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## **Background Briefing:**

### **Russia-China Collusion on South China Sea Policy?**

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Q1. AT the G20 Hangzhou summit earlier this month, China made clear that Russian president Vladimir Putin is a top guest at the summit. Beijing and Moscow also are interested in closer cooperation and further economic ties. What is your assessment of the current Russia-China relationship?

ANSWER: Both China and Russia claim that their bilateral relations are the “best ever” and demonstrate an “unprecedentedly high level of trust.” Vladimir Putin described the relationships as a “comprehensive partnership and strategic collaboration.” The China-Russia relationship is one based on a strategic convergence of views to push back against the United States, for its expansion of NATO in Europe and its rebalance in the Asia-Pacific. Sanctions imposed on Russia by the U.S. and Europe have hurt the Russian economy. Russia needs markets for its energy resources, especially gas. China has signed a major deal to import Russian gas and it is a large arms market for Russian manufactured weapons and technology.

However, Russia-China relations are not congruent. Russia is suspicious of Xi Jinping’s One Belt, One Road that aims to expand into Central Asia. Moscow also faces the difficult challenge of how to improve relations with China while at the same time not undermining its traditional ties with India and Vietnam who both feel pressures from Beijing.

Q2. Russia has tried to stay neutral on the South China Sea. But recently Russia announced that it supports China on the South China Sea law suit. What is the essence of this statement?

ANSWER: There are two aspects of Russian statements on the South China Sea. The first is that Russia takes no sides in the dispute. Russia supports freedom of navigation including overflight and the settlement of disputes peacefully directly between the parties concerned on the basis of international law. At the same time, Russia opposes the involvement by third parties outside the region because their involvement “will only hurt the resolution of these issues... [and] is detrimental and counterproductive,” to use Putin’s words.

The second aspect is addressed in response to Q4 below.

Q3. Is Russia being duplicitous?

ANSWER: Putin is definitely trying to curry favour with China. With regards to the first aspect of Russian policy, on the face of it Russia and Vietnam are in agreement that territorial disputes in the South China Sea should be resolved peacefully by the parties concerned. But Russia has not taken into account Vietnam's position that when the interests of third parties *in the region* are involved these third parties must be included in discussions that affect their interests. Also, Vietnam take note of the interests of third parties *outside the region* especially relating to freedom of navigation and overflight.

China's advances excessive claims in the South China Sea that the Arbitral Tribunal ruled violated the UN Convention on the Law of the Sea. China's artificial islands are aimed a dominating the South China and ultimately restricting the movement of U.S. naval ships. In other words, China's actions in both these respects threaten freedom of navigation and overflight by regional and external powers.

Russia is being duplicitous because in practice the interests of third parties outside the region concern freedom of navigation and overflight. It appears that Putin is supporting freedom of navigation for the Russian Navy but is unconcerned if China makes it difficult for the U.S. Navy. Putin is also duplicitous on the matter of the Arbitral Tribunal because signatories to UNCLOS and obliged to comply with its compulsory dispute settlement mechanism.

China was offered many opportunities to join the proceedings. UNCLOS is clear that if one party to the dispute refuses to appear the Arbitral Tribunal can continue without that party. In fact, the head of the International Tribunal on the Law of the Sea appointed a Polish judge to represent China. During the proceedings of the Arbitral Tribunal China's Ambassador in The Hague wrote letters to the judges on the Tribunal. When China released its Position Paper on the South China Sea it sent that document to the Arbitral Tribunal. The Arbitral Tribunal stated publicly that it accepted these documents and used them to understand China's position.

The Award by the Arbitral Tribunal is final and binding on all parties who are required to carry it out. It is not subject to appeal. In Russia's case it refused to participate in legal proceedings related to the Arctic Sunrise case. The tribunal ruled that Russia should release the Green Peace crew. Russia complied eventually by letting a lower level court release the crew.

Q3. Russia supports China's stance on The Hague court's ruling in the South China Sea lawsuit. What is the essence of the statement?

ANSWER: Vladimir Putin took the Russian policy on the South China Sea one step further by supporting China's position on the ruling by the Arbitral Tribunal on the grounds that it was conducted without China being present or China's views being considered. Putin argued that this was a legal not a political matter. In fact, Putin is ill-informed about the procedures established under Annex VII of UNCLOS.

Article 9 of Annex VII relates to default of appearance by one of the parties in the dispute. It states, "If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings."

Article 9 also states that the “arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.” The Arbitral Tribunal was unanimous that it did have jurisdiction and that the Philippines’ claim was well founded in fact and law.” The Tribunal then considered the Philippines’ case and issued a unanimous award on July 12, 2016.

Q4. A Russian political analyst asserted that China and Russia are moving towards a political and military alliance. With developments in the current China and Russia relationship, will Russia and China form a political-military alliance?

ANSWER: Both Russia and China have been careful not to use the word alliance to describe their political and military relations. They are, however, coordinating and cooperating on security and strategic matters that affect them, most notably against U.S. ballistic missile defence in Europe and THAAD (Terminal High Altitude Air Defence) in South Korea.

In fact, both Russia and China are cooperating with the United States as well. Russia and the U.S. are working together to resolve the conflict in Syria however difficult this may turn out to be. China and the United States cooperate on a wide variety of international issues from climate change to non-proliferation by North Korea. China and the United States are increasingly economically interdependent, a rupture in their relations would hurt both severely.

Q5. If any formal political-military alliance between Moscow and Beijing is created, what will happen to the current world political balance in general and the South China Sea situation, in particular? How the U.S. respond?

ANSWER: Formal alliances are usually directed at a third party and involve a commitment by the signatories to meet and take joint action in certain circumstances, such as an armed attack on one of the parties. Clearly a China-Russia alliance would be aimed at the United States and its allies. This would in effect bring about a new Cold War. China and Russia would take steps to increase the interoperability of their armed forces to defend against attacks by cruise and ballistic missiles and to conduct joint maritime operations. A Russia-China alliance would result in a reinvigoration of the U.S. alliance system in both Europe and in the Asia-Pacific. Individual members of ASEAN would be put under great pressure to take sides to bolster their security. Finally, such a hypothetical alliance would witness a global arms race, heighten tensions and a higher risk of conflict in the East and South China Sea where three major powers have material interests.

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