

Behind the South China Sea Disputes

TERRITORIAL disputes over islands in the South China Sea have long been a latent threat to regional security and cooperation in East Asia, involving not only China and some of its Southeast Asian neighbors, but also members of ASEAN. For instance, sovereignty disputes over certain South China Sea islands also exist among the Philippines, Vietnam, Malaysia, Indonesia and Brunei.

To solve these disputes requires diplomatic wisdom and political resolve. Close political and socioeconomic ties between China and ASEAN countries will also hasten a solution to these disputes. The U.S. rebalance to the Asia-Pacific, a policy rolled out in 2011 by President Obama, however, has cast a pall over the issue. Motivated by hegemonic interests, the U.S. plays dual roles in the region – those of protector and rabble-rouser. Under its connivance, certain countries seize every opportunity to make trouble. This does not help to solve disputes in the South China Sea, but rather exacerbates tensions in the region.

Two recent incidents presage major inflexions in U.S. policy on the South China Sea. The first is the statement by Evan Medeiros, senior director for Asian Affairs at the White House National Security Council, on January 30. “We have been very clear with the Chinese that we would see that [the establishment of a new air zone] as a provocative and destabilizing development that would result in changes in our presence and military posture in the region,” Mr Medeiros told Kyodo, the Japanese news agency. It is unusual for an NSC senior official to articulate such sharp rhetoric on the South China Sea issue.

On February 5, Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel said in congressional testimony that China’s territorial claims in the South China Sea had, “created uncertainty, insecurity and instability” among its neighbors. “There are growing concerns that this pattern of behavior in the South China Sea reflects incremental effort by China to assert control over the area contained in the so-called ‘nine-dash line’ despite objections of its neighbors and despite the lack of explanation or apparent basis under international law regarding the scope of the claim itself,” Russel told the House of Representatives subcommittee



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on Asia and the Pacific. This is the first time the U.S. has asked for China’s clarification of the “nine-dash line.” It is also unprecedented that a senior U.S. official should so bluntly disavow China’s claims to the area contained within the line.

On the heel of these remarks, officials from the Department of Defense and United States Pacific Command also stepped up with the warning that the U.S. would come to the aid of its ally, the Phil-

ippines, in the event of an attack by China should their territorial spar escalate. During a February speech in San Diego, U.S. Navy Pacific Fleet commander Admiral Harry Harris criticized China’s creation of an air defense identification zone (ADIZ) in the East China Sea as “a unilateral attempt to change the status quo.”

These harangues betray the U.S.’s judgmental mindset and underlying intent to suppress China by throwing its weight behind the other countries contending for territorial rights in the South China Sea. Such attempts do not ameliorate but rather intensify tensions in the region, further stoking fears of military confrontations between the world’s largest developed and developing countries.

As neither an interested party in the South China Sea nor a signatory country of the United Nations Convention on the Law of the Sea, the U.S. has no grounds for meddling in the issue. But the U.S. has long prioritized domestic laws over international rulings on maritime security and sea border demarcation. Alerted by a rising Asian power, the U.S. navy and air force have since the late 1990s carried out close reconnaissance of the Chinese coast, so constituting one of the main factors of instability in the East Asia seas. Its military ships and planes regularly make intrusions into China’s exclusive economic zone to spy on China’s navy and air force. Underlying such acts are a deep distrust of China and a containment strategy stemming from concerns that the Asian country’s rise will challenge U.S. world hegemony.

Political maneuvers and diplomatic meddling by the U.S., motivated by its hegemonic interests, have made the South China Sea issue a potential powder keg in East Asian regional security. Safeguarding free navigation in the region is merely a pretext by the U.S. to arrest the build-up of China’s naval strength. Once

it legitimately occupies the South China Sea islands in question, China might extend its strategic force further southward, so posing a perceived threat to the air and maritime predominance of the U.S. in the West Pacific. This prospect is the real reason why the U.S. has recently added its presence and voice to South China Sea disputes.

After the end of the Cold War, the United States began curtailing its military presence in the Asia-Pacific region. In 1992 it shut down in rapid succession its Subic Bay naval base and Clark Air Base in the Philippines. Both had served as important military hubs for the U.S. to carry out military interference in Southeast Asian affairs during the Vietnam War. The two bases were also strategically important as a main military presence in the South China Sea after WWII. However, after the Soviet Union disintegrated, Russia withdrew its troops from Vietnam's Cam Ranh Bay. The successful sub-region organization ASEAN also began to play an active role in advancing cooperation among countries in Southeast Asia. The U.S. hence concluded that the South China Sea was no longer a hot spot for contention within Asia-Pacific geostrategy. For some time the U.S. adopted a stance of non-involvement and non-intervention in sovereignty disputes among China, China's Taiwan and certain ASEAN countries. This was based on the U.S.'s evaluation of China's naval and air force power, and the conclusion that the Chinese army lacked the capacity to reach beyond its coastal waters.

Before long, however, the U.S. perceived the modernization speed of China's military force as a threat. In its 2008 report on China's military power, the U.S. asserted that China sought the capability to project military power beyond its territory. In 2010, having claimed that China was aiming to develop its A2/AD (anti-access/area denial) capabilities, the U.S. began heightening its strategic vigilance of and restrictions on China. In 2011, the Obama administration put forward the strategy of rebalancing toward the Asia-Pacific region. This was in essence a move to consolidate the U.S.'s dominant role in the region in light of China's rise. It was also to avoid any power shift in the region that China's increasing influence might trigger, and which would undoubtedly impair the U.S.'s leadership and competitiveness.

China's claim according to the nine-dash or U-shaped line of demarcation in the South China Sea can be traced back to 1947, when the Nanjing Government took the helm of the country. In 1982, the United Nations approved the Convention on the Law of the Sea, which defines the rights and responsibilities of nations in their use of the world's oceans, and establishes guidelines for businesses, the environment and management of marine natural resources. The Convention does not deny maritime territorial claims based on the relevant countries' historical rights. Article 56 of the Convention states, "In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the

rights and duties of other States and shall act in a manner compatible with the provisions of this Convention." Since the early 1990s, in efforts to ease the contentions of the concerned countries over the territorial sovereignty in the South China Sea, China has stuck to its pragmatic principle of "grasping sovereignty, shelving disputes and co-developing the resources." On the matter of territorial disputes, China has emphasized respect for history and the solving of disputes in a rational and peaceful way. In 2002, China and ASEAN countries signed the Declaration on the Conduct of Parties in the South China Sea (DOC), in an attempt to deal with territorial disputes through dialogues and negotiations. In July 2013, China's Foreign Minister Wang Yi, on behalf of the Chinese government, declared that China and ASEAN had jointly initiated negotiations on formulating the Code of Conduct in the South China Sea (COC). This will include provisions on conduct in this region that are legally binding to the relevant parties. In October 2013, Chinese President Xi Jinping proposed at the Peripheral Diplomacy Work Conference the basic tenet of diplomacy with neighboring countries of "treating them as friends and partners, making them feel safe and helping them develop."

However, in recent years, instigated and supported by the U.S., a few ASEAN countries have become more unscrupulous and made provocative moves in the South China Sea. In April 2012, a Philippine warship blatantly checked and detained Chinese fishing boats. An even more provocative act by the Philippines occurred in January 2013. On the grounds that China's nine-dash line is illegal, it one-sidedly brought its dispute with China over sovereignty and maritime jurisdiction in the South China Sea to an arbitration tribunal established under the dispute resolution mechanisms of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This move denies the basic spirit of the DOC. With the support of such countries as the U.S. and Japan, the Philippine Aquino administration has repeatedly and groundlessly insulted China, regardless of diplomatic protocol. On February 19, in an interview with the Associated Press, Emmanuel Bautista, Commanding General of the Philippine Army, rejected China's claim of sovereignty over the South China Sea as "absolute nonsense." Such an arrogant stance, insulting remarks and provocative moves intensify tensions in the South China Sea.

The U.S.'s recent changing of its tactics on the South China Sea issue is an attempt to intimidate China by strengthening its advantages of military and strategic strength. However, all these efforts only aggravate strategic competition between the big powers over the South China Sea sovereignty disputes. Spurred on by fear of losing the dominant role in the Asia-Pacific region, the U.S. simply ignores the basic historical fact of the nine-dash line and that it must be impartial in the South China Sea issue. It's high time the U.S. ceased its ungracious and myopic behavior. ■