers in the South China Sea, the region has seen an increase in tensions. China's 'rise' has fuelled its ambition to become a global power. Central to China's ambition to become the pre-eminent regional power are maritime dominance and Taiwan's reunification with the Mainland. China has moved with greater assertion in the South China Sea – symbolised by it ignoring the decision of the Permanent Court of Arbitration.

With China aggressively militarising the region, its growing naval activities in the India Ocean, and its forays into the Mediterranean and Baltic seas has resulted in unsettling the European powers along with the US and other regional powers. This has led France, Britain, and Germany to step up their naval presence in the Indo-Pacific region.

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## *Programme Overview*

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In order to ascertain how China's growing naval strength and aggression are viewed by the different players and also to provide a perspective as to the future contours in the region especially with the backdrop of the rising tension between the US and China and US efforts to build support for its Indo-Pacific strategy among the European countries, the Centre for China Analysis and Strategy (CCAS) & the India Office of Konrad-Adenauer-Stiftung (KAS) organized a diginar on the topic '**Rising Tensions in the South China Sea**' on **Monday, 14 February 2022 from 18:30-20:00 hrs (IST) on Zoom platform.**

The panel of speakers comprised:

**Mr. Jayadeva Ranade**, *President, Centre for China Analysis and Strategy*

**Mr. Peter Rimmele**, *Resident Representative to India, Konrad-Adenauer-Stiftung*

**Mr. Eric B. Brown**, *Senior Fellow, Hudson Institute*

**Dr Gudrun Wacker**, *Senior Fellow, German Institute for International and Security Affairs, Berlin*

**Dr. Ting Hui Lin**, *Deputy Secretary-General, Taiwan Society of International Law*

**Rear Admiral Sudarshan Shrikhande**, *Former Head of Naval Intelligence*

**Ms. Namrata Hasija**, *Research Fellow, Centre for China Analysis and Strategy*

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### *Aims and Objectives*

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The objectives of the CCAS-KAS-IIC meeting were to try and bring in different perspectives in order to examine the escalation of tensions in the region, the actions of the different stakeholders in the region and the changing dynamics between the US and China.

The discussion addressed the following aspects:

- How China's rising militarisation of the South China Sea is viewed by different players including a European, an American, Taiwanese, and Indian perspective.
- Can we expect that Xi Jinping, if he feels the United States is weakened, can make a surprise manoeuvre which could catch the world off guard?
- Given the dependencies that China has created across the globe, is it really possible for likeminded nations to come together in total unity?

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### *Key Takeaways*

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- In the past, China's strategy in the South China Sea had tended to be more akin to the spirit of the ancient Chinese general and philosopher Sun Tzu, who famously wrote: "The supreme art of war is to subdue the enemy without fighting." However, recently emboldened by its neighbouring countries' fear and lack of political will to escalate the Chinese Communist Party's (CCP) illegal encroachments into an open military conflict, China's strategy quickly escalated to critically high degrees of aggression.
- The consequences of submitting to this Chinese policy of intimidation for the rest of the liberal world are equally unambiguous as China's strategy: The red dragons contemplated bathtub (the South China Sea) would not only exclude Vietnam, the Philippines, Indonesia, and Malaysia from their exclusive economic zone, but with 30 per cent of the world's shipping trade passing through it, it would effectively surrender any trade flow towards the booming economic markets of Southeast Asia into the CCP's tight chokehold.
- The stakes are enormously high, since Xi Jinping line of thought appears to be that if China gains sole authority over what and who is allowed to sail through these waters, he will gain massive leverage in terms of foreign policy compliance. Moreover, if nations do not have access to these waters- a global trade artery through which goods worth trillions of dollars are shipped annually - it is likely that the economies of some of these nations will bleed inexorably.
- It was the United States that fed the PRC's growth to its present level of power and probably did more for its recovery and rejuvenation after the devastation of the Mao period than the Party itself had done for the Chinese people. The US helped create probably the most secure and benign international environment that China had seen since the late 19th century under the assumption that free trade with China will continue to bring about a harmonic convergence in Asia and provide the economic foundations for a lasting peace.
- It was in the fall of 2013, that China had asserted its air defense identification zone across the East China Sea and slowly began to violate Japanese airspace. The build-up of concentration camps in Xinjiang, particularly since 2016, helped facilitate a shift in the mind of the American people by creating public outrage.

- This shift resulted in the Sino-US trade war especially during the Trump era which escalated after Xi Jinping concentrated power in his hands completely. There was also a reaction in the United States to the PRCs expansionism.
- The United States has to do a lot of work under the Biden administration in order to meet the challenges posed by the PRC. If the United States with its allies in East Asia including Japan and South Korea and Taiwan continues to prevent or to forestall a war, then Biden's policy should be judged a success.
- Another perspective that emerged during the discussion was that the goal of China is still to gain maximum flexibility for itself, in order to extend its hold over the South China Sea to put maximum pressure on Taiwan, but not to start a war, although the risk of course is there. China is achieving this on the military side by a constant demonstration of military power including for instance naval exercises and armed fishing militias.
- However, the main thrust of the argument during the meeting was that the pushing of tenuous legal positions and claims are helping Beijing expand as well as consolidate. Until recently several countries have wittingly or unwittingly cooperated in such processes.
- Several nations came out against China's dubious "historical right claims" including Indonesia, Malaysia, and the Philippines as ASEAN members. India along with the other three quad members, as well as UK, Germany, and New Zealand also spoke out against such claims.
- On the other hand, India has not mentioned China as a violator or specifically expressed concerns about the South China Sea developments either for its own sake, or as a measure of less ambiguous support for those ASEAN nations who are really concerned about the *de jure* and *de facto* developments in the South China Sea.
- However, India must see the similarities between China's Coast Guard; maritime jurisdiction laws and its new boundary laws. Thus, India's policy needs to span over the continental and maritime space.
- India and the Quad could play a bigger role in providing maritime and overall defense security beyond the low-end activities and low-end threats to the wide-ranging threats now looming from China, primarily in the politically turbulent waters of the South China Sea and across the Himalayas
- As far as the South China Sea is concerned and as far as China's interests there are concerned, a new potential flashpoint has come onto the scene now being the Russo-Ukrainian war.
- As far as the Chinese are concerned, Xi Jinping has been watching the developments very closely to see whether he can make a surprise move on Taiwan, in case the western world shows weaknesses in dealing with the Russian invasion of the Ukraine.
- In the meantime, China has laid claims to 3 million square kilometres in the South China Sea and they have already started reclaiming lands, extending islands and islets, building air strips and placing missile sites on many of these islands.

- China has also dismissed the judgment of the Permanent Court of Arbitration and ignored it, including its assertion that China's so called "historical claims" were baseless. In the meantime, ever since the Democratic Progressive Party came to power in Taiwan with Tsai Ing-wen as its president, Xi Jinping has been steadily and systematically applying greater military and political pressure on Taiwan.
- However, the other countries have also stepped in and a growing presence of foreign powers is seen in the South China Sea.
- Thus, all likeminded countries must come together to ensure and enforce an internationally- approved and guaranteed- neutral Indo-Pacific region including the South China Sea.

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## Glimpses

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## *Key Statements*

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**Mr. Peter Rimmele**, Resident Representative to India, Konrad-Adenauer-Stiftung

“The stakes are enormously high, since Xi Jinping’s line of thought appears to be that if China gains sole authority over what and who is allowed to sail through these waters, he will gain massive leverage in terms of foreign policy compliance. Moreover, if nations do not have access to these waters- a global trade artery worth trillions of dollars of shipping trade annually, it is likely that the economies of some of these nations will bleed inexorably dry.”

**Mr. Jayadeva Ranade**, President, Centre for China Analysis and Strategy

“All like-minded countries must get together to ensure and enforce an internationally- approved and guaranteed- neutral Indo-Pacific region.”

**Mr. Eric B. Brown**, *Senior Fellow, Hudson Institute*

“It was the United States that fed the PRC’s growth in its power and probably did more for its recovery and rejuvenation after the devastation of the Mao period than the Party itself had done for the Chinese people. Americans helped create probably the most secure and benign international environment that China had seen since the late 19th century under the assumption that free trade with China will continue to bring about a harmonic convergence in Asia and provide the economic foundations for a lasting peace.”

**Dr Gudrun Wacker**, *Senior Fellow, German Institute for International and Security Affairs, Berlin*

“The goal of China is still to gain maximum flexibility for itself to extend its hold over the South China Sea to put maximum pressure on Taiwan, but not to start a war, although the risk of course is there. China is achieving this on the military side by a constant demonstration of military power including naval exercises, including the coast guard and armed fishing militias. Then there are still economic carrots and sticks, although we see that the sticks are clearly prevailing nowadays, but there are still economic carrots which we see vis-à-vis the Taiwanese population.”

**Dr. Ting Hui Lin**, *Deputy Secretary-General, Taiwan Society of International Law*

“Although Taiwan and China seem to maintain similar positions, they have different reasons for rejecting the decision as nonbinding. Taiwan objected being treated as part of China as well as to the tribunal’s finding that Itu Aba Island (Taiping Island) has no right to claim an EEZ, all the while offering Taiwan no formal avenue to participate in the proceedings. However, the Tsai administration did not deny the legitimacy of the arbitral panel.”

**Rear Admiral Sudarshan Shrikhande**, *Former Head of Naval Intelligence*

“India must see the similarities between China’s Coast Guard and maritime jurisdiction laws and its new boundary laws. So, our policy needs to span the continental and maritime spheres because both can impact us differently in detail, but not in principle.”

**Ms. Namrata Hasija**, *Research Fellow, Centre for China Analysis and Strategy*

“The trepidation of its domestic population will dominate the reunification issue rather than the Taiwanese and second, the capability of People’s Liberation Army (PLA) to ensure a definite win for CCP. Another important factor is the US policy towards Taiwan and few other external players like Japan and the length of Democratic Progressive Party (DPP) rule in Taiwan.”

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## *Welcome Remarks*

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**Mr. Peter Rimmele**, Resident Representative to India,  
Konrad-Adenauer-Stiftung

In the past, China's strategy in the South China Sea had tended to be more akin to the spirit of the ancient Chinese general and philosopher Sun Tzu, who famously wrote: "The supreme art of war is to subdue the enemy without fighting." However, recently emboldened by its neighbouring countries' fear and lack of political will to escalate the CCP's illegal encroachments into an open military conflict, China's strategy quickly escalated to critically high degrees of aggression. The red dragon's recent brute force demonstrations in which the CCP deployed its fishing militia, are emblematic of China's increasingly aggressive policy in the South China Sea. In another portion of the South China Sea, the CCP constantly escalates pressure on Taiwan with continuous threats of annexation of the island. Just recently, Xi Jinping urged that the 23 million Taiwanese should peacefully join the People's Republic as Taiwan's separatism would end badly.

Xi Jinping, in a bid to consolidate his power is required to keep the growing Chinese middle class in good spirits. Yet a slowing Chinese economy implies that a potent rallying cry is needed to realise Xi Jinping's aspirations. This rallying cry has been clearly reflected in the CCP's nationalist tone concerning the South China Sea.

The consequences of submitting to this Chinese policy of intimidation for the rest of the liberal world are equally unambiguous as China's strategy: The red dragons contemplated bathtub would not only exclude Vietnam, the Philippines, Indonesia, and Malaysia from their exclusive economic zone, but with 30% of the world's shipping trade passing through it, it would effectively surrender any trade flow towards the booming economic markets of Southeast Asia into the CCP's tight chokehold.

The stakes are enormously high, since Xi Jinping line of thought appears to be that if China gains sole authority over what and who is allowed to sail through these waters, he will gain massive leverage in terms of foreign policy compliance. Moreover, if nations do not have access to these waters- a global trade artery worth trillions of dollars in shipping trade annually, it is likely that the economies of some of these nations will bleed inexorably dry.

However, arguably even more alarmingly, China's approach to the South China Sea seeks to eradicate the liberal international order that has endured since the end of the Second World War. This international order is based on commonly and democratically agreed upon laws such as the United Nations Convention on the Law of the Sea which the dragon has already flouted as evinced by the judgement in the case of Philippines vs China by the Permanent Court of Arbitration. To replace it, China is aggressively working to impose by force an alternative regime of governance in this vital waterway, the so-called nine-dash line, based on Beijing's continental conception of maritime sovereignty. A conception, which is based on dubious historical claims stemming back as far as to the fifteenth century, as well as unclear and disproportionate demarcations that would secure China the exclusive sovereignty over the lion's share of the South China Sea.

One thing is clear, that the challenges posed by the CCP's revisionist notion of maritime sovereignty, where maritime areas can be claimed as blue national soil, will necessitate finely-tuned economic and diplomatic pressure, as well as military deterrence.

This entails that the US should strive towards matching diplomatic condemnation by all nations in the South China Sea including the other QUAD members Japan, India, and Australia. On the military side, more freedom of navigation patrols will be required not only by the US but also by other allies - including leading NATO nations like Germany which, with the deployment of the "Frigate Bayern", has sent a clear signal.



**Mr. Jayadeva Ranade**, President, Centre for China Analysis and Strategy

All like-minded countries must get together and ensure as well as enforce an internationally- approved and guaranteed- neutral Indo-Pacific region. As far as the South China Sea is concerned and as far as China's interest there are concerned, a new potential flashpoint has come onto the scene now which is the development on the borders of Ukraine, and while that tension is rising fairly rapidly, one does not know what the end result would be. As far as the Chinese are concerned, they have been keeping very quiet, but

watching developments with an eagle eye.

Given the tensions existent in China, especially Xi Jinping's own position and his ambition to secure a third term at the 20<sup>th</sup> Party Congress towards the end of this year, he is keen on trying to affect some kind of a move to show that he is the one leader who has been able to set in the process the reunification of the mainland with Taiwan. Therefore, he is watching the developments very closely to see whether he can make some kind of a surprise move on Taiwan. But in the meantime, what we have been already seeing is that China has laid claim on its own unilaterally to 3.5 million square kilometres in the South China Sea and they have started reclaiming lands, extending islands and islets, building air strips, and placing missile sites on many of these islands. Not only that, in order to assert their claims, the Chinese navy has incorporated recovery of the entire claimed territory as part of its anthem. China has also dismissed the judgment of the Permanent Court of Arbitration and ignored it, including its assertion that China's so called historical claims were baseless.

In the meantime, ever since the Democratic Progressive party came to power in Taiwan with Tsai Ing-wen as its president, Xi Jinping has been steadily and systematically applying greater military and political pressure on Taiwan. The intention is very clear. In fact, close henchmen of Xi Jinping have said that patience on the mainland has now run out and we can see this being manifested in the military pressure being exerted, wherein there are daily violations of the air defense identification zone of Taiwan by Chinese fighter aircraft, including a nuclear capable bomber very recently. Over 961 violations have taken place the last year, and this year also, there have been daily violations, but other countries have also stepped in and what we see today is a growing presence of foreign powers in the South China Sea. There are two US aircraft carrier groups in the region, as well as Britain's latest modern aircraft carrier. There were French battleships and a German battleship which went in of course apart from the Indian Navy. So, the situation is pretty tense and we can expect that Xi Jinping, if he feels the United States is weakened, can make a surprise manoeuvre which could catch us all off guard.

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## *Remarks*

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**Mr. Eric Brown, Senior Fellow, Hudson Institute**

The United States fed the PRC's growth in its power and probably did more for its recovery and rejuvenation after the devastation of the Mao period than the Party itself had done for the Chinese people. The US helped create probably the most secure and benign international environment that China had seen since the late 19th century under the assumption that free trade with China will continue to bring about a harmonic convergence in Asia and provide the economic foundations for a lasting peace.

It was in the fall of 2013, that China had asserted its air defense identification zone across the East China Sea and slowly began to violate Japanese airspace. Along with this the build-up of concentration camps in Xinjiang, particularly since 2016, helped facilitate a shift in the mind of the American people.

This shift resulted in the Sino-US trade war especially during the Trump era which escalated after Xi Jinping concentrated power in his hands completely. There was also a reaction in the United States to PRC expansionism. Its incessant ratcheting up of international crises, not just in the East China Sea, but also in the South China Sea and the Himalayas and against India resulted in the undoing of the US-China policy of coexistence.

The United States has to do a lot of work under the Biden administration in order to meet the challenge posed by the PRC. And if the United States alone with its very competent allies in East Asia including Japan and South Korea and Taiwan, continue to prevent or to forestall a war, then Biden's policy will and should be judged a success.

However, in the interim, the United States has yet not figured out a way to prevent or to dissuade the PRC from doing *de facto* what Putin is doing and has been doing in Ukraine.

In order to dissuade the PRC from threatening the 40 years' general peace in East Asia, the United States needs to onboard a number of new operational implications among other things. It needs, along with its closest allies and partners including India, to demonstrate to the PRC that this behaviour is unacceptable. Also, the PRC must know that the world will not be returning to the *status quo ante*. In other words, PRC, will continue its aggression in ratcheting up international crises until countries begin to respond to it in a unified fashion and demonstrate that the democratic world will stick around with this imperfect but important rules based order that has preserved the peace in Asia and continues to defend it.



**Dr Gudrun Wacker**, *Senior Fellow, German Institute for International and Security Affairs, Berlin*

The goal of China remains to gain maximum flexibility for itself to extend its hold of the South China Sea and put maximum pressure on Taiwan, but not to start a war, although the risk will always be there. China has achieved this on the military side by a constant demonstration of military power including naval exercises and armed fishing militias. New administrative rules were introduced that are unclear, for example, a new rule that all vessels that are nuclear armed or have oil or LNG on board, have to report and identify themselves if they go through Chinese territorial waters, although it is not clear what Chinese territorial waters actually mean.

On a certain level, China still talks about a peaceful resolution and wants to negotiate a code of conduct in the South China Sea. When the US talks about freedom of navigation, this is mainly a military understanding i.e. the US can sail and fly wherever they want, while the European understanding is mainly an economic one. The main European concern is about the disruption of shipping routes because this would affect it more than the United States.

There has been an evolution in the position of the European Union and of European member states regarding the South China Sea. In 2016, when the ruling of The Hague came out, the EU dragged its feet. There was no joint statement, and when they finally came out with a joint statement, it was extremely weak. A common problem in the EU is that as long as the consensus principle is applicable on foreign and security policy decisions, it will always end up with the lowest common denominator in the EU. However, there has been a stepping up of individual European states. Before 2020, France was the only EU country to develop an Indo-Pacific strategy, based mainly on the fact that it sees itself as a resident power in the region. Germany and the Netherlands reformulated their perspectives of the area in September and November 2020. Together, the three member states have initiated a debate at the EU level with the goal to adopt an EU position on the Indo-Pacific. Despite some notable differences in the three approaches, they agree on the region's economic and strategic importance for Europe and share fundamental interests and objectives. A major challenge for the national strategies as well as a possible future EU positioning on the Indo-Pacific will be how to address



China and its role within this new framework. In this context, cooperation with the U.S., which is barely mentioned in the documents, also needs to be thought through.



**Rear Admiral Sudarshan Shrikhande, *Former Head of Naval Intelligence***

For the last two years, China's main lines of belligerent efforts have been directed against India, a big neighbour, and Taiwan, a much smaller one. Both were defeated by China in 1962 and 1949 and at the core of contemporary tensions are the so termed "core interests" of China in terms of what it enshrines for itself as its own territory. So, has nothing changed since 1949 and 1962? What has changed, is the persistence, vehemence, and expansion of ways, means, ends and the acceptance of greater risks by China. Chinese expansions and territorialisation of the South China Sea to Beijing's advantage has brought in jeopardy several nations in the littoral who have their own rights and claims to the South China Sea.

In the recent US State Department report number 150, the limits of the PRC maritime claims in the South China Sea are based on a 1969 case between Germany and Denmark. This is a very valid principle that underlines the way nations have claimed maritime spaces and led to resolution of disputes between states guided by the clear clauses in the third UNCLOS of 1982 while non-adherence to guidelines have allowed all disputes to continue and new issues to be created. China is not the only nation to do so, but it would be correct at the same time to say that no single nation's actions in the maritime domain, have created as much disturbance and anxiety as China's. While India is not directly affected by Chinese territorial ambition in the South China Sea as are a few ASEAN nations, there can be no second thoughts that India will be increasingly impacted across its diplomatic, informational, military, and economic lines of statecraft. Among the more important concerns for India in the South China Sea are the following:

First, the South China Sea and the East China Sea and the Western Pacific are important conduits for its trade including with China itself. Second, the pushing of tenuous legal positions and claims that are helping Beijing expand as well as consolidate and in which until recently several countries have willingly or unwillingly cooperated. Third in territory realizing water space by creation of land, through dredging and reclamation, artificial structures and simply disregarding specific definitions in international law, China has created new disputes not fundamentally different from its issues with India along the entire length of the Himalayas. Fourth, as a major voice for what is right and legal rules-based order, India stands to gain by changing its position and tackle head on the South China Sea issues. Fifth, all these are intended to create what for China would be internal waters.

Sixth, China will increasingly push restrictions within its own littoral for others to use while taking its growing fishing fleet operating as a militia sweeps more and more to distant waters to fish. The fishing militias could well be supported by harder global sea power that China is building. Seventh, India must see the similarities between China's Coast Guard and maritime jurisdiction laws and its new boundary laws. So, its policy needs to span the continental and maritime because both can impact us differently in detail, but perhaps not in principle.

Thus, what India and the Quad could do is to play a bigger role in providing maritime and overall defense security beyond the low end activities and low end threats against the wide ranging threats now looming from China, primarily in the politically turbulent waters of the South China Sea and for India, of course, across the Himalayas.



**Dr. Ting Hui Lin**, *Deputy Secretary-General, Taiwan Society of International Law*

On July 12, 2016, an arbitral panel constituted under the United Nations Convention on the Law of the Sea (UNCLOS) delivered its merits and award in the case brought by the Philippines against China over disputed territory in the South China Sea. In response to the decision, Taiwan’s government stated, “We absolutely will not accept the tribunal’s decision and we maintain that the ruling is not legally binding on the ROC [Republic of China].”

Despite this initial rejection of the ruling, President Tsai Ing-wen approved a new South China Sea policy that does not directly challenge the arbitration decision. This policy is based on four principles—peaceful settlement of disputes in accordance with UNCLOS, inclusion of Taiwan in multilateral mechanisms, freedom of navigation and oversight, and the setting aside of differences to promote joint development. It pursues five actions—to safeguard the rights and safety of Taiwan’s fishermen, to enhance multilateral dialogue with other relevant parties, to invite international scholars to Itu Aba Island (Taiping Island) to conduct scientific research, to develop the island into a base for providing humanitarian aid and supplies, and to encourage more local talent to study maritime law. A key aid, Joseph Wu, formerly secretary-general of the presidential office and now minister of foreign affairs, reiterated these four principles and five actions during a session of the Legislative Yuan, Taiwan’s parliament, on December 14, 2017.

In addition to adopting this new policy framework, the Tsai administration has implemented shifts in its legal positions that further harmonize Taiwan’s approach to the South China Sea dispute with UNCLOS.

The first of these shifts involves Taiwan’s approach to its maritime claims. According to the UNCLOS principle that “land dominates the sea,” maritime rights derive from a coastal state’s sovereignty over land. Thus, if Taiwan wishes to claim an exclusive economic zone (EEZ) or continental shelf from islands in the South China Sea, its domestic laws and regulations must concord with this principle. Indeed, Taiwan gradually has eliminated references to historic claims through its legislative process and executive regulations.

If we compare the Tsai administration to its predecessors, this shift becomes clear. In the 1993 Policy Guidelines for the South China Sea, the first point states that “the South China Sea area within the historic water limit is the maritime area under the jurisdiction of the ROC, in which the ROC possesses all rights and interests.” But in 1998, Taiwan’s Legislative Yuan passed the Law on the Territorial Sea and the Contiguous Zone and the Law on the Exclusive Economic Zone and the Continental Shelf, which are generally consistent

with customary international law as reflected in UNCLOS and include no reference to either historic waters or historic titles.

In contrast, the Law on the Exclusive Economic Zone, and the Continental Shelf of the People's Republic of China (PRC) of 1998 states in Article 14 that its provisions shall not affect the historic rights of the PRC. Gao Zhiguo, the Chinese judge at the International Tribunal of the Law of the Sea, and Jia Bing argue that neither historic title nor the law of discovery and occupation can be fundamentally understood in terms of treaty law; instead, they are matters of customary international law. Gao and Jia also consider the relevant provisions of UNCLOS as existing in conjunction with historic rights because the treaty's preamble states that "matters not regulated by this Convention continue to be governed by the rules and principles of general international law."

China tried to ignore the arbitration decision and declared that the final award was null and void. Taiwan's government also dismissed any decisions that undermine the rights of the ROC as having no legally binding force. Yet, although Taiwan and China seem to maintain similar positions, they have different reasons for rejecting the decision as non-binding. Taiwan objected to being treated as part of China as well as to the tribunal's finding that Itu Aba Island (Taiping Island) has no right to claim an EEZ, all this while offering Taiwan no formal avenue to participate in the proceedings. However, the Tsai administration did not deny the legitimacy of the arbitral panel. Instead, the presidential office issued a statement noting that the arbitrators had rendered their award in the case brought by the Philippines under UNCLOS, thereby indicating the government's recognition of the panel's legality.

Taiwan is a democratic country and subject to the rule of law. The shifts in its maritime legislation and rhetoric demonstrate that Taiwan no longer advocates historic rights in the South China Sea and is willing to abide by international law and UNCLOS in its sovereignty and sovereign rights claims. If all claimants respect the rule of law, securing peace and stability will be possible in the South China Sea.



**Ms. Namrata Hasija, Research Fellow, Centre for China Analysis and Strategy**

The aggressive voices within the government and armed forces have increased due to the timetable laid by President Xi at the 19<sup>th</sup> Party Congress (October 2017) and tying up national rejuvenation with the recovery of lost territories. For example, in April 2018, the Chinese Navy carried out its largest exercise against Taiwan in almost 20 years involving a live-fire exercise and closure of a large area in the Taiwan Straits. The PLA Daily claimed, 'that the closure area was meant to be a check on Taiwan independence.' This has been further aggravated by the Sino-US trade war which started after the announcement of a bold timetable (Made in China, 2035 & China as a Global Power, 2049) by the Chinese President and non-compliance by the ruling DPP in Taiwan for the 1992 consensus. This led to an increased presence of the US warships in the South China Sea which was retaliated by the PRC by using excessive pressure on Taiwan.

In a speech on February 2021, PLA Major General Jin Yinan mentioned Taiwan as a potential flashpoint for future conflict for China. The same warning, along with the mention of reunification, was voiced by Wu Qian, spokesperson of the PLA and the People's Armed Police Force delegation to the 4th session of the 13th NPC in March 2021. At a media interview on the sidelines of the NPC, Wu said, "We are willing to create a vast space for peaceful reunification, but we will never leave any space for various forms of 'Taiwan independence' separatist activities." He classified the DPP, which is Taiwan's current ruling party, as the biggest threat to cross-straits peace.

However, an important and contrasting essay by Cui Lei, Research Fellow at the China Institute of International Studies, a think tank affiliated with the Ministry of Foreign Affairs on 26 February 2021 highlighted that Mainland China is in no position to take Taiwan by force. This is because of two reasons. Firstly, domestic political risks are high, in the event of an unsuccessful show of force. Polls show that 80 per cent of the Taiwanese people are willing to defend the island. Secondly, in the context of the 20th NPC (2022), Xi Jinping needs a stable domestic political environment to ensure the extension of his term as General Secretary of the Communist Party. Brinkmanship towards an incursion may risk domestic stability, provoke public discontent, and stir backlash that could scuttle his leadership.

This particular essay highlights important issues that we need to understand while analysing Chinese thinking on Taiwan other than strong voices from the central leadership and retired PLA officials. The Chinese leadership is categorically creating a perception that reunification is inevitable however the question remains

whether Xi Jinping is ready to take the risk at this point or not? What will drive him to disregard peaceful/smart reunification for military reunification? Or efforts would be made for maintaining the status quo?

First, the trepidation of its domestic population will dominate the reunification issue rather than the Taiwanese and second, the capability of the PLA to ensure a definite win for CCP. Another important factor is the US policy towards Taiwan and few other external players like Japan and the length of DPP rule in Taiwan. The domestic situation in the Mainland is not as rosy as it has been painted out to be at the recent 100 years' celebrations of the CCP founding Day in July 2021. Due to the removal of term limit for the apex posts in the Party and mishandling of Coronavirus with depleting economy, President Xi Jinping faced criticism within the Party and several reputed Chinese citizens had been blunt and direct in their criticism of Xi Jinping and his policies. President Xi has further escalated control of all arms of the Chinese system and has initiated a campaign to rekindle popular nationalism (including the study of Party history) to overcome this fallout. More than anything, such moves have made the fissures within the party more evident and President Xi would not want an armed conflict by launching a military attack on Taiwan under such a precarious domestic scenario. He will only launch it when he is sure of a quick victory without the interference of the US and Japanese navy.

**China's Fragmenting Frontiers?**

*Organized by the Centre for China Analysis and Strategy*

**&**

*India Office of the Konrad-Adenauer-Stiftung*

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*India International Centre*

*14 February 2022*

**1830-2000 hrs.**

*Speakers' Profile*



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## *EMINENT KEY SPEAKERS*

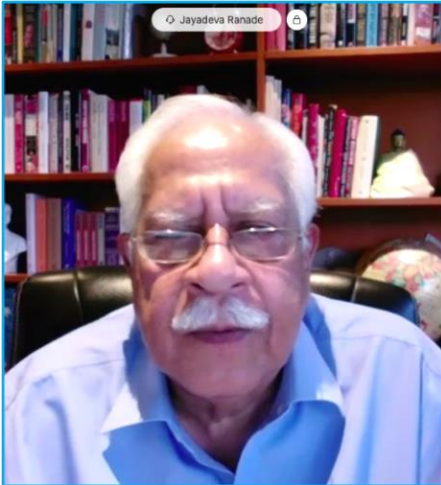
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**Mr. Peter Rimmele**, Resident Representative to India, Konrad-Adenauer-Stiftung



**Mr. Peter Rimmele** is currently the Resident Representative to India of the Konrad-Adenauer Stiftung. He has a First Law Degree from Freiburg University, as well as a Second Law Degree from the Ministry of Justice Baden-Württemberg, Germany, and a M.A. in Geography. After working as, a jurist, judge, and lecturer, he took public office as Ministerialrat, Head of Division at the State Ministry of the Interior in Saxony, Germany, from November 1991 on until 2000. There he first served in the Police and Security and later in the Local Government Department. On behalf of the German Foreign Ministry, he served in East Timor as Registrar General, Head of Civil Registry and Notary Services (UNTAET), and became later the principal Advisor for Governance Reform for GIZ (German International Cooperation) to the Ministry of Administrative Reform and the Anti-Corruption-Commission of the Republic of Indonesia, where he served for 7 years. He then moved to Rwanda, also as Principal Advisor Good Governance/Justice Program. Earlier he was Resident Representative Lebanon, Director of Rule of Law Program Middle East North Africa, Konrad-Adenauer-Stiftung.

## Mr. Jayadeva Ranade, President, Centre for China Analysis and Strategy



Mr. Jayadeva Ranade, was a Member of the National Security Advisory Board (NSAB) and President of the 'Centre for China Analysis and Strategy'. A former Additional Secretary in the Cabinet Secretariat, Government of India, he is also a Member of the Core Group on China of the Indian Council of World Affairs (ICWA) and Distinguished Fellow at the institute for Peace and Conflict Studies (IPCS), New Delhi.

He is a security and intelligence expert and a seasoned China analyst with almost 40 years' experience in the field. He has also dealt with matters relating to Terrorism and Pakistan. He has been directly involved in formulation of policy at the highest levels in the Government of India. He was conferred the Organisation's two highest awards, both out of turn.

He has earned a Diploma of Advanced Proficiency in Chinese after a 2-year study programme in Jawaharlal Nehru University, New Delhi and completed an Intensive Introductory Course in Mandarin and a Diploma in Mandarin from the University of Hong Kong, Hong Kong. His foreign assignments have included Hong Kong, Beijing, and his last foreign posting, prior to retirement in late 2008, was as Minister in the Indian Embassy in Washington.

**Mr. Eric Brown, Senior Fellow, Hudson Institute**



Eric Brown is a senior fellow at Hudson Institute where he studies Asian and Middle East affairs, international security and development, alternative geopolitical futures, and U.S. diplomacy and strategy. He is also the editor, with Hillel Fradkin and Husain Haqqani, of the review *Current Trends in Islamist Ideology*. In recent years, his work has focused on the contest over order in West Asia, the geo-strategic ramifications of growing Trans-Asian connectivity, coping with state fragility, and U.S. security strategy.

For 15 years, he has conducted research across Eurasia on strategic, governance, educational and political issues as well as on developing new expeditionary diplomacy and stabilization tools and plans. He has a special interest in the geopolitics of mountainous areas, from the Zagros to the Himalayas. In 2017, he completed a field-work intensive study on U.S. alliances from the Maghreb to India, and on strategies for bolstering allies against state fragility and breakdown and expanding grey zone conflict.

**Dr. Gudrun Wacker**, Senior Fellow, German Institute for International and Security Affairs, Berlin



Dr. Gudrun Wacker is at present Senior Fellow in the Asia Division at the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP) in Berlin, a think tank providing political advice to the German government and parliament. Her research focuses on Chinese foreign and security policy, especially EU-China relations, China and the Asia-Pacific region and security cooperation in the Asia-Pacific more generally. She has been organizing the “Berlin Conference on Asian Security” (BCAS) held annually at SWP in Berlin and she has been co-organizing an annual track two dialogue between EU and China on cross-strait relations with the Shanghai Institutes for International Relations. She is currently a member of the Steering Committee of CSCAP EU and EU delegate at the Experts and Eminent Persons Group of the ASEAN Regional Forum.

**Rear Admiral Sudarshan Shrikhande**, Former Head of Naval Intelligence



RADM Shrikhande retired in 2016 after 36 years in the Indian Navy. In flag rank he headed Naval Intelligence; was Chief of Staff/ SNC; served in HQIDS & Strategic Forces Command among others. He is an ASW specialist and has commanded three ships and spent several years at sea in other ships. A 1979 graduate of the National Defence Academy, he is also a post- graduate of the Soviet Naval War College, St Petersburg (1988) in weapon and sonar engineering; Indian Staff College (1985) where he was awarded the Scudder Medal; Indian Naval War College (2002) & of the US NWC, Newport, R.I., with highest distinction where he won the *Robert Bateman* and *Jerome Levy* first prizes as well as the *Forrestal Seminar* prize and was NCC class president 2003. His academic qualifications include a MSc in weapon engineering (USSR); MSc in Defence Studies (Madras University); M Phil (Mumbai University).

In retirement, he teaches strategy formulation, military history, operational art, force planning, RMA, China, the Indo- Pacific, the Peloponnesian War, leadership, and ethics at the Indian NWC, where he is an adjunct professor. He also teaches some of these subjects at other military as well as civilian institutions. He writes for a few Indian and foreign journals/ portals, including the *USNI Proceedings* and is associated with a few think tanks and academic institutions. He has participated in Track 1.5 dialogue with China and the US and in national and international conferences. He lives in Goa, India, and is working towards a PhD in sea-based nuclear deterrence with Mumbai University.

**Dr. Ting-Hui Lin (林廷輝)**, Deputy Secretary, Taiwan Society of International Law



Dr. Ting-Hui Lin is the former Vice President of Prospect Foundation and former Vice President of Taiwan Brain Trust (TBT) and Prospect Foundation. From 2003-2008, Dr. Lin is the assistant researcher in Taiwan's National Security Council. When he served in the government, he focused on Pacific Islands Countries, East China Sea and South China Sea's issues and established some programs of the 1<sup>st</sup> and 2<sup>nd</sup> Taiwan-Pacific Allies Summit and drafter of Spratly Initiative in 2008. From 2011-2012, he is the Postdoctoral Fellow in CAPAS, Academia Sinica.

His papers "Taiwan's Policy Evolution after the South China Sea Arbitration," published by the *Maritime Awareness Project, NBR website* and "the Strategic Significance of the Taiwan-Japan Maritime Affairs Dialogue" published by *CSIS* explained Taiwan's comprehensive maritime strategy. The other papers are about law of the sea "The Analysis of Mid-Ocean Archipelagos in the South China Sea Arbitration" and "Sea Level Rise and Island States' Maritime Rights" in *Taiwan International Quarterly*(*臺灣國際法季刊*), to examine the territorial baseline in Paracel Islands and what are the likely scenarios for the Pacific Islands Countries could continue to claim their maritime rights under current international law system when facing sea level rise situation. The paper "South China Sea Disputes: Taiwan's Opportunities and Challenges," in the book title "Asia Pacific Countries and the US Rebalancing Strategy," in 2016 discussed Taiwan's policy on SCS issue. He also had the opportunities to be invited to U.S., Japan, and China, joined the seminar to discuss South China Sea and East China Sea and other maritime issues.

Dr. Lin received his Ph.D. in political science from National Taiwan University and his B.A and M.A. in diplomacy from National Chengchi University.

**Ms. Namrata Hasija**, *Research Fellow, Centre for China Analysis and Strategy*



Namrata Hasija is a Research Fellow with the Centre for China Analysis and Strategy and her primary areas of interest is Chinese foreign policy and India-Taiwan relations. She was also the recipient of the Taiwan Fellowship by the Ministry of Foreign Affairs (2019-20) and the Huayu Enrichment Scholarship by the Ministry of Education, Taiwan (2014-15).

Before joining CCAS she was a Senior Research officer at the Institute of Peace and Conflict Studies and has been a visiting researcher at the Institute of International Relations, National Chengchi University, Taipei and National Tsing Hua University, Hsinchu. She has also completed a one-year intensive level Mandarin language course from the National Chengchi University, Taipei.

She has completed M. Phil from the East Asian Studies Department, University of Delhi and worked on 'Representations of India in two Medieval Chinese accounts of Foreign People and Places'. She also has a Master's degree in History, Department of History, Delhi University, and specialized in Ancient Indian History and Archaeology. "



## Rising Tensions in the South China Sea

*Organized by*

*the Centre for China Analysis and Strategy  
with  
India Office of the Konrad-Adenauer-Stiftung, New Delhi  
&  
India International Centre*

14 February 2022, 1830-2000 (IST)

### Programme

Welcome Remarks

18:30-18:35 hrs.

**Mr. Peter Rimmele**, *Resident Representative to India, Konrad-Adenauer-Stiftung*

**Mr. Jayadeva Ranade**, *President, Centre for China Analysis and Strategy*

### Speakers

18:35-18:45

**Mr. Eric B. Brown**, Senior Fellow, Hudson Institute

18:45-18:55

**Dr Gudrun Wacker**, Senior Fellow, German Institute for International and Security Affairs, Berlin

18:55-19:05

**Dr. Ting Hui Lin**, Deputy Secretary-General, Taiwan Society of International Law

19:05-19:15

**Rear Admiral Sudarshan Shrikhande**, Former Head of Naval Intelligence

19:15-19:25

**Ms. Namrata Hasija**, Research Fellow, Centre for China Analysis and Strategy

19:25-20:00

**Q & A**