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Research Articles

- Brothers in Trouble: China-Vietnam Territorial Disputes and Their Bilateral Approach to Conflict Management 287
Mikio Oishi and Nguyen Minh Quang
- “Sea of Cooperation” or “Sea of Conflict”?:
The South China Sea in the Context of
China-ASEAN Maritime Cooperation 321
Lai Yew Meng
- The 12 July 2016 Permanent Court of Arbitration's (PCA)
Award: The Philippines' Lawfare versus China's Realpolitik 347
Renato Cruz De Castro
- The South China Sea Conundrum: China's Strategic Culture
and Malaysia's Preferred Approaches 373
Benny Teh Cheng Guan
- Geopolitics, Real and Imagined Spaces: China and
Foreign Policy in the Context of East Asia 397
Daniel Lemus Delgado and José Jesús Bravo Vergara
- ## Book Review
- Ghulam Ali, *China-Pakistan Relations: A Historical Analysis* 425
Reviewed by Pervaiz Ali Mahesar

International Journal of China Studies

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Contents

Research Articles

- Brothers in Trouble: China-Vietnam Territorial Disputes and
Their Bilateral Approach to Conflict Management 287
Mikio Oishi and Nguyen Minh Quang
- “Sea of Cooperation” or “Sea of Conflict”? The South China Sea
in the Context of China-ASEAN Maritime Cooperation 321
Lai Yew Meng
- The 12 July 2016 Permanent Court of Arbitration’s (PCA) Award:
The Philippines’ Lawfare versus China’s Realpolitik in the
South China Sea Dispute 347
Renato Cruz De Castro
- The South China Sea Conundrum: China’s Strategic Culture and
Malaysia’s Preferred Approaches 373
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Research Articles



Brothers in Trouble: China-Vietnam Territorial Disputes and Their Bilateral Approach to Conflict Management

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Abstract

In the post-World War II period, China and Vietnam have engaged in a number of territorial disputes between themselves. They can be categorized into two groups. The first group consists of disputes over Sino-Vietnamese borderlands and the Gulf of Tonkin and the second one is concerned with disputes in the South China Sea (SCS). While the former came to an amicable end by December 2000, the latter has continued to date with occasional hikes of tensions and stand-offs. Despite different trajectories that the respective categories have taken, their management appears to reflect what can be termed as the “Sino-Vietnamese Way of conflict management”. This paper aims to identify the basic features of this type of conflict management from the standpoint of incompatibility management and, through comparison between the two categories of disputes, find reasons for the different outcomes between them. Major findings of this study are: First, the mutual trust that had been forged through fraternity between the two ruling communist parties and their readiness for mutual accommodation as a result played a crucial role in the successful settlement of the first category of disputes. Second, three issues prevent the full functioning of the Sino-Vietnamese Way of conflict management in the second category of disputes, which are: the exposure of the management process to nationalistic sentiments of the public; the existence of several complicating factors; and the division between the pro-China and pro-U.S. factions within the Vietnamese leadership. Third, several mechanisms to manoeuvre around incompatibilities, prevent crisis and reduce tension have been developed to compensate for the detrimental factors and appear to have been working fairly well.

Keywords: *incompatibility management, mutual trust and accommodation, inter-party fraternity*

1. Introduction

Since establishing themselves as independent sovereign states in the wake of World War II, China and Vietnam have been plagued with a number of territorial disputes against each other due to long and commonly shared land borders, contested islets and other maritime features, undetermined sea boundaries, and historical baggage in their own bilateral relations. These disputes can be grouped into two categories: (1) disputes over Sino-Vietnamese borderlands and the Gulf of Tonkin; and (2) disputes in the South China Sea (SCS).

The first category of disputes was brought to an end after the two states reached the Agreement on Gulf of Tonkin Maritime Boundary Delimitation in 2000 and completed a joint land border demarcation in December 2008. These significant achievements of dispute settlement were the results of the willingness and effort of the two ruling communist parties, whose brotherly mutual relationship can be considered to have provided stability in the management of the bilateral disputes. During the long-standing management processes, the two states actively promoted what may be called a “Sino-Vietnamese Way of conflict management”, characterized by mutual respect and accommodation. Its significance lay in jointly taking measures to avoid escalating tensions while also maintaining and deepening their well-known “comradely and brotherly friendship”. In doing so, the conflicts were effectively resolved without resorting to force or third party involvement.

However, recently raised frictions in SCS disputes, where China and Vietnam claim by far the largest overlapping waters of the sea among the claiming countries, show that the second category of disputes is much more complicated and intractable than the first one, rendering itself to be one of the flashpoints in the Asian-Pacific region. Early tensions spiked in the SCS when the two countries waged short battles against each other in 1974 and 1988, resulting in China’s control over the whole Paracel Islands and several strategically important maritime features in the Spratly Islands. Since then, the bilateral naval tensions had eased for almost two decades (1990–2007). In recent years, however, the tensions have been on the rise again, especially since 2010 when the U.S. began to intervene into the affairs of the SCS. The recent maritime flare-ups between China and Vietnam have damaged the bilateral ties of the two communist neighbours to a considerable degree. Thus, two significant questions can be asked: Why was the Sino-Vietnamese joint approach able to reduce tensions and contribute to resolving the disputes in the first category, but not sufficiently in the second? How has this difference in outcomes arisen?

What is interesting about the management of the second category in particular is the fact that despite stand-offs, protests and incompatible

positions between China and Vietnam, their inter-party relations have remained unbroken, marked among others by Secretary-General of the Communist Party and President of the People's Republic of China Xi Jinping's state visit to Hanoi in August 2015. This was an occasion when the two state leaders reached a wide consensus on reinforcing their traditional "lips and teeth" relations, and reiterated that the futures of the two countries were highly intertwined under the socialist cause (*Xinhua News*, 2015). On the other hand, recent developments such as the deepening U.S.–Vietnam relationship (Vuving, 2015), the 2014 Haiyang Shiyou 981 incident,¹ China's land reclamation activities in the waters of the Spratly Islands since early 2014, and alleged militarization of the SCS (Gady, 2016) reflect that relations between Beijing and Hanoi have become more complicated and ambiguous these days. In this respect, a few more specific questions about the second category of the bilateral disputes are due: How have China and Vietnam been responding to the on-going disputes in the SCS, which are fraught with the above-mentioned tensions and challenges? To what degree have their efforts to manage the SCS disputes been successful or unsuccessful and why? Does the traditional fraternal relationship between the two ruling communist parties play a part in the management efforts?

This paper aims to identify and assess the Sino-Vietnamese joint approach to manage territorial disputes between the two countries. It first sets up an analytical framework, which enables us to look at the management of the two categories of the bilateral disputes from the standpoint of incompatibility management and to assess the effectiveness of management efforts. The paper then investigates the management of the first category with a view to clarifying the Sino-Vietnamese Way of conflict management. Lastly, it assesses the bilateral management of the SCS disputes in comparison with that of the first category disputes.

2. Analytical Framework: Incompatibility Management

Incompatibilities appear typically in a clash between positions or goals that conflicting parties take or pursue, and constitute the core of conflict. Therefore, in the field of conflict management, it is essential to identify incompatibilities in the conflict concerned and examine and assess the different ways in which they are addressed. Theoretically, incompatibilities can be handled in one of the following manners or in their combination.

2.1. Eliminating a Conflict Party as the Carrier of Contradictions

Incompatibilities may be dissolved by eliminating a conflict party as their carrier. The positions or the goals of the eliminated party disappear together

with the party. As a result, the remaining party is free to impose its own terms on the “disarmed” or “disbanded” constituency of the defunct one (Oishi, 2011: 101). This strategy is adopted typically by the state actors such as security forces against the non-state opposition or insurgent movements. However, to the degree to which the root causes of the incompatibilities are not addressed and remain, new conflict parties may emerge.

2.2. Imposing One Party’s Position on the Other

Incompatibilities may be dissolved by a conflict party imposing its own terms on the other through open or subtle coercion, manipulation or deception. Coercion can be peaceful or non-peaceful. The latter type is easier to identify than the former, as can be observed when a conflict party resorts to physical force to impose its own will on the other. The same result may be acquired through the use of threat. On the other hand, economic sanctions can be regarded as a peaceful coercion, as it usually involves non-physical means. There is a moral coercion when a sense of guilty or moral burden is invoked in the opponents, who are hereby forced to behave contrary to their own will, as was successfully effected by the civil disobedience movement led by Mahatma Gandhi in pre-independent India (Bennis et al., 1984: 40-41). Coercion in any form aims to dissolve incompatibility by forcing parties to give up their original positions or goals. Therefore, the resultant *status quo* is fundamentally unstable. This is also the case about imposition through manipulation or deception. Related to this is what may be called “incompatibility absorption”, where incompatibilities are internalized within a party or individuals who constitute it. In this case, a potential conflict may be absorbed by the target party and not manifest itself as such. However, there is always the risk that the imposed or manipulated party realize these tactics to the rejection of such a game.

2.3. Deciding Who Has the Right to Their Position

Incompatibilities may be handled by legal consideration, which may help the parties to determine who has the right to their position and to what degree. In international dispute, international law, such as the United Nations Convention on the Law of the Sea (UNCLOS) and international treaties or agreements may provide conflict parties with legal basis on which they can proceed in negotiation. When they cannot settle conflict in this way on their own, they may seek the decision of an authoritative third party on their behalf, i.e., arbitration. Institutions of arbitration such as the International Court of Justice, International Tribunal for the Law of the Sea and the High Council of the Association of Southeast Asian Nations (ASEAN) are available to the state

parties, although the last one has never been invoked in ASEAN's history. Countries in East Asia, including Southeast Asia, have shown reluctance in going for international arbitration on the issues of sovereignty. However, if the conflict concerned does not pose any existential threat to the parties, they may feel less inhibited to use this measure, as were the cases of Pedra Branca/Pulau Batu Puteh between Singapore and Malaysia and Sipadan and Ligitan between Malaysia and Indonesia (Caballero-Anthony, 2005: 271).² In arbitration, incompatibilities are dissolved or suppressed depending on whether the losing party accepts the verdict sincerely or with reluctance. The stronger the reluctance, the more likely they are suppressed, resulting in an unstable *status-quo*.

2.4. Turning Clashing Positions into New Ones that are Mutually Compatible or are More Manageable while Incompatibilities Remain

Incompatibilities may be dissolved by turning mutually clashing positions of the parties into ones that are compatible to each other. This result can be achieved at least in two ways. Firstly, positions may be adjusted through bargaining so that no clash may take place between the parties any longer. In this case, some portion of each party's position is given up voluntarily through mutual concession or accommodation. Or the parties may concede to their counterparts, "sometimes with compensations by linkage to other issues" (Ramsbotham et al., 2005: 175). In this way, incompatibilities may be dissolved but, depending on the extent to which the new positions fail to fully satisfy the interests of the parties, the incompatibilities may be suppressed, making the resulting *status quo* less stable. Secondly, original positions of the parties may be adjusted in such a way that their underlying interests can be fulfilled to a large extent. This is possible theoretically, as there can be more than one way to meet the interests of the parties (Fisher and Ury, 1981: 41). For example, the security of a state party may increase by conceding certain maritime claims to the other party due to enhanced prospects of economic aid or investment from the latter as a result.³ What makes the second way distinct from the first is that the parties delve deeper than their respective positions to reach and understand other parties' underlying interests, which are then taken into account in their interaction. Here, incompatibilities are dissolved through integration (Ramsbotham et al., 2005: 174-175).

Moreover, it is also possible that clashing positions are changed into new ones in which incompatibilities still remain or new ones arise although they may be easier to handle than before or the original ones. This approach may be realistic from the standpoint of "conflict transformation" (Miall, 2004: 9-10), which regard conflict not as something negative to be shunned or brought to an end soonest, but as an opportunity for social change through

transformation at the personal, group, issue, actor, structural and contextual levels (Ramsbotham et al., 2005: 163-164). In a best case scenario, conflict may be turned into a “social learning” process (Fiorino, 2001: 328-330) through incompatibility management.

2.5. Manoeuvring around Incompatibilities or Setting Them Aside and Waiting for Their Change

Incompatibilities may be manoeuvred around or simply set aside by the parties, who may expect them to change or, better still, disappear in due time. This approach to incompatibility management is viable if there exists the capacity in conflict situation to absorb tensions or shocks arising from the incompatibilities, hereby forestalling a potential crisis. Such a capacity may serve as a buffer between incompatible positions and can be found functioning, among others, within ASEAN as a mechanism of conflict management. When its member states respond differently to external impacts or shocks, exemplified by China’s unilateral land reclamation activities or the U.S. Freedom of Navigation Operations both in the waters of the Spratlys in recent years, these impacts and shocks tend to dissipate in ASEAN’s imagined buffer space (Oishi, 2016: 170, 175).

3. First Category of Sino-Vietnamese Disputes and Their Settlement

With an analytical framework having been established, the paper investigates the Sino-Vietnamese bilateral disputes and their management. The first to be looked at is the first category of the disputes, i.e., the borderland dispute and the Gulf of Tonkin dispute, which came to an end with full settlement. These case studies aim to reveal the fundamental characteristics of what may be called the “Sino-Vietnamese Way of conflict management”.

3.1. Borderland Dispute and Management

Prior to the full normalization between China and Vietnam in November 1991, territorial issues had been significant sources of tension in their bilateral relations. During the 1980s, several armed clashes occurred in the contested areas while bilateral negotiations repeatedly failed to find any solution to address the conflict (BBC/Vietnamese, 2013; Amer, 2002: 6). Major incompatibilities that contributed to their land-border disputes were:

- (1) Overlapping territorial claims;
- (2) A contention for the right to control strategically important areas; and
- (3) The problem of local communities, Chinese or Vietnamese, across the borderline.

These issues and incompatibilities are elaborated and the manners they were addressed are discussed below.

3.1.1. Overlapping Territorial Claims

During the French colonial time in Vietnam, the French colonial government and the Chinese government of the Qing Dynasty signed Conventions in 1887 and 1895 respectively, delimitating the Sino-Vietnamese land borderline. However, during the de-colonisation period and later in the Vietnam War, accidents and developments coupled with natural disasters led to altering the *status quo* since most of the land markers were either removed or destroyed. As a result, many areas along the borders were subject to dispute. These disputes continued unabated and became more problematic when China launched a border war with Vietnam in February-March 1979, which left some strategic locations of the Vietnamese territory under China's control (Truc, 2015; Amer, 2002: 2-3). To justify their own respective claims, both Beijing and Hanoi mostly resorted to historical evidence, including interpretations of legal documents produced during the pre-colonial era, which tended to contradict with each other. Furthermore, this type of incompatibility was highly charged with national pride and ethnic hostility, making it quite difficult and complicated for the disputants to deal with.

However, after many years of a negotiation process without any agreement in the 1970s and 1980s, the Sino-Vietnamese approach to managing the dispute had been changed altogether since the renormalization of 1991. For a start, Beijing and Hanoi established joint working groups to discuss their border dispute. Despite unexpected tensions and stand-offs that sporadically occurred in the SCS, bilateral talks at both expert level and highest political level were regularly held in Hanoi and Beijing respectively.⁴ In August 1993, at the third round of bilateral talks and also the first government-level talk in Beijing the two states reached a “general understanding and consensus” on fundamental principles for handling their existing territorial dispute, except for the ones in the SCS. Following this significant achievement, an Agreement on Basic Principles for the Settlement of Border Territory Issues between the Socialist Republic of Vietnam and the People's Republic of China was signed in October 1993, emphasizing the necessity to settle the issues through peaceful negotiations, moderate manners and avoidance of using force and coercion (BBC/Vietnamese, 2013; Amer, 2002: 9-11). Also, it paved the way for the following rounds of talks (both expert- and governmental-levels) and created a major legal basis for negotiation. That is, the two states unanimously recognized the legal effects of the two Conventions of 1887 and 1895, agreed to rely upon them and adopted additional legal and technical documents to re-define their land borderline (BBC/Vietnamese, 2013; Truc, 2015). This meant

that any documents related to Sino-Vietnamese borderland published prior to year 1993 would be “invalid” as a basis for settling the dispute unless they were integral parts of the Conventions. Obviously, these arrangements in the negotiation process were practically necessary and did matter in addressing the existing dispute, as they enabled China and Vietnam to eliminate sources of incompatibility which had the potential to further complicate the situation. This is because each side might have easily produced historical and geographical evidence to justify its own claims over the disputed areas. Thus, as long as the claimants could not reach a consensus on limiting historical and legal bases and eliminating unnecessary sources of incompatibility, their dispute certainly would have remained intractable.

Another important factor that contributed to settling the overlapping territorial claims was the agreement in July 1997 between Secretaries-General of the Communist Party of China and the Communist Party of Vietnam to fully settle the land border dispute and the Gulf of Tonkin dispute not later than 2000.⁵ This agreement significantly boosted the commitment of negotiators from both sides to completing the delimitation by the deadline with a sense of urgency (Phung, 2016; Truc, 2016). As such, the post-1997 negotiation processes resulted in the signing of the Treaty of Land Border between China and Vietnam in December 1999 in Hanoi. This treaty accelerated the demarcation process, as it laid down the practical principles to determine border lines that would be planted with border markers. Also, as prescribed in the treaty, they established a Joint Commission on Land Border Demarcation right after the treaty took effect in June 2000. Adhering to the articles of the treaty and its attendant map and protocols,⁶ in December 2001, the joint commission proceeded to work out the border demarcation and land markers plantation, which were completed in August 2008. Thus, China and Vietnam successfully determined a new borderline through mutual accommodation by narrowing the gap between their conflicting claims.

3.1.2. A Contention for the Right to Control the Strategically Important Areas

The second incompatibility arose from access to the militarily important areas alongside the Sino-Vietnamese borderland, most of which were under China’s control after the 1979 border war. The strategic significance of these disputed sites, Ban Gioc/Detain Falls and Huu Nghi Quan/Youyi Guan among others, lay more in what they meant or symbolized than in how much area they covered. For Vietnam, given its complex history heavily influenced by China, Hanoi did not want to renounce these disputed areas, which had been extremely important outposts to deter invasions from its formidable neighbour to the north during its course of history. For China, the same locations were beneficial to itself in military and economic terms, since they

were China's ace in the hole against Vietnam during periods of hostility while generating great economic revenues from tourism and cross-border trade with Vietnam in post-war reconstruction and development. This contention for the sovereign ownership over the sensitive areas had resulted in a number of armed incidents after the 1979 border war and raised the stakes for the two neighbours, further complicating and protracting the dispute (Chanda, 1986: 10; O'Dowd, 2007: 97-100).

However, the 1993 Agreement and the 1999 Treaty served as the basis for Beijing and Hanoi to handle this challenging issue constructively and for this purpose the Joint Commission on Land Border Demarcation was able to establish three principles: First, areas traversing the new borderline or those belonging to one side as determined by the Sino-French Conventions but being under the control of the other must be handed over to the rightful owner without any conditions. Second, militarily strategic elevation points, i.e. peaks, hills, etc., located right in the boundary must be demilitarized completely. Third, for the areas where the Sino-French Conventions did not clearly fix the boundary, the following factors must be taken into account to re-define the borderline: the legal basis of the Conventions, historical management, topography, historical maps, convenience of management, and international rules and practices. These principles were implemented faithfully by the joint commission through mutual accommodation between Chinese and Vietnamese representatives and the ownership issue of strategically important areas was completely settled by 2008.⁷

3.1.3. Local Communities Across the Borderline

During the war times (1954-1989), numerous Vietnamese and Chinese villages, cemeteries, fields and gardens constituting human landscapes were created beyond each other's territory. This gave rise to a major problem in the China-Vietnam demarcation process, making the process much more intricate, sensitive and time-consuming. The most important principle that they jointly established to overcome this challenge was what might be called the principle of "giving for receiving". Its purpose was to make sure that the delimitation of the Sino-Vietnamese boundary would be carried out equitably and strictly while maintaining the *status quo* of human landscapes and local people's livelihood by adjusting and redrawing where applicable the new boundaries defined by the 1999 Treaty (Truc, 2015). This exercise was completed by 2008 and resulted in mutual concessions in the delimitation exercise.⁸ The favourable outcomes indicated that the two parties successfully applied this principle by granting equal concessions to each other in a spirit of good neighbourliness, comradery and fraternity, and that Beijing did not impose its superior position on its neighbour.

3.2. *Gulf of Tonkin Dispute and Its Management*

With respect to the delimitation in the Gulf of Tonkin, two major formidable incompatibilities existed between the positions of the two countries: First, Vietnam's historic waters defined by the 1887 Sino-French Treaty versus China's claim based on newly established baselines. Second, China's intention to combine a fishery agreement and maritime delimitation in a package versus Vietnam's claim that the fishery agreement should be on the basis of successful demarcation results.

3.2.1. *Vietnam's Historic Waters versus China's Claim Based on Newly Established Baselines*

Both China and Vietnam adopted straight baselines from which the breadth of their territorial seas and other maritime zones could be measured. Nevertheless, their ideas of the baseline were different from each other. In 1996 when China ratified the 1982 UN Convention on the Law of the Sea (UNCLOS), it announced straight baselines that went along its mainland coast and Hainan Island. However, Vietnam lodged an official protest to the United Nations about China's baselines, as the former believed that the latter's baselines, connecting four geographic coordinates from Junbi Jiao to Yingge Zui along the western coast of Hainan Island might affect delimitation results in the Gulf (US Department of State, 1983; US Department of State, 1996; Zou, 2005: 14-15). Moreover, Vietnam also rejected China's proposal to delimitate the Gulf on a 50-50 basis, which would entitle China to the 50% of its area. Vietnam's rejection was based on the fact that Vietnam's coastline facing the Gulf was considerably longer than that of China and that the former owned a number of off-shore islands sporadically located in the Gulf (BBC/Vietnamese, 2013).

Vietnam, for its part, adopted straight baselines in its 1982 Statement on the Territorial Sea Baseline of Vietnam, which asserted that the Gulf of Tonkin had been delineated by the 1887 Sino-French Treaty. As such, the waters on Vietnam's side "constitutes the historic waters and is subject to the juridical regime of internal waters" of Vietnam (Zou, 2005). Vietnam's claim over historic waters and the delimitation line in the 1887 Treaty were rejected by China, which claimed its own version of historic waters. Furthermore, China feared that the Vietnamese claim, if ever applied, would undoubtedly lead to giving "full effects" to Vietnam's two most strategic islands in the Gulf in delimitation. In this scenario, the proposed boundary would be located eastward much farther away from the currently established boundary, and such a shift would certainly not benefit China.⁹

The impasse in the delimitation of the Gulf of Tonkin was broken by the 1997 agreement between the Secretaries-General of the ruling communist parties of both countries – the same agreement that positively impacted the delimitation process of the land borders. As was mentioned previously, the two leaders pledged that China and Vietnam would hasten bilateral negotiations to completely settle the land border issue and finish the demarcation of the Gulf of Tonkin by the end of 2000. By specifying such a deadline, the two states displayed their political commitment to achieving a fair and equitable solution to the Gulf of Tonkin dispute. Here again, the joint “giving for receiving” approach played a central role, helped by increasing mutual trust and mediated by the consideration of legal entitlements. The two sides firstly agreed to discard the 1887 Treaty and then applied the principles stipulated in the UNCLOS and related international practices, upheld the principle of equity, and took into consideration all relevant circumstances in the disputed waters. As the coasts of the two states are opposite and adjacent to each other, the UNCLOS principle of equidistance was applied to delineate a single line, also called an “adjusted median line”,¹⁰ measuring both the continental shelf and an exclusive economic zone (EEZ) between opposite and adjacent coasts. From 1994 to 2000, the Sino-Vietnamese joint working group on the Gulf of Tonkin met 17 times and their intensive negotiation process led to the signing of the maritime delimitation agreement on the Gulf of Tonkin in time on 25th December 2000.

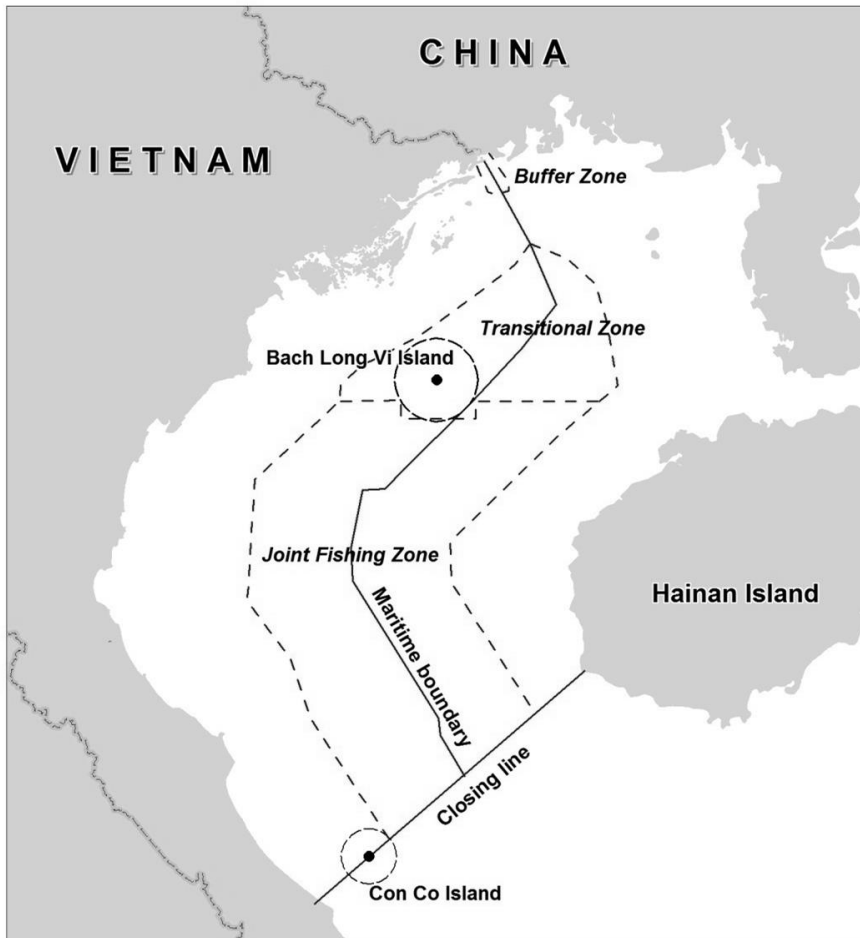
3.2.2. China’s “Package Deal” versus Vietnam’s Focus on Delimitation

The second key issue of the Gulf of Tonkin dispute was access to fishery resources. For China, the delimitation of the gulf was of direct interest to hundreds of thousands of Chinese fishermen whose livelihood heavily depended on maritime resources in it. Thus, from the beginning of the Sino-Vietnamese negotiation, Beijing stated expressly that boundary delimitation must be directly linked to fishery cooperation, and that agreements on these two matters must be signed and entered into force simultaneously. However, since most of the good fishing grounds were located well within Vietnam’s EEZ and due to its huge disadvantage on fishing capability vis-à-vis China, Hanoi disagreed with Beijing’s proposal. The former would not support any negotiation that might reduce the strategically significant demarcation issue to largely technical fishery talks. Thus, it wanted to delimitate the maritime boundary first, and a fishery agreement must be based on successful demarcation results (Phung, 2001; Zou, 2005).

The incompatible positions of the two states were eventually reconciled to each other by mutual accommodation. Beijing tacitly accepted Hanoi’s

demand to set aside the fishery issue while the joint demarcation process, which had gained momentum since the 1997 agreement, was going on. Only eight months before the end of 2000 marked as the deadline for the settlement of the Gulf of Tonkin dispute, as declared in 1997 and reaffirmed in 1999 by the two parties' General Secretaries (Phung 2001), Hanoi agreed to starting the negotiation on fishery cooperation. Thus, on 25 December 2000, both countries successfully signed two agreements on demarcation and fishery cooperation, creating the appearance of a package deal, which China had wished (Phung 2001).¹¹ The fishing agreement established three fishery zones, i.e., the joint fishing zone, transitional fishing zone and buffer zone (Figure 1).¹²

Figure 1 Delimitation and Joint Fishing Zones in the Gulf of Tonkin¹³



3.3. The Aftermath of the Settlement of the First Category of Bilateral Disputes and Some Reflections

As has been seen above, China and Vietnam successfully settled the first category of their bilateral disputes in time, concluding the years-long bilateral negotiation process and generating new legal orders on each other's peripheries. The three main agreements on borderland demarcation, maritime delimitation in Tonkin Gulf and fishery cooperation were ratified by their national assemblies a few years later. Since November 2009, three additional accords for demarcation of borders, installation of border markers and arrangement of border-gate management have been signed and come into effect. It is worth observing that the two neighbours, by relying upon these documents, have established many local-level paramilitary rangers in association with national border defence and coastguard forces to safeguard the markers and the maritime boundary. They also further approved agreements on joint border and naval patrols, joint development areas and other regulations for fishery cooperation and sustainable exploitation of natural resources in common border zones. From a standpoint of dispute management, these additional measures appear to function as an infrastructure for long-term peace, as they bring more positive prospects of acquiring wealth locally through strengthened economic ties with each other and joint economic projects, which eventually turn areas of contention and protest into those of cooperation and prosperity.

The investigation into the process of settling the first category of Sino-Vietnamese disputes suggests a distinctive approach to conflict management, which possesses the following characteristics. Firstly, fraternal relations between the two communist parties and, by extension, between the two neighbouring states played a crucial role in incompatibility management. This special relationship, having been developed during the Vietnam War and re-activated since 1991, maintained stability in the interaction between disputing parties, and contributed significantly to preventing disputes from escalating beyond certain limits. Specifically, it motivated the parties to reach agreement by deadlines when invoked by the top officials of the ruling communist parties, facilitated them in determining legal entitlements for each side, and helped them to learn about the other side's interests and take them into account in negotiation. Besides, such a relationship gave additional incentive for each party to regulate domestic public sentiments, which might otherwise have negatively impacted the management process with national pride and ethnic hostility.¹⁴

Secondly, incompatibilities in the disputes were dissolved through the combination of mutual concession, integration and legal consideration. Mutual concession took place when the disputing parties adopted the principle of

“giving for receiving” in the delimitation of areas under contention in both disputes. Elements of integration can be observed, among others, in their consideration of the underlying needs of the other side in demarcating the Gulf of Tonkin and establishing the Joint Fishing Zone. The international law, particularly the UNCLOS, contributed to the stability of negotiation process by clarifying legal entitlements to each party. It is notable that these exercises of incompatibility management were embedded firmly in the above-identified exercises of fraternity between the two ruling communist parties and couched in joint working groups that were set up for rule and principle making and border delimitation.

Finally, the first category of disputes remained bilateral to the end. It happens frequently that bilateral interstate conflict is internationalized by the weaker party seeking the intervention of a third party to compensate for the power disparity that the former perceives against the stronger party, as has been observed typically in disputes between the Philippines and China in the SCS (*Reuters*, 2015). Such internationalization did not take place in the disputes over the Sino-Vietnamese land-border and the Gulf of Tonkin. Apparently, the weaker party Vietnam did not feel the need to enlist the support of ASEAN as the prime organisation of the region nor great powers such as the United States for its own cause. Here, the good conduct of the two states in these disputes based on mutual confidence, which in turn stems from the China-Vietnam interparty fraternity, seems to have made void Hanoi’s need for internationalization.

4. Second Category of Sino-Vietnamese Disputes and Their Management

This paper posits that the fundamental characteristics of managing the first category of the disputes between China and Vietnam identified in the previous section suggest the “Sino-Vietnamese Way of conflict management.” Using this concept as a touch stone, this section looks at the second category of bilateral disputes between them, i.e., the disputes over the Parcel Islands and Spratly Islands in the SCS, and examines to what extent the manner in which they have been managed conform to the Sino-Vietnamese Way.

4.1. Disputes in the SCS: Basics, Chronology and Recent Developments

Geographically, the Parcel and Spratly Islands are located midway between Vietnam and the Philippines, and are adjacent to one of the world’s most important sea-lanes in the potentially energy-rich SCS. Owing to their geopolitically strategic position, these island chains and surrounding waters have been deemed as the “bones of contention” among the littoral states that have made decades-long rival claims. Mainland China and Taiwan claim most of

the SCS, including the two archipelagos, while Vietnam asserts the ownership of both island groups, and other claimants – the Philippines, Malaysia and Brunei – contend over parts of the Spratly Islands. These Southeast Asian states also claim maritime entitlements, i.e., exclusive economic zones and continental shelves, which overlap with the ones that China and Taiwan insist on. In the Paracel Islands, which have been claimed by both China and Vietnam, the *status quo* has remained since the Chinese forces expelled a South Vietnamese garrison from the archipelago towards the end of the Vietnam War. Meanwhile, the situation of the Spratly Islands dispute is much more complicated and intractable as it involves six disputants whose overlapping and conflicting claims to sovereign rights cover either the whole or particular parts of the islands and the waters surrounding them (Oishi, 2016: 159).

The history of the Spratly Islands dispute dates back at least to the 1970s when these disputants, except for China and Brunei, had already occupied parts of the archipelago. Confrontations and skirmishes have taken place among them, notably between China and Vietnam since Beijing established its late presence in the islands after a battle with the Vietnamese navy in March 1988 and occupied its six features in Johnson South Reef (Chen and Glaser, 2015; Gady, 2016). In 1995, China newly occupied the Mischief Reef claimed by the Philippines. This incident more or less tarnished Beijing's image among the Southeast Asian public and led to strong protests from Manila and a low-profile response of concern from other ASEAN member states (Emmers, 2003: 133-134, 136). However, the positive role that China played in the wake of the 1997 East Asian financial crisis and its "Charm Offensive" (Kurlantzick, 2007) towards Southeast Asian countries went a long way to restore and even enhance its image in the region. These developments brought about a considerable degree of stability in the SCS, facilitating the signing of the Declaration on the Conduct of the Parties in the South China Sea (DOC) in 2001 by China and all the member states of ASEAN. This document has so far served as a *de facto* code of conduct in the SCS until a legally-binding code to be established in the future.

However, since the late 2000s, the SCS has become turbulent again. In May 2009, Vietnam and Malaysia made a joint submission concerning the outer limits of continental shelf beyond their own respective 200-nm EEZs in the southern part of the SCS to the United Nations Commission on the Limits of the Continental Shelf, publicly challenging China's sovereignty claims (Parameswaran, 2015: 7; Quang, 2017). Then came U.S. Secretary of State Hilary Clinton's statement in Hanoi in July 2010, declaring that the U.S. had an interest in the free passage of vessels and airplanes in and over the SCS. This statement, widely considered as a declaration of the U.S. "pivot to Asia", not only infuriated China but also emboldened the regional parties

to the dispute, especially the Philippines and Vietnam, triggering a series of stand-offs and confrontations involving fishing, surveying and government ships or oil rigs from these countries and China (Oishi, 2016: 171-172). Particularly noteworthy developments in the SCS in recent years are China's hectic land reclamation activities on its seven occupied maritime features in the Spratlys started in early 2014, Freedom of Navigation Operations by U.S. navy to challenge China's "excessive" claim of territorial waters surrounding the reclaimed sites and the Philippines' submission against China regarding its "U-shape line" to the Arbitral Tribunal at The Hague in March 2014, followed by the tribunal's ruling in favour of the former in July 2016, and the latter's firm rejection thereof (Ku et al., 2016; The State Council, 2016; Pham, T.N., 2016). These provocative moves and new developments have given rise to a highly volatile situation in the internationalized SCS dispute, where tensions among the parties involved, including those that are non-claimants, are likely to increase with evolving dynamics and growing security concerns.

4.2. Issues of the SCS Disputes between China and Vietnam

With the historical background and current situation of the SCS disputes having been outlined, the paper focuses on the bilateral disputes between China and Vietnam, which are composed of rival claims over the Paracel and Spratly Islands and overlapping maritime jurisdictional zones that both states have established in the SCS. These disputes are examined in terms of the following contentious issues: (1) overlapping historical titles, (2) disagreement as to which disputes should be subject to negotiation, (3) differences in applying international law, (4) mutually clashing national interests, and (5) different approaches to dispute settlement. Each of these issues contains incompatibilities shared between the two states. They are extracted for investigation so that the manner in which they have been handled may be understood and the prospects of effectively managing them in the future may be discussed.

4.2.1. Overlapping Historical Titles

China and Vietnam have been heavily relying on historical titles to legitimize their own uncompromising postures on the SCS disputes. Both countries publicly affirm that their historical documents and evidence indicate that islands in the SCS have been part of their respective territories far prior to the arrival of Western colonisers. Thus, in the past decades the two neighbours have sought to persuade the international community that they are the first to have discovered these island chains, and that they have since then established

and maintained sovereignty over them and adjacent waters (Shen, 2002: 102; *China Daily*, 2016).

Beijing believes that Chinese ancestors discovered the island chains and had administered them for over two thousand years prior to other peoples. It is confident that Chinese historical documents and evidence are valid and fit perfectly with such legal methods of acquiring state territory as discovery, occupation, prescription and conquest (Hao, 2011). As China discovered the no-man's lands of Xisha (Paracels) and Nansha (Spratlys), and had maintained continuous and effective occupation after discovery, it deserves the right to hold sovereignty over these islands. However, during the Cold War, China failed to safeguard its overall rights of the SCS due to the constant containment by Western countries. As a result, its islands and reefs were illegally occupied by neighbouring countries (Shen, 2002; Hao, 2011). On the other hand, Hanoi's claims are based on documents of Vietnamese feudal dynasties and original maps produced by European countries during the colonial period, which affirm that Hoang Sa (Paracels) and Truong Sa (Spratlys) were part of the Dang Trong (the present-day Southern Vietnam) and depict that China's south-eastern frontier ends at the Hainan Island. Hanoi further argues that China began to claim sovereignty over the SCS as late as 1947 when the Republic of China under the Nationalist Party issued a "Map of Locations of the South Sea Islands", giving names to a number of reefs and shoals, including islands that Vietnam claims, followed by the Beijing government's use of force to seize islands of Hoang Sa in 1956 and 1974, and occupied several features in Truong Sa in 1988 (Vu, 2014; Vietnam News Agency, 2014a, 2014b).

Thus, the two claimants have been engaged in what may be called a "historical evidence race" by trying to provide historical facts and interpret them in favour of their own respective claims while at the same time searching for further evidence (Erickson and Bond, 2015). This type of difference is quite difficult to dissolve since it is generated from the mutually incompatible historical perspectives and highly charged with national pride and popular sentiments, despite the fact that the two states successfully settled the first category of their bilateral disputes, where historical incompatibilities were equally prominent.

4.2.2. Disagreement as to Which Disputes Should be Subjected to Negotiation

The difference on historical understanding and interpretation has led both sides to divergent and incompatible positions as to which disputed areas should be considered as valid for their bilateral negotiations. Hanoi pushes

for the inclusion of the Paracels as an issue alongside the Spratlys, as it claims that both groups of islands were illegally invaded by China several times. However, Beijing wants to discuss only the latter islands, as it has maintained an effective control over the former. To further complicate the matter, China apparently regards the dispute over maritime jurisdiction, i.e., exclusive economic zones and continental shelves, as part of the Spratly dispute, whereas Vietnam intends to settle the ownership of the two groups of islands before proceeding to deal with maritime jurisdiction. This is because Vietnam fears that initiating talks relating to maritime jurisdiction could be interpreted as giving legitimacy to China's claim over the island chains, especially the Paracels, when deciding the baselines of maritime entitlements (Amer and Jianwei, 2013). This situation stands as a non-starter for bilateral negotiation over maritime demarcation, which is a major substantive issue of the dispute.

4.2.3. Differences in Applying International Law

Both China and Vietnam have resorted to international law to justify their own mutually contradicting claims. This has resulted in different interpretations of international principles regarding acquisition of territory, diplomatic documents and international law on the sea (Hayton, 2015; Hao, 2011: 3-5). For instance, Vietnam takes the stand that no features of Paracel and Spratly Islands are regarded as "islands" as defined in Article 121 of the UNCLOS, which would generate EEZs and continental shelves, and that waters around these features should be limited to territorial waters of 12 nautical miles. China disagrees, insisting that its occupied features definitely meet the definition of "islands" (Valencia et al., 1997: 20-24; *China Daily*, 2016).

Another legal incompatibility between the two disputants arises from China's claim of the sea zone within the "U-shape line", which cuts deeply into Vietnam's 200 nautical mile EEZs and continental shelves. This overlap has long become the area of bilateral contention as maritime agencies of the two states intensify what they consider as the exercise of sovereign rights that the international law entitles them to. However, Beijing appears to be gradually changing its interpretation of the U-shape line, and there have been already some encouraging signs of re-framing of its claims over the SCS recently (Oishi, 2016: 169-170). This probably opens up a positive prospect that through a discursive interaction between China and Vietnam, a mutual accommodation may take place between them, although the recent ruling issued by the International Arbitral Tribunal and rejecting China's claims in the SCS (Davenport, 2016) may intensify the complexity of this type of incompatibility.

4.2.4. Mutually Clashing National Interests

The rival claims, disagreements and differences contained in the issues discussed above have boiled down to clashing national interests between China and Vietnam (Fravel, 2011: 296; Hao, 2011: 7). Currently, the most prominent among them are the clashes over: (1) access to fishing and hydrocarbon resources, and (2) the control of shipping lanes connecting each state's mainland and occupied maritime features in the SCS.

Firstly, as was discussed earlier, China and Vietnam have not agreed on sovereign and jurisdictional rights over the SCS. This disagreement has fuelled a series of confrontations involving fishing, surveying and government ships or oil rigs from both sides (Dien, 2015; Blanchard et al., 2015). Vietnam consistently claims that the waters east of its coast claimed by China are part of its EEZ pursuant to the 1982 UNCLOS and the disputed waters adjacent to the Paracels and Spratlys are the Vietnamese fishermen's traditional fishing grounds. Meanwhile, China insists that those waters are either part of China's "historical waters", which naturally contains "historical rights" including the rights to exploit fishing and non-living resources, or EEZs generated by its occupied maritime features in the two archipelagos.

As a result, policies launched by Hanoi and Beijing regarding living and non-living resources management and development in the SCS are generating frictions as they perceive the policy of the other side as infringing on their own economic interests. For instance, the annual two-month fishing moratorium in the whole SCS, imposed unilaterally by China, threatens Vietnamese fishermen with fines, confiscations and possible criminal charges which Vietnam strictly protests thereof (Fravel, 2011; Nguyen et al., 2015). China, on the other hand, resolutely opposes Vietnam's petrol and gas exploration activities in the resource-rich disputed areas, which often results in their ships colliding with each other for days (*Tuoi Tre News*, 2012; AFP, 2014).

Secondly, China's military presence in its newly reclaimed islands has disrupted Vietnam's shipping lanes connecting its mainland and Vietnam-occupied land features in the Spratly Islands. In response to China's alleged militarization of its artificial islands and to secure its vital routes, Vietnam is believed to have fortified its major occupied islands in the Spratlys with modern military assets, including new mobile rocket launchers (Torode, 2016). Such a silent move by Hanoi is eyed warily by Beijing as it has the potential to challenge China's control of sea lanes contiguous to its occupied features and threaten Chinese garrisons stationing near Vietnamese ones.

Nevertheless, these two issues can possibly be addressed in peaceful dispute management processes. The apparent incompatibility over the right to access natural resources in disputed waters may be dissolved if the two claimants separate the resources access issue from the sovereignty issue,

and jointly pursue win-win arrangements to replace the current win-lose situation on the ground. As for the need to control the shipping lanes in the Spratly Islands, several mechanisms to avoid armed confrontation between the military forces of both countries may be placed as a result of an innovative defence diplomacy.¹⁵

4.2.5. Different Approaches to Dispute Settlement

China and Vietnam are contending with each other also in the manner the SCS disputes are to be handled. While Beijing insists that they should be settled through bilateral negotiation, Hanoi seeks to internationalize them. The different approaches adopted by the two states undermine their mutual trust and confidence: Hanoi feels it a tall order to cope alone with its formidable neighbour to the north, and seeks the help of international institutions, ASEAN included, and extra-regional powers such as the U.S. and Japan (*Vietnam News Agency*, 2011a; *VNExpress*, 2014; Collin, 2015; M. Pham, 2016). Beijing, on its part, tends to perceive Hanoi's internationalization effort in terms of the "China encirclement" (Oishi, 2016: 172-174) allegedly engineered by the U.S., and this perception would prompt it to take further unilateral actions in the SCS.

However, with the rise of the "dual track" approach, the gap between the two positions seems to be narrowing. This is an approach in which China and ASEAN countries would collaborate for the maintenance of peace and stability in the SCS by ensuring that the direct disputants be socialized into conducting themselves peacefully towards each other, while the substantive issues of the disputes, such as overlapping territorial or maritime claims, would be handled by the parties that have direct stakes. This third approach was originally proposed by Brunei Darussalam, and has been accepted by China (Liu, 2016). Vietnam seems to be opening up to this approach at least about the management of the Paracel Islands.¹⁶ For the Spratlys, however, Vietnam seems to tread carefully due to several complicating factors. The most outstanding is the memory of deadly clashes in the past with China in the disputed islands. This inclines Hanoi to welcome the internationalization of the dispute, coupled with its perception of a huge disparity with its neighbour in economic and military capability.

Nonetheless, it is noteworthy that Hanoi has recently sent a clearer and more direct message that it is willing to address sovereignty disputes through peaceful bilateral or, where applicable, multilateral negotiation (*Tuoi Tre News*, 2016). Particularly, as the Spratly Islands are claimed wholly or partly by six parties, the resolution of this collective dispute requires multilateral negotiations. Vietnam asserts that depending on particular disputed areas in the Spratlys, either bilateral, trilateral or quadrilateral negotiations shall be

invoked with constructive attitude (Truc, 2016; Phung, 2016). At the same time, Vietnam underscores the significance of maintaining peace and stability in the SCS, and pushes for more robust engagement of ASEAN as a regional organization as well as that of external powers that subscribe to peace and justice. Apparently, such a re-consideration of the basic approach to dispute management by Vietnam more or less fits into the “dual-track” approach adopted by China. Given this, Hanoi would likely take this approach in addressing the Sino-Vietnamese portion of the SCS disputes through direct negotiation with China.

4.3. Sino-Vietnamese Bilateral Dispute Management in the SCS

Against the background of the above-discussed issues of the SCS disputes and prospects for addressing them, China and Vietnam have engaged themselves in incompatibility management, which also includes the prevention or management of crises that may arise while incompatibilities remain. To effectively pursue these goals, the two states have sought to expand the bilateral diplomatic space, in which they could interact with each other in their traditional fraternal way. In October 2011, Hanoi dispatched a special delegation led by the Secretary-General of the Communist Party of Vietnam Nguyen Phu Trong to Beijing for high-level dialogues with their Chinese counterparts, including a summit meeting. Trong’s visit to China resulted in an “Agreement on Basic Principles Guiding the Settlement of Sea-Related Issues”. Restoring the collaborative spirit of the “1993 Agreement on Basic Principles for the Settlement of Border Territory Issues between the Socialist Republic of Vietnam and the People’s Republic of China”, the new agreement outlined several principles to address the maritime issues.¹⁷

The summit was concluded by a joint statement, which stressed the commitment of Hanoi and Beijing to settling the SCS disputes by peaceful means in a step by step approach, beginning with the easier issues to handle. Thus, among the first initiatives are: cooperation on maritime environmental issues, joint sea-related scientific research, arrangements to enhance maritime security, and negotiation on the demarcation of territorial waters off the Gulf of Tonkin. It was expected that fruitful outcomes of these measures enhance mutual trust to facilitate the settlement of more difficult issues. In a move to further institutionalize confidence-building and crisis management on a bilateral basis, Beijing and Hanoi have jointly held a dozen multi-level meetings and dialogues and set up hotline mechanisms. This process has also established a Joint Working Group on “Cooperation in Less Sensitive Sea Areas,” which has in turn decided to implement two agreements signed during previous meetings. They are: (1) joint comparative research of the Holocene sedimentary architecture of Vietnam’s Red River Basin and China’s

Yangtze River Basin, and (2) cooperation on scientific research and exchange on insular and maritime environmental management in the Gulf of Tonkin. Another joint project on “Cooperation on Search and Rescue at Sea between China and Vietnam” is being mapped out (*Lao Dong Newspaper*, 2015).

In addition to installing the mechanisms of tension reduction and crisis management, Beijing and Hanoi established a Joint Working Group on “Demarcation of Waters beyond the Mouth of the Gulf of Tonkin” in 2012 with a view to dissolving one of the most fundamental incompatibilities of the SCS disputes. The working group meets twice a year in Hanoi and Beijing alternately, and one of its tasks is to earmark maritime areas between the Gulf of Tonkin and the two island chains for demarcation exercise. For this purpose, it was agreed during its third meeting in Hanoi that a Technical Team be set up to conduct joint surveys in the areas which it allocates for demarcation. The working group has so far held eight meetings, resulting in the technical team conducting a joint survey over a 387km² section of the waters contiguous to the Gulf of Tonkin (Ministry of Foreign Affairs, 2016; Li and Amer, 2015: 250-251).

For now, tensions between China and Vietnam appear to have been largely defused and kept out of military clash, although the Haiyang Shiyou 981 oil rig crisis in mid-2014 resulted in a series of ramming incidents between Chinese and Vietnamese vessels and anti-Chinese riots in Vietnam, marking the sharpest deterioration of China-Vietnam fraternal relations in years. During this two-month standoff, however, the above-mentioned mechanisms of crisis management appeared to be working fairly well. Over 30 extraordinary meetings were held at different levels to calm down the situation and, finally, top diplomats from both countries gave timely handshake to each other (Ministry of Foreign Affairs, 2014). Apparently, the 2011 Agreement has been functioning as a *de facto* “code of conduct” for the two countries, while it has also opened the prospect of dissolving the most fundamental incompatibilities in the SCS disputes, which stem from the overlapping territorial and maritime claims.

Although the above-mentioned process of managing the bilateral disputes in the SCS appears similar to the one applied to the bilateral disputes of the first category, at least three situational differences can be identified between them. Firstly, unlike the management process of the first category, which was conducted above the heads of the general public of both countries, the disputes in the SCS have become highly exposed to the scrutiny of them, who are naturally the major source of nationalistic sentiments. This renders it more difficult for the state leaders to control the management process, as was shown by the anti-Chinese riots in Vietnam during the 2014 oil rig crisis. Even if both states may manage to eventually dissolve the major incompatibilities of the SCS disputes in the same ways as the disputes of the

first category were handled, the general public may not be satisfied with the results. If popular discontents spread, new actors may rise as articulators of incompatibilities that may have been swept under the carpet. They may not only disturb the official dispute management process, but may also pose a challenge to the legitimacy of the government and the ruling communist party concerned (Weiss, 2016).

Secondly, the demarcation of the SCS between Vietnam and China is much more complicated and challenging than that of the Sino-Vietnamese land borders and the Gulf of Tonkin due to two factors. First, depending on locations, overlapped maritime zones in the SCS are not necessarily bilateral between the two states exclusively, but can be multilateral, involving other disputants, while the first category of disputes remained bilateral. It is obvious that the multilateral situation would make the demarcation exercise a more complicated and uphill task. Second, the ownership of the Paracel Islands and the Spratly Islands, which would serve as the basis to determine the maritime jurisdiction over the SCS, is under dispute and cannot be determined easily, as was discussed previously. In contrast, past agreements and other records on the Sino-Vietnamese land borders made during the French colonial period served as a secure starting point of negotiation between Hanoi and Beijing, and the baselines for the demarcation of the Gulf of Tonkin were drawn with no major difficulty by each of them. It is true that a series of negotiations have been conducted over a portion of the SCS adjacent to the Gulf of Tonkin. Beyond that, however, no basis on which the demarcation exercise can proceed appears to come by easily, mostly due to the unsettled status of the two island chains.

Thirdly, the Beijing-Hanoi relationship in managing the disputes of the first category was qualitatively different from the one in managing the SCS disputes. There is a chronological separation between the two events of conflict management, and the strong sense of brotherhood that mediated between the two countries in the first category of dispute had all but disappeared by the time the SCS disputes had escalated to such an extent as to require serious treatment. This change may be attributed to factional contentions within the government of Vietnam and its ruling Communist Party. Vietnam watchers have identified two rival factions that exist among the Vietnamese elites: the “conservative” pro-China faction that wants to maintain cordial relations with China on the basis of the time-tested inter-party fraternity, and the “reformist” pro-U.S. faction that draws inspirations from American-style neo-liberal economic policies (*BBC News*, 2016). The recent period of high tensions with China over the SCS corresponds to the tenure of pro-U.S. Nguyen Tan Dung as Prime Minister (June 2006 – April 2016). Enhanced Hanoi-Washington relations in this period¹⁸ and a confrontational posture of Vietnam toward China as a result apparently lay behind recent

maritime incidents between the two countries. However, the hiked tension was addressed each time with conciliatory gestures by the pro-China faction led by Nguyen Phu Trong as Secretary-General of the ruling Communist Party (January 2011 – present). The resultant inconsistent posture of Hanoi towards Beijing continued until Dung lost an internal power struggle toward the end of his tenure and was eventually replaced by pro-China Nguyen Xuan Phuc as Prime Minister (April 2016 – present) (Quang, 2017).

The three differences reveal the obstacles to managing the SCS disputes, which seem to have narrowed the space in which the fraternity between the two states would function as the basis of incompatibility management. Such circumstances in the SCS disputes not only led to military skirmishes in 1974 and 1988, but also caused minor stand-offs and confrontations in recent years, undermining further the trust between Beijing and Hanoi. As a result, it is understandable that the weaker disputant, i.e., Vietnam appears to become highly sensitive to any Chinese action in the SCS. Even though several stabilizing mechanisms have been put into the SCS disputes as was discussed earlier, deficiency in diplomatic and legal common ground in the SCS disputes may trigger tit for tat between Hanoi and Beijing in a rather classical case of security dilemma.

5. Conclusion

Through an investigation into China-Vietnamese disputes over borderlands and the Gulf of Tonkin, this paper has identified what can be termed the Sino-Vietnamese Way of conflict management. It has been found that the mutual trust that has been forged through time-honoured fraternity between the two ruling communist parties played a crucial role in it. This trust contributed to a positive attitude and self-restraint in handling bilateral disputes and commitment to settling them peacefully and by mutually agreed dates. As a result, a number of mechanisms to manage the disputes were installed. Joint working groups in particular served as carriers of functions to regulate the conduct of the disputants and to dissolve incompatibilities, including the one over sovereign rights. The peace process going through these mechanisms was stabilized by the aforementioned mutual trust, and incompatibility dissolution was carried out within the secure space having thus been created through mutual concession, integration and legal consideration.

The on-going disputes in the SCS pose formidable challenges to the Sino-Vietnamese Way of conflict management. Three issues that obstruct the progress of management process have been identified: (1) the exposure of management process to nationalistic sentiments of the people, which may disrupt the process; (2) the existence of complicating factors such as the multilateral elements of the Spratly and maritime disputes, which the bilateral

Sino-Vietnamese Way has to deal with and the lack of a settlement over the issue of ownership of the Paracels and Spratlys, which would otherwise serve as a legal basis of maritime delimitation; and (3) the division between the pro-China and pro-U.S. factions within the Vietnamese leadership, which affects the traditional communist fraternity between Vietnam and China.

Since these issues are detrimental to the dissolution of incompatibilities and undermine the trust between the two countries, several mechanisms to manoeuvre around the incompatibilities, prevent crisis and reduce tension have been developed and appear to have been working fairly well. Here again, mutual trust is crucial for the stable functioning of these mechanisms. Therefore, it seems that the effective management of the SCS disputes and, eventually, its peaceful settlement largely depends on which faction, pro-China or pro-U.S., is at the helm of the Vietnamese government. In this respect, a window of opportunity is presently open under the current pro-China administration of Vietnam.

Notes

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1. On 2 May, 2014, China's state-owned National Offshore Oil Company (CNOOC) moved its Haiyang Shiyu 981 oil platform into waters within the EEZ claimed by Vietnam near the disputed Paracel Islands (Leaf, 2014; Bower and Poling, 2014; Panda, 2015). The incident, which was considered as the most serious development in their territorial disputes ever since the 1988 Johnson South Reef Skirmish, has sparked a major crisis between the two countries and resulted in a series of anti-Chinese protests across Vietnam, many of which quickly escalated into violent riots in which many Chinese factories and workers were targeted (Boehler, 2014).
 2. Disputes over maritime sovereign rights generally take place on the periphery of a nation far from the national centre. For this reason, this type of conflict is

not considered to pose an existential threat to the state unlike terrestrial dispute on land borders. For a detailed discussion on this difference, see Mak (2009: 115-118).

3. This case shows that the interest of the parties, i.e., national security, can be satisfied by changing their position, i.e., maritime claims, which constitute a particular incompatibility.
4. Expert-level talks were undertaken by joint working teams and mapping teams whose major tasks were to discuss the methodology, legal basis, relevant circumstances, area and scope of delimitation to work out delimited lines for the consideration and approval of respective governments. Meanwhile, the governmental-level negotiations aimed to reach “general understanding and consensus” and pose “fundamental principles” guiding the common process of resolution of all border issues (Manh Dong, 2009).
5. There are several reasons explaining why Sino-Vietnamese leaders decided to completely settle their first category of dispute by 2000. For example, they wanted to celebrate the 50th anniversary of the establishment of China-Vietnam diplomatic ties (1950-2000) and to eliminate existing bilateral obstacles (mainly territorial tensions and differences) in order to further their comprehensive, strategic and cooperative partnership in the era of global integration. Furthermore, it is worth noting that disputed areas along the Sino-Vietnamese land borders and the Gulf of Tonkin are core parts of what is recently deemed as China-initiated “One Axis and Two Wings” strategy, characterized by the Beibu Gulf Economic Belt and China-ASEAN Free Trade Area (CAFTA). Thus, the two neighbours were sufficiently motivated to settle the prevailing disputes as quickly as possible to expedite the integration process (*People’s Daily*, 2000a, 2000b).
6. These documents have not been made public up to now.
7. Specific strategically important and sensitive areas under dispute and their settlements are as follows:
 - Huu Nghi Quan/Youyi Guan: China and Vietnam agreed to rely on the Conventions to determine the 300m stretch of the railway between Pingxing (Guangxi – China) and Dong Dang (Lang Son – Vietnam). The site went to China eventually;
 - Thac Ban Gioc/Detain Falls, Bac Luan river mouth and Hoanh Mo village where the Conventions did not clearly prescribe. Both sides agreed to delimitate the total area of the falls on a 50:50 basis (Truc, 2016; Phung, 2016).
8. Vietnam accepted to give up 5 villages with a total area of about 5.7 sq. km where Chinese residents live beyond the new boundary. On the other hand, China is believed to cede the same area of 4 villages where the Vietnamese live in China’s territory beyond the boundary (Truc, 2015; Amer, 2002: 40).
9. The above-mentioned islands under Vietnam’s sovereignty are Bach Long Vi Island, located right at the centre of the Gulf, and Con Co Island, 13 nm to the north east of the Vietnamese shore and located right at the closing line of the Gulf. The UNCLOS can in “full effects” entitle these islands to not only

- territorial waters of 12 nm, but also exclusive economic zones of 200 nm and continental shelves of up to 350 nm (Amer, 2002: 42).
10. The median line was “adjusted” in that Vietnam in a major concession agreed to not giving “full effects” to its two islands in the Gulf of Tonkin in determining the line of maritime jurisdiction, although the UNCLOS entitled EEZ and continental shelf to the islands (Amer, 2002: 42).
 11. China also accepted Vietnam’s demands for the limited duration and area of the newly established joint fishing zone (Zou, 2005: 16-17; Manh Dong, 2009).
 12. According to the fishery agreement, the joint fishing zone of about 33,500 square kilometres covered most of the fishing grounds of high productivity in the Gulf of Tonkin, stretching from 20°N southward to the closing line of the Gulf with a width of thirty and a half nautical miles and had a 15-year operational period (including three year of automatic extension after the termination date). The transitional fishing zone which would last for four years was established to allow fishermen to have time to adjust their fishing patterns to the new conditions. In addition, China and Vietnam agreed to establish a buffer zone of 30 sq. nautical miles outside the estuary of the Bac Luan river, from which fishing boats of either state mistakenly coming in would be asked to leave (Zou, 2005: 16-17; Manh Dong, 2009).
 13. Despite the provision of the UNCLOS, Vietnam and China agreed that Bach Long Vi Island would generate 12 nm territorial sea and 3 nm more of EEZ and continental shelf outside the territorial sea, totalling 15 nm and that Con Co Island would be given 6 nm of territorial sea, EEZ and continental shelf in total. For this reason, the circle surrounding the latter is depicted considerably smaller than that surrounding the former (Amer 2002: 42; Tuoi Tre News 2004; Zou 2005: 15).
 14. Beijing and Hanoi fully controlled their respective state-owned media, and did not allow them to report criticism from the public. As a result, no significant domestic objection emerged after the two states reached agreements to settle the disputes (*BBC/Vietnamese*, 2013; Zou, 2005: 15; Beina, 2015).
 15. For a detailed discussion on the potential role of defence diplomacy in Asia, see Taylor et al. (2014).
 16. For example, Vietnamese Deputy Defense Minister, Senior Lieutenant General Nguyen Chi Vinh remarked that the dispute over the Paracels and adjacent waters was a bilateral matter between China and Vietnam and that bilateral negotiations should be appropriate (*Tuoi Tre News*, 2016).
 17. The agreement underscores, among others: (1) taking the fraternal relations between the two countries as the foundation of negotiation, (2) respecting legal principles, notably the 1982 UNCLOS, and credible historical evidence, (3) taking into account each other’s legitimate concerns, and (4) settling bilateral disputes through bilateral negotiations (*Vietnam News Agency*, 2011b).
 18. During Nguyen Tan Dung’s premiership, Vietnam has moved significantly closer to the U.S., as represented by an increased number of high level mutual visits in Hanoi and Washington, including state visits by Vietnamese state leaders and US presidents (Consulate of the Socialist Republic of Viet Nam in New York 2013). For the US “strategic engagement” in this period, see Wong (2013).

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“Sea of Cooperation” or “Sea of Conflict”?: The South China Sea in the Context of China-ASEAN Maritime Cooperation

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Abstract

China and most Association of South-East Asian Nations (ASEAN) member-states share a common bond in the South China Sea due to their geographical designation and contiguity as maritime nations and littoral states to this strategic waterway. Indeed, the significance of this semi-enclosed sea to their respective as well as mutual geo-strategic and geo-economic interests has made maritime cooperation a critical, if not compulsory agenda in the overall vision and framework of China-ASEAN engagements. Such importance has been underlined by the Chinese-sponsored Maritime Silk Road of the 21st Century (MSR) agenda and its related programmes, which serve as the blueprint for enhanced China-ASEAN maritime cooperation especially in the South China Sea. However, sceptics/critics have pinpointed that these Chinese-driven agendas are not new, and that the maritime ASEAN states' responses have been somewhat lukewarm. Undeniably, Beijing's efforts have been largely hampered by its longstanding maritime-territorial disputes in the South China Sea vis-à-vis several ASEAN member-states, and perhaps even more so, by its growing assertiveness in handling the imbroglio. Not only has it created a “trust deficit”, China's South China Sea policy has also encouraged the affected ASEAN claimant-states to “balance” or “hedge” against unpredictable Chinese strategic behaviour by rekindling security relations with and soliciting intervention from non-resident powers in the region. Such apparent “contradictions” pose political and even military challenges to maritime cooperation between China and ASEAN countries. This article addresses the South China Sea “problematique” by firstly providing an overview of China-ASEAN maritime cooperation, and by extension, China-ASEAN relations, as well as the South China Sea maritime-territorial debacle, from both past and present vantage points. It then examines the mutual motivation and drivers behind the aforesaid initiatives to propel

maritime cooperation, before deliberating on the contending issues and challenges in the disputed waters that could derail such an ambitious strategic vision. Lastly, it explores the way forward and prospects for the South China Sea to become a “sea of cooperation” that could facilitate the MSR agenda, and ultimately the realization of greater China-ASEAN maritime cooperation.

Keywords: *China-ASEAN relations, maritime cooperation, South China Sea, maritime-territorial dispute*

1. Introduction

China and most Association of South-East Asian Nations (ASEAN) member-states share a common bond in the South China Sea due to their geographical designation and contiguity as maritime nations and littoral states to this waterway, which is amongst the busiest sea-line of communication (SLOC) in the contemporary world. Indeed, the significance of the semi-enclosed regional sea to their respective as well as mutual geo-strategic and geo-economic interests has made maritime cooperation a critical, if not compulsory agenda in the overall vision and framework of China-ASEAN engagements. Such importance has been underlined by Chinese President, Xi Jinping, in his address to the Indonesian parliament back in 2013, when he proposed the creation of a blueprint and joint effort to build the Maritime Silk Road of the 21st Century (MSR) to serve as a new driving force for enhanced China-ASEAN maritime cooperation, in which the South China Sea has a contingent role to play. Together with the Lancang-Mekong Cooperation initiative (which forms the maritime half of China’s ambitious “Belt and Road” grand design), the MSR is envisioned to create a “one river, one sea” concept for comprehensive regional cooperation under the auspices of a China-ASEAN community forged by common destiny, interests and responsibilities. The prior unveiling of the China-ASEAN Maritime Cooperation Fund in 2011 and last year’s declaration as the landmark year for China-ASEAN Maritime Cooperation (2015), not mentioning the recent 2016 statement by China’s State Oceanic Administration (SOA) officials regarding a new five-year action plan for international cooperation in the South China Sea including the setting up of a China-ASEAN Maritime Cooperation Centre, clearly highlighted Beijing’s commitment to advancing the MSR, ostensibly for the mutual interests and benefits of both parties concerned. The recently held “Belt and Road” forum in Beijing, officially named as the “Vision and Action Plan of Jointly Building Silk Road Economic Belt and 21st Century Maritime Silk Road”, which saw the presence of 130 countries and 70 international organizations, as well as the signing of 32 trade and financial accords (The State Council, The People’s Republic of China, 2017),

further attest to China's unwavering commitment towards building a platform for global connectivity, where the success of the maritime dimension of its global grand design may very well rest on sustainable China-ASEAN maritime cooperation.

However, sceptics and critics have pinpointed that the latest Chinese-driven agenda for regional maritime cooperation is not new, and that despite the aforementioned overtures, the response of the ASEAN states has been thus far lukewarm, at best. Undeniably, the Chinese efforts have been largely hampered by the longstanding and simmering maritime-territorial disputes in the South China Sea between the Chinese and several ASEAN member-states, and perhaps even more so, by China's growing assertiveness in handling the imbroglio in recent times. For certain, it has not only created a "trust deficit", but also encouraged the affected ASEAN claimant-states to "balance" or "hedge" against unpredictable Chinese strategic behaviour by rekindling security relations with and soliciting intervention from non-resident powers in the region. Such apparent "contradictions" pose political and even military challenges to maritime cooperation between China and ASEAN countries.

This article addresses the above "problematique" by firstly providing an overview of China-ASEAN maritime cooperation, and by extension, China-ASEAN relations, as well as the South China Sea maritime-territorial debacle, from both past and present vantage points. It then examines the mutual motivation and drivers behind the aforesaid initiatives to propel maritime cooperation, before deliberating on the contending issues and challenges in the disputed waterway that could derail such an ambitious strategic vision. Lastly, it explores the way forward and prospects for the South China Sea to become a "sea of cooperation" that could facilitate the MSR agenda, and ultimately the realization of greater China-ASEAN maritime cooperation, and even integration.

2. Overview of China-ASEAN Relations: Past and Present Viewpoint

China has interacted with both landlocked and maritime Southeast Asia for centuries due to their shared history and geographical proximity. Historians generally concur that the relationship between the various governments and peoples of China and their counterparts in Southeast Asia spans over two millennia (Stuart-Fox, 2003; Zhao, 1998). Early Chinese engagements with the *Nanyang* or Southern Sea region, which the Chinese refer Southeast Asia to, can be traced as far back to the indirect trade during the Shang dynasty that took place by both overland and maritime trade routes. Over the next few centuries, along with flourishing trade relations and the spread of the Chinese civilization/culture, not to mention, exchanges of diplomatic envoys and the provision of Chinese security umbrella, relations between China and

Southeast Asia came to be conducted in accordance to what was known as the “tributary” system. More specifically, Southeast Asian kingdoms became tributary/vassal states in a Chinese-orchestrated “Sinocentric” world order with China as the so-called “Middle Kingdom”, by and large assuming the role of a benevolent hegemon.

Nonetheless, a severely weakened China under the yoke of Western and Japanese imperialism during the so-called “century of shame” in the late 19th and early 20th century precipitated the end of the dynastic period and the Chinese world order, and together with it the demise of the tributary system. China’s subsequent transition from empire to republic affected the way the Chinese conducted international relations, since the old Chinese world order was replaced by a radically and culturally different international system of nation-states that professed different norms and values of interaction. Indeed, China’s relations with the rest of Southeast Asia were minimal during this period of transition, which also coincided with the protracted domestic turmoil and conflict in post-imperial China, the age of imperialism in (Southeast) Asia, and the two world wars (see Zhao, 1998; Stuart-Fox, 2003: 2).

The founding of the People’s Republic of China (PRC) in 1949 following the Chinese communist party’s victory over the Nationalist Guomindang in the Chinese civil war, and the subsequent advent of Mao’s proletarian internationalism that provided active support to communist insurgencies across Southeast Asia during the first two Cold War decades saw China’s relationship with the region reaching a nadir, with many Southeast Asian states severing formal diplomatic ties with Beijing for its role in advancing the so-called “domino theory” and effect. In fact, when the ASEAN was established in 1967, none of its founding member-states had normal relations with China, due to strong distrust resulting from Beijing’s clandestine involvement in and ties with the local communist movements in Southeast Asian polities.

Nevertheless, the rigid bipolar order of the Cold War in Asia eventually gave way as a result of the fallout between the Soviet Union and communist China in the late 1960s that saw the Chinese begun leaning towards and courting the Americans. The PRC’s ascension into the United Nations (UN) in 1971 and the Sino-US rapprochement epitomized by Nixon’s China visit, followed by America’s Japanese ally’s speedy rapprochement and normalization of diplomatic relations with the Chinese in 1972, have had a positive effect on China-Southeast Asia ties. Specifically, this strategic shift in the regional security landscape coupled with the deradicalization of Chinese foreign policy from one that fostered revolutionary zeal in the past to one that promoted a moderate policy of peaceful co-existence, engendered a rethinking among ASEAN states of their respective relations with China (Ba, 2003: 624). Such transformations in both the international and domestic realms

saw a gradual thawing of ties that eventually led to the re-establishment of formal diplomatic relations between China and a number of Southeast Asian states, including Malaysia, which became the first ASEAN member-state to normalize relations with Beijing in May 1974, followed by Thailand and the Philippines, a year later. Although Singapore and Indonesia did not normalize relations with the PRC until the 1990s, both had expanded trade ties with and officially engaged Beijing.

Although China-ASEAN relations became more dynamic during the 1980s onwards, resulting from ASEAN polities' promotion of a more equidistant foreign policy in their respective relations with the big powers, it was the Cold War's demise that served as the watershed in China-ASEAN relations. The obsolescence of the Cold War together with international response to the 1989 Tiananmen Square incident forced China to recalibrate its foreign policy that was geared more towards Asia, with Southeast Asia serving as the major focus (Egberink & van der Putten, 2011: 20). Similarly, the changing regional dynamics triggered several external outcomes that contributed to "pulling" the ASEAN states towards a re-orientation of their respective China policy, including the uncertainties of US commitment in Southeast Asia following its military withdrawal from the Philippines, and rising concerns regarding inter-regional economic competition following the formation of the NAFTA and EU economic blocs. The coalescence of such dynamics, together with China's charm offensive served as the bulwark for the acceleration and intensification of China-ASEAN relations in the post-Cold War decade.

Indeed, according to Ba (2003: 634), "the 1990s was generally a very good decade for China and ASEAN, with more factors emerging to unite than to divide them". In the diplomatic realm, the remaining ASEAN founding member-states, followed by its new members from mainland Southeast Asia steadily re-established formal ties with Beijing. Diplomatic exchanges and reciprocal visits by Chinese and ASEAN leaders also intensified annually with both sides putting greater emphasis on enhancing their overall relations, in view of their common interests and geographical contiguity, as well as their mutual realization of a sense of shared destiny, fostered by deepening regional interdependence. In 1991, China was invited to attend its first ASEAN Ministerial Meeting as an observer, and by 1996, Beijing has graduated to becoming a full dialogue partner. China also proactively engaged ASEAN via the latter's own multilateral platforms such as the ASEAN Regional Forum (ARF), the Asia-Europe Meeting (ASEM), the ASEAN-Plus-Three and the East Asia Summit (EAS).

Meanwhile, in the economic realm, China-ASEAN ties have grown exponentially in terms of trade and investments. Sino-ASEAN trade witnessed a dramatic increase beginning in the 1990s, with an average 75 per cent

annual growth between 1993 and 2001 (Mitchell & Harding, 2009: 84; see also ASEAN, 2001). As the Chinese economy began to grow at a rapid pace along with healthy growth rates of the Southeast Asian economies, economics have emerged as the salient reason as to why China has become increasingly important to ASEAN states, as with ASEAN to the Chinese. Although initially perceived to be a significant economic competitor, ASEAN saw the potential benefits of developing closer economic ties with China, with the Chinese economy serving as an alternative growth engine for Southeast Asia during a time of uncertain global and regional transition that saw the advent of the above mentioned regional trading blocs that could curtail the market access of these export-oriented ASEAN economies. For China, the Tiananmen incident of 1989 and its aftermath generated insecurities towards the West, which led to Beijing's overtures to ASEAN states, seeing them as potentially attractive economic partners and political allies vis-à-vis the West, not to mention, alternative development model (Ba, 2003: 632). China-ASEAN relations strengthened further following the Asian financial crisis of 1997. China's decision in not devaluing the Yuan during the regional financial meltdown was greatly appreciated by the ASEAN states, as it not only demonstrated China's commitment to Southeast Asia but also heralded a new dawn in Chinese leadership in the region. Sino-ASEAN economic relations were further boosted by the political will to enhance economic cooperation, which resulted in the formation of the ASEAN-China Free Trade Area (Kuik, 2005; Severino, 2008). In 1999, China became ASEAN's main trading partner, collectively as well as bilaterally with most of the ASEAN states.

Although Sino-ASEAN ties flourished in diplomatic and economic dimensions, China's engagement with ASEAN states in the political-security realm was limited during the same period, despite having normalized relations with several ASEAN states. Their *de facto* alignment against Vietnam following the Vietnamese annexation of Cambodia in 1978, which lasted until 1989, was arguably the hallmark of Sino-ASEAN security relations prior to the end of the Cold War. The negligible security relations was due mainly to the legacy of China's earlier revolutionary policies in the region and the lingering distrust/uncertainty that ASEAN states had regarding Beijing's strategic intentions in the region. Compounding the ASEAN states' apprehension was their longstanding maritime-territorial dispute vis-à-vis China over the South China Sea, which had witnessed occasional flare-ups, such as the Sino-Vietnamese fiery high-sea clash in 1988 over parts of the South China Sea's Spratly archipelago. To a large extent, China's policy towards the South China Sea was arguably ASEAN's chief concern as China-ASEAN relations moved into the post-Cold War phase, with Beijing demonstrating not only assertiveness, but equally, willingness to use coercive measures to defend its contending claims in the disputed waters. In fact,

overriding concerns over Chinese strategic behaviour in the South China Sea in the early 1990s became the impetus for ASEAN to actively engage the Chinese via its own multilateral frameworks, such as the expanded ASEAN Post-Ministerial Conference (PMC) that later metamorphosed into the ASEAN Regional Forum (ARF), Asia's maiden multilateral security dialogue, and the Indonesia-sponsored South China Sea Workshops. Together with all the other ASEAN-centred bilateral and multilateral platforms as well as their mutual interest to promote a sustainable partnership, they became the basis and drivers of China-ASEAN maritime cooperation.

3. The Evolution of China-ASEAN Maritime Cooperation

It is reasonable to say that maritime cooperation between China and ASEAN started in the 1990s in direct response to the South China Sea problem, with the latter initially seeking to engage the former as a dialogue partner in an effort to desensitise the maritime-territorial dispute, which involves the Chinese and five other claimant parties, four of which are ASEAN states. From ASEAN's viewpoint, China's assertiveness in advancing its maritime-territorial interests in the South China Sea amid a fluid and unpredictable post-Cold War regional security environment fuelled so much uneasiness that the original ASEAN Six had to collectively respond by issuing a statement in the form of the 1992 ASEAN Declaration on the South China Sea as a means to rein in Chinese coercive behaviour in the disputed waters. The declaration prompted the Chinese to assuage to ASEAN's call for a peaceful resolution to the South China Sea imbroglio via negotiations and consultations.

However, despite the initial assurance, the South China Sea issue resurfaced in 1995 following Manila's discovery of new Chinese installations at the Mischief Reef, a feature in the Spratly archipelago that the Philippines claims under the United Nations Convention on the Law of the Sea (UNCLOS)'s Exclusive Economic Zone (EEZ). Ba (2003: 627-628) opined that the Mischief Reef incident was significant in that it marked the first instance China had directly challenged an ASEAN member's claim, not mentioning Beijing's blatant disregard of the ASEAN's 1992 Declaration. In spite of the ensuing diplomatic row, the incident provided the impetus for China to eventually make conciliatory gestures, namely Beijing's recognition of the UNCLOS, the signing of bilateral accords with Malaysia and the Philippines over several South China Sea features, and perhaps most saliently, China's agreement to discuss the South China Sea issue in a multilateral setting, as opposed to bilaterally vis-à-vis the affected ASEAN claimant-states (Egberink and van der Putten, 2011).

To be sure, China had been traditionally reluctant to engage ASEAN multilaterally, preferring instead to negotiate bilaterally, for fear of the smaller

ASEAN states ganging up against it, and because of the better leverage it had doing on a one-on-one basis. However, Beijing's participation in the ARF as a founding member in 1994 marked a shift in its *modus operandi* in that Beijing has gradually come to acknowledge the strategic upside of engaging ASEAN as an "insider", for not only the purpose of mutual trust and confidence-building, but also to potentially set the agenda and influence the discourse regarding the SCS and other regional security issues. Most observers commonly identify two key factors shaping China's policy shift in favour of ASEAN multilateralism, namely 1) Beijing's preference for the "ASEAN Way" rule of interaction based on consensus-building, informal diplomacy and non-interference which the Chinese share with its ASEAN neighbours; and 2) ASEAN's centrality reduces the possibility of its platforms turning into "anti-China forums" (Egberink and van der Putten, 2011; Kuik, 2005, Narine, 2008). In other words, China is comfortable in dealing with the ASEAN states due to their shared values and strategic preference, and confident that Chinese foreign policy interests would be safeguarded with ASEAN in the driver seat. More importantly, the ARF together with other ASEAN-originated multilateral frameworks could equally serve as platforms to advance China-ASEAN maritime cooperation comprehensively as a means to facilitate China's regional grand strategy which has duly manifested in the current Belt and Road Initiative (BRI), previously called the "one belt, one road" (OBOR) agenda.

Indeed, apart from assuaging security concerns over the South China Sea, the ARF provided the platform for both sides to further discuss on the forms of maritime cooperation that the Chinese and their ASEAN neighbours could undertake. Accordingly, the ARF members agreed in principle to refer maritime cooperation chiefly to non-traditional security cooperation, as stipulated in the 1995 ARF concept paper. They included a range of cooperative endeavours from prevention of naval collision and maritime search and rescue to marine environmental monitoring and marine science (see Cai, 2015). Also emphasized was the mutual understanding that negotiations be conducted bilaterally between the affected/claimant-states over maritime-territorial disputes and delimitation of maritime boundaries. Following the 1995 ARF session, China and the Philippines took the initiative to co-host the much-lauded 1997 ARF inter-sessional meeting on confidence-building measures (CBMs), which laid the foundation for future ARF inter-sessional meetings on maritime security (Cai, 2015). This nascent phase of China-ASEAN maritime cooperation also witnessed the joint efforts of both sides in advocating for marine environment protection under the auspices of the UN, such as the UN Regional Programme for the Prevention and Management of Marine Pollution in the East Asian Seas (1994), and the Sustainable Development Strategy for the Seas of East Asia.

Maritime cooperation became even more pronounced as China-ASEAN relations entered the new millennium, riding on the back of the dynamism of their overall engagements, with the status of their relationship having been upgraded from “good-neighbourly” (1997) to “strategic partnership” (2003). In 2002, China and the ASEAN states concluded their negotiations on and signed the Declaration on the Code of Conduct of Parties in the South China Sea or the “DoC” which reaffirms their mutual commitment “to the adoption of a code of conduct in the South China Sea ... to further promote peace and stability in the region”. Besides the code of conduct on maritime-territorial disputes, the DoC also spelt out areas of maritime cooperation which China and the ASEAN states agreed in principle to, such as those listed in the above said 1995 ARF paper, including combating transnational crimes, i.e. piracy, illicit drugs and armed smuggling, and human trafficking.

Besides the DoC, the China-ASEAN “strategic partnership” agreement of 2003 was another framework that facilitated the implementation of various maritime cooperation programmes, under the purview of one of its 10 major cooperation fields, namely transport. Indeed, although the DoC appeared on paper to be the central framework facilitating maritime cooperation programmes, it was the “strategic partnership” agreement that has been, in reality, the most progressive in promoting the various maritime cooperative endeavours between the two sides since the early 2000s. Among the notable areas of cooperation that have taken off include the identification of priority areas of maritime cooperation; establishing high-level coordination management mechanism, i.e. the China-ASEAN Transport Ministers’ Meeting and the China-ASEAN Maritime Consultation Mechanism (2003); developing a shipping cooperation plan; signing of the China-ASEAN Agreement on Maritime Transport; enhancing maritime transport cooperation; and human resource training and capacity-building for ASEAN maritime personnel, among others (see Cai, 2015).

Apart from the multilateral platforms, maritime cooperation also transpired bilaterally and trilaterally between China and several ASEAN states with commendable results. They include China’s notable participation in disaster prevention and relief activities with Indonesia and other ASEAN states in the wake of the 2004 Indian Ocean tsunami; China-Indonesia bilateral maritime cooperation on various areas of mutual interests; China-Vietnam maritime cooperation and the joint sea hydrocarbon exploration in the Beibu Bay; China-Malaysia maritime cooperation in marine science and technology, i.e. signing of China-Malaysia Marine Science and Technology Agreement (2009); and the China-Thailand maritime cooperation in an identical area.

In response to the ASEAN connectivity plan in 2010, which was part-and-parcel of the ASEAN Community agenda, China has identified and taken initiatives to enhance its maritime connectivity with the Southeast

Asian region as a priority area in China's overall maritime cooperation with ASEAN. The establishment of the above mentioned China-ASEAN Maritime Cooperation Fund in 2011 was precisely meant to facilitate this Chinese strategic agenda to elevate maritime cooperation between the two sides to greater heights. In fact, China has continued to actively promote maritime cooperation with ASEAN states by further proposing and establishing a number of key initiatives. They include the proposed establishment of a China-ASEAN maritime partnership, and issuing of the International Cooperation Framework for the South China Sea and Other Neighbouring Sea Areas in 2012, followed by the much hyped strategic plan to build the 21st Century MSR with Southeast Asia as its hub, a year later. In 2014, the Chinese set up the USD40 billion Silk Road Fund which encompasses the funding of development projects in the maritime dimension of the Belt and Road Initiative, before officially designating 2015 as the Year of China-ASEAN Maritime Cooperation.

The above overview clearly highlights the dynamics that have positively contributed to shaping the development and prospects of China-ASEAN maritime cooperation. Specifically, the systematic efforts and "charm offensive" undertaken by the Chinese to convince ASEAN states of the mutual benefits of expanding the socio-economic and non-traditional security dimensions of their maritime cooperation have been impressive, to say the least. Yet, despite all that, the response of ASEAN states, especially those directly involved in the South China Sea maritime-territorial row, have been somewhat lukewarm, at best, due to their growing skepticism towards the rhetoric and reality of Chinese intentions and ambitions, which have been accentuated by Beijing's inconsistent and allegedly contradictory behaviour in the disputed sea. The following section discusses the South China Sea "problematique" that affects China-ASEAN relations in general, and their maritime cooperation specifically, and the dynamics that could potentially transform the South China Sea into either a "sea of cooperation" or "sea of conflict".

4. The South China Sea "Problematique"

The South China Sea (*Nanhai* in Chinese) is a semi-enclosed sea spanning a maritime area of 3.5 million square kilometres which borders China to the south and located in the vicinity of most of the littoral states in Southeast Asia. Linking the Indian Ocean and the Pacific Ocean, the South China Sea serves a vital sea line of communication (SLOC) that together with the Straits of Malacca, connects Europe, the Middle East, and the Indian subcontinent to maritime East Asia, through which the bulk of East-West and global trade/commerce passes through annually. Apart from possessing a large number

of islands/shoals/rocks/reefs/banks/atolls, the South China Sea is also rich in hydrocarbon deposits. It is likewise an important source of seafood for Southeast Asian countries, whose maritime regions and borders are located within its vicinity.

The South China Sea “problematique” refers to none other than the multilateral dispute over this strategic waterway that encompasses both overlapping territorial and maritime claims between China and the related ASEAN states. The territorial dimension of the dispute commonly but not exclusively relates to the Spratly and Paracel archipelagoes, but also potentially includes other geographical features in the South China Sea and their surrounding waters, which are either in actuality or perceived to be disputed, due to the distinct lack of geographical clarity and the vaguely defined meanings of China’s so-called “nine-dash-line” boundary (Hayton, 2015).

The Paracel chain located in the northern part of the South China Sea is disputed between China and Vietnam, but has been under the control of the Chinese since 1974. The Spratly archipelago, meanwhile, refers specifically to the group of southerly SCS islands/reefs/atolls and its surrounding waters, which are currently contested by six claimant-states, namely China, Vietnam, Philippines, Malaysia, Brunei and Taiwan. This notorious archipelago have been deemed by observers as “the epicentre of competing maritime-territorial, geo-economic and geo-strategic interests” as well as “a potential turf/hotspot for great power politics”, due to its abundant natural resources (i.e. fisheries and hydrocarbon reserves), and strategic location, straddling along the world’s busiest SLOC (Emmers, 2010; Lai, 2015a: 395; Lai, 2015b: 64).

Both China and Vietnam claim the Spratlys in their entirety, while the Philippines and Malaysia officially lay claims over fifty-three and twelve geographical features, respectively. As for Brunei and Taiwan, the former claims only two Spratly features, while the latter’s claims replicate that of the People’s Republic, in lieu of their common assertion of Chinese sovereignty over the South China Sea. The basis of their contending claims varies from historical to geographical/legal grounds based on existing international conventions of the law of the sea (namely UNCLOS) or a combination of both. As of 2012, Vietnam has occupied 25 geographical features, while China has control over 12 reefs and shoals, the Philippines and Malaysia occupy eight and five features, respectively, while Taiwan has control over the Itu Aba/Taiping, which is the largest and most habitable of the Spratly chain (Kostadinov, 2013: 3).

The Spratlys row has witnessed claimant-states asserting their contending claims by employing multiple strategies, including the use of force. Indeed, all claimant-states except Brunei, have established military presence in most of the islands they currently occupy, which contributes to increasing tension and the possibility of naval confrontation. China, especially, has been

periodically and harshly criticized for allegedly adopting “coercive tactics” (i.e. gunboat diplomacy) in pursuit of its so-called “creeping invasion” or “incremental assertiveness” of the archipelago, as exemplified in the Fiery Cross Reef and the aforementioned Mischief Reef incidents in 1988 and 1994-95, respectively. Beijing was reprimanded again in April 2012 for its alleged belligerence in managing the Chinese-Filipino standoff at the Scarborough Shoal. In fact, it has been recently described in a Pentagon report that China “is using coercive tactics ... to advance their interests in ways that are calculated to fall below the threshold of provoking conflict” (*Agence France Presse (AFP)*, 2016). The report also states that the Chinese have deployed both the PLA-Navy and Chinese coastguards to maintain a “near-continuous” presence in the South China Sea since 2015 (*AFP*, 2016).

From most observers’ viewpoint, China has somewhat altered its strategic behaviour in the South China Sea, after enduring almost one-and-a-half decades of “strategic patience” under the mantra of “peaceful development” to strengthen its comprehensive national power. It is claimed that the Chinese have been “buying time” by incrementally enhancing their strategic presence as well as reinforcing their military capabilities in the South China Sea over the last couple of decades. Among the “eyebrow raising” developments include the building of naval bases (i.e. Sanya Island) and the sizeable expansion in the PLA-Navy’s South China Sea Fleet, which comprises the indigenous building/commissioning of aircraft carrier battle groups and a massive fleet of submarines (see Goldstein and Murray, 2004). These developments, commensurate with the largest PLA outlay allocated for the South China Sea fleet, have been reckoned as Beijing’s groundwork for the eventual assertion of Chinese sovereignty over the troubled waters.

The Chinese have also employed complementary strategies to strengthen their assertion in the South China Sea, including the alleged unilateral declaration of maritime boundaries and the highly contentious land reclamation of previously uninhabitable features, ostensibly to provide a legal basis to its sovereignty claims. The 1992 Territorial Waters Law is a case in point, which not only reaffirms China’s indisputable sovereignty over the Paracels and Spratlys, but also “legalizes” the Chinese claim to more than 80 per cent of the South China Sea via the notorious “nine-dash-line” boundary (Emmers, 2010: 71). In fact, the “nine-dash-line” which forms a “U-shaped” boundary from China’s southerly borders, originates from the “eleven-dash-line” Chinese map of 1947, which encloses most of the SCS based on Chinese historical claim to the related geographical features dating as far back as the Qin and Han dynasties (Shen, 2002: 103).

In addition, Beijing has used official statements as contemporary basis to its claims, such as the 1951 statement by then Chinese premier Zhou Enlai asserting sovereignty over the island groups, and the 1958 statement

linking China's territorial claims over the Spratlys and Paracels to maritime jurisdiction in the surrounding waters. China also submitted a *note verbale* to the UN Commission on the Limits of Continental Shelf in 2009, to declare its jurisdiction over the said maritime borders, in response to several ASEAN states' similar efforts in the same year to strengthen the geographical and legal basis to their respective claims. They include the Malaysia-Vietnam joint submission to the same UN commission in 2009 to delimit their 200-nautical miles (nm) of Exclusive Economic Zones (EEZ), and the Philippines' passing of a congressional legislation to revise its archipelagic baselines in conformity with the UNCLOS' "regime of islands" doctrine that covers the Kalayaan group of islands and Scarborough Shoal, which overlaps with the claims of other claimant-states.

On a similar note, ASEAN states have been spooked by China's blatant land reclamation of a number of Spratly features, which have been largely transformed into habitable 'islands' (some even with airstrips). According to estimates, China's land reclamation efforts have added 3,200 acres of land to the seven features it occupies in the Spratlys. The Chinese reclamation exercise came to a pause last year, and they have since focused on "infrastructure development" of those reclaimed features. To be sure, the UNCLOS is unequivocal in its definition of geographical features that can or cannot lay claim to an extended EEZ. While the Chinese land reclamation of the related uninhabitable SCS features (reefs/banks/atolls) does not serve such a purpose, these newly formed and habitable "islands" can surely masquerade as forward bases of deployment and logistical support that allow the PLA-Navy to sustain future naval operations to assert Chinese sovereignty over the disputed waters (Lai, 2015b: 65). In fact, the Chinese did not wait long to provoke further suspicion regarding the possible future use of these artificial islands by landing aircrafts, initially a civilian one, followed by a military plane at a newly installed airstrip in a remarkably transformed Fiery Cross Reef, which drew diplomatic flaks from other disputant-states and the US (*Reuters*, 2016; *Cable News Network (CNN)*, 2016). Since then, the Chinese have, as insinuated in a recent headline of the *Japan Times*, continued a "steady pattern of militarization" in the South China Sea, such as building structures ostensibly to house surface-to-air missile systems, and deploying anti-aircraft and anti-missile systems, among others (*Japan Times*, 2017).

China's actions in the South China Sea have inevitably prompted the US to renew its presence and engagement in the disputed waters under the auspices of the "US pivot to Asia" initiative. This include strengthening security ties with the Philippines, Vietnam, and to various extent, Malaysia and other affected ASEAN claimant-states, in what some would be deemed as "balancing" or "hedging" against China's growing assertiveness and unpredictable behaviour on the part of the ASEAN states, and plausibly

“containment” in Washington’s strategic vocabulary. With regard to China’s South China Sea claims, the US has insisted that Beijing’s “nine-dash-line” boundary contravenes the UNCLOS, and does not have basis in international law. Washington has also up-the-ante vis-à-vis Beijing by launching several “freedom of navigation” exercises lately, such as sending American warships close to the sites claimed by China and conducting military over-flights in the related airspace to test Chinese reaction. Washington even went a step further by having Secretary of Defense, Ashton Carter, taking a tour of the South China Sea aboard a US aircraft carrier in November 2015. Beijing expectedly viewed such actions as undue provocation from Washington that could increase the risk of miscalculation and military mishap.

From Malaysia’s perspective, the country has neither been at the receiving end of China’s military assertions, nor has it been compelled by the Chinese to forcefully defend its Spratly outposts, possibly an outcome of their “special relationship”. Nevertheless, Malaysia is increasingly sharing the apprehensions of other ASEAN-states regarding the deteriorating security ambience in the South China Sea. In fact, Putrajaya has cause for concern, since Beijing’s renewed assertion of its “nine-dash-line” boundary has ultimately led to the Chinese “breaking tradition” with Malaysia, when they made their first-ever military assertions, albeit in the form of two naval exercises off a Malaysian-claimed feature known as James Shoal in 2013 and 2014. This was followed by another alleged incursion in June 2015 by a Chinese coastguard vessel at Luconia Shoals located about 150 kilometres north of Sabah, which is also claimed by Brunei. There was also a media report in March 2016 that saw a Malaysian minister claiming that approximately a hundred China-registered fishing boats guarded by two Chinese coastguard vessels have been detected encroaching into Malaysian waters near the Luconia Shoals (*South China Morning Post*, 2016). Malaysia has since responded by departing from its traditionally soft and cautious approach to officially reprimand the Chinese via diplomatic channels. Putrajaya has likewise in its capacity as the ASEAN chair, sought albeit unsuccessfully to broker for the Code of Conduct (CoC) in the South China Sea, to rein in potential Chinese belligerent behaviour. While continuing its pragmatic policy of engaging China and seeking diplomatic means to manage the maritime-territorial imbroglio, Malaysia has also sought to “hedge” against the uncertainties of future Chinese strategic behaviour by acquiescing to a revitalised American military presence via the “US ‘pivot’ to Asia” initiative (see Kuik, 2013) and maintaining military links with other regional powers, especially the Five Power Defence Arrangement (FPDA) member-states, and even Japan to a renewed extent. Malaysia has similarly embarked on military modernization as part of its “hedging” strategy, which included procuring submarines and other naval assets for forward deployment

at the Royal Malaysian Navy bases in Sabah (i.e. Sepanggar) to safeguard its maritime-territorial integrity and interests in the South China Sea (Lai, 2015b: 65).

5. The Impact of the South China Sea Imbroglia on China-ASEAN Maritime Cooperation

The longstanding yet unresolved and increasingly problematic maritime-territorial disputes between China and the related ASEAN states in the South China Sea has undoubtedly cast a long shadow of doubt over the prospects of advancing China-ASEAN maritime cooperation. Indeed, despite all the previously mentioned fanfare regarding maritime cooperation and the MSR initiative, there has been a general lack of progress in advancing the multitude of plans put forward beyond the proposal stage. For certain, the inability of the claimant states to amicably resolve, defuse or even shelve the festering dispute, not mentioning their perceived inconsistent behaviour and mixed signals as well as provocative actions and counteractions in the South China Sea that fuel further suspicion and tensions, have created a severe “trust deficit” between them that made it difficult for genuine cooperation to take place in the maritime domain.

For instance, China’s charm offensive and wooing of ASEAN states to strengthen their maritime cooperation as a new pillar of their strategic partnership, on the one hand, has been conversely undercut by Beijing’s above mentioned unilateral actions in the South China Sea that caused uncertainties concerning Chinese intentions, let alone triggering a groundswell of distrust among the affected ASEAN claimant states vis-à-vis the People’s Republic. Similarly, notwithstanding its official rhetoric in the various ASEAN-centred multilateral fora, Beijing’s apparent lack of enthusiasm in addressing the rising concerns of its ASEAN neighbours via its perceived “foot-dragging” on the negotiations process and conclusion of the much sought after Code of Conduct in the South China Sea, has further accentuated the so-called “trust deficit”, from the ASEAN viewpoint.

In fact, the string of Chinese proposals to foster maritime cooperation under the auspices of the MSR have been perceived by skeptics to be no more than Beijing’s effort to shift the attention away from its intentions and behaviour in the South China Sea conflict. Since the dispute directly concerns only four of the ten ASEAN states, the Chinese have been perceived to be seeking to divide ASEAN as a grouping on the South China Sea issue *per se* and how it should be addressed, by courting some ASEAN states with the “win-win” logic of maritime cooperation to offset their concerns regarding Chinese actions in the South China Sea, not to mention, their budding “China threat” perceptions. This may be true to some extent, since the Chinese are

well aware that while some ASEAN states and interested parties may worry about China's behaviour in managing territorial-maritime disputes in the South China Sea, most if not all, stand to benefit from enhanced maritime cooperation in a wide range of areas, from economic to people-to-people interactions (Parameswaran, 2015). Hence, observers like Parameswaran (2015) opines that Beijing may view this strategy of continuously wooing the ASEAN states bilaterally with new, lucrative proposals and minimal confidence-building measures to be in its best calculated interests, while it continues to assertively stake its claims in the South China Sea. The strategy of dividing ASEAN manifested most succinctly in the open disagreement between ASEAN members at the 2012 ASEAN Foreign Ministers' Meeting (AMM) which resulted in the historic failure of the regional organization to issue a joint statement regarding the South China Sea disputes. Likewise, the April 2016 statement by Chinese Foreign Minister Wang Yi during the Boao Forum emphasizing China's "four-point 'consensus'" with Brunei, Cambodia and Laos on the South China Sea territorial disputes, namely the agreement that they are "not an issue between China and ASEAN as a whole", seems to support such an observation regarding Beijing's possible *modus operandi* of splitting ASEAN with enticement of broad-based maritime cooperation, and its continuous preference for a bilateral approach as opposed to the ASEAN-China approach to addressing the South China Sea problematique.

More significantly, China's grandiose plan of developing the Belt and Road Initiative, which include the MSR agenda, is increasingly perceived by some to be Beijing's grand strategy to establish its regional predominance, or even hegemony, where ASEAN states are eventually expected to assuage to Chinese demands, when it comes to the South China Sea question. In fact, the Belt and Road Initiative has been hotly debated insofar as some China watchers view it as having a subtle military dimension, with some even deeming it as an "elaborate cloak under which Beijing can disguise its military ambition" (Kleven, 2015). For the skeptics, China's ultimate goal would be to provide the PLA-Navy access to a series of Chinese-friendly port/naval facilities stretching from the African east coast to the South China Sea in what has been previously coined as the "string of pearls" model (e.g. Gwadar [Pakistan]; Colombo [Sri Lanka]; Chittagong [Bangladesh]; Maday Island [Myanmar]; Port Victoria [Seychelles]. The Chinese government's recent signing of a 10-year agreement with the East African state of Djibouti to set up a naval base to serve as a logistics hub for the PLA-Navy vessels engaged in anti-piracy operations off the coast of Yemen was among the clearest indications yet of Beijing's intentions (Kleven, 2015).

The aforementioned Chinese mixed signals and *modus operandi*, compounded by Beijing's controversial actions in the South China Sea have undoubtedly created the so-called "trust deficit" between China and

ASEAN. This apparent shortage of mutual trust has since been exacerbated by the counteractions of some ASEAN states, which have contributed to widening the China-ASEAN rift with regard to the South China Sea dispute. For one, Manila's initial decision to halt bilateral negotiations with Beijing on the South China Sea issue, in preference for legal arbitration of its case against China at the Permanent Court of Arbitration (PCA), and Vietnam's contemplation to pursue a similar path, have incensed the Chinese, who responded by rebuking the Filipino action, apart from vehemently questioning/disputing the jurisdiction of the PCA over the issue. The PCA had since ruled that it had jurisdiction in the case and had moved to consider the merits of the complaints brought by the Philippines against China under the auspices of the UNCLOS. In July 2016, the independent tribunal at The Hague near-unanimously arbitrated in favour of Manila in a landmark ruling that legally denied China's historic sovereignty claims over the South China Sea based on its "nine-dash line" boundary, as well as declaring the related Chinese actions in building artificial "islands" and its denial of fishing rights to the Philippines as unlawful (Williams, 2016). The PCA's ruling not only triggered a Chinese backlash, but has also hardened Beijing's resolve in advancing its claims over the disputed waters.

Additionally, Beijing was upset by Manila's, and to a lesser extent, Hanoi's decision to openly court the Americans and the Japanese in the realm of security cooperation, in what was seen as a "balancing act" to check China's intentions and ambitions in the South China Sea. Furthermore, the strategic uncertainties over the South China Sea, coupled with China's rapid military development, have spurred ASEAN states to increase defence spending to beef up their military preparedness at the expense of a potential regional arms-race, which further aggravated tensions in China's ties with the affected ASEAN clamant-states. According to security think-tank HIS Janes' recent estimation prior to the 2016 Shangri-La Dialogue, tensions in the South China Sea are expected to drive-up Asia-Pacific defense spending by approximately 25 per cent to USD533 billion by the year 2020 (Law, 2016).

Closely related to and intertwined with the "trust deficit" problem is the lack of political will among some ASEAN states to take the so-called "leap-of-faith" to advance maritime cooperation. It is a given that maritime and territorial sovereignty is a fiercely/jealously guarded and defended Westphalian concept by most Southeast and even Northeast Asian states including China, due to the legacy of Western imperialism/colonialism, and to some, the bitter experience of their hard fought/struggle for independence. For these post-colonial states, maritime-territorial integrity and sovereignty are a non-negotiable element of statehood, as it is tied to their respective nationalisms and sense of national pride and prestige. Furthermore, according to Mark J. Valencia (2015), most have only recently extended their maritime

jurisdiction based on the UNCLOS's EEZ regime, and views the related maritime-territorial gains as well as economic and strategic resources, as part of their national heritage. Hence, most states still consider the concept of maritime cooperation as highly sensitive, especially in a disputed sea like the South China Sea, since they entail working together in complicated fields that may necessitate a compromise to various degrees of their respective national interests (i.e. Joint Marine Seismic Undertaking agreement between China, Vietnam and the Philippines which was not renewed following allegations of the arrangement having undermined ASEAN claimants' claims and ASEAN Unity, apart from the judicial position of the Philippines in regard to the South China Sea disputes). Moreover, maritime cooperation may not necessarily entail equitable gains among the participating states due to their different levels of development and readiness, where bigger, more powerful states stand to gain relatively more benefits especially in their role as the drivers of such cooperation. In a nutshell, proposals of civil maritime cooperation which seem to be mutually beneficial and considered as confidence-building measures (CBM) may ultimately turn out otherwise. The apparent reluctance of some ASEAN states to outwardly embrace the Chinese proposals for maritime cooperation especially in the South China Sea may essentially be due to such overriding concerns vis-à-vis China.

6. The Way Forward

In view of the reality of the situation in the South China Sea today, both China and ASEAN have to realistically accept the fact that addressing the "trust deficit" and enhancing mutual trust and confidence-building is the prerequisite if not the only viable way forward to genuinely advancing China-ASEAN maritime cooperation. Indeed, mutual trust is a rare commodity and a premium that China and ASEAN have to secure in the context of the maritime disputes, for without which all the much hyped maritime cooperation proposals would remain proposals that never come to fruition/see the light of day.

For a start, both sides (China and the related ASEAN claimant states) have to put an immediate hiatus to any unilateral and/or controversial actions that could further aggravate lingering tension and suspicion as well as destabilize the South China Sea. This includes halting the contentious land reclamation and infrastructure development at the affected geographical features in the South China Sea, as well as avoiding "heavy-handed" actions and provocative manoeuvres by their respective naval and civil maritime authorities in the disputed waters, including their aircrafts in the associated air space. China, for instance, has halted its land reclamation activities in the South China Sea, but is now rapidly developing infrastructures that include

airstrips and other dual-use civilian-military facilities, which are generating unease among its ASEAN neighbours and the US. For instance, China had announced in October 2015 the installation of 50-metre high lighthouses on Chinese-occupied Johnson South Reef and Cuateron Reef in the Spratly chain. The Chinese vice foreign minister also reiterated to the media during the East Asian Summit in November 2015 that China would continue “building and maintaining necessary military facilities ... required for China’s national defense and the protection of those islands and reefs” (Sutter and Huang, 2016: 67-68).

Similarly, provocative actions such as the landing of a military aircraft on the man-made reef-turned-island, massive naval exercises/military drills and aggressive sea patrolling by naval and coastguard ships as well as aerial manoeuvres by military aircrafts at the contested areas should be avoided by all contesting parties, notably Beijing, to alleviate the “China threat” and “China bully” perceptions amongst the ASEAN states. To be sure, there has been evidence of a longer lasting pause in Chinese assertiveness in the South China Sea following Chinese President Xi Jinping’s moderate-conciliatory gesture during his November 2015 “fence-mending” working visit to Vietnam, where he undertook personal responsibility to restore the workable framework for cooperation with the Vietnamese that was shattered by China’s contentious deployment of an oil rig in Vietnamese-claimed waters that triggered confrontations at sea and violent popular anti-Chinese protest in the Vietnamese republic. The Chinese has since withdrawn the oil rig from the disputed waters.

Secondly, and correlated to the first point is the urgent requirement to proceed with the negotiations of the Code of Conduct in the South China Sea (CoC). An early conclusion and formulation of the CoC is critical for the overarching purpose of effectively maintaining peace and stability in the South China Sea. As a matter of fact, the CoC should be the foremost and most salient area of maritime cooperation that China and ASEAN need to address in the short-term, in order to reduce if not reverse the burgeoning “trust deficit”. Undoubtedly, the reversing of the “trust deficit” would go a long way in opening the floodgate of China-ASEAN cooperation in other maritime areas/endeavours, which are already in the pipeline. However, the progress to reach a conclusion of the CoC has remained rather sluggish that even the ASEAN Ministerial Meeting back in 2015 expressed its concerns over the pace of the CoC negotiations. As mentioned earlier, China has been accused of “foot-dragging” and purposely prolonging negotiations due to its assertion that “the time was not ripe” for a CoC in the South China Sea. Yet, it seems obvious that Beijing has been reluctant to upgrade the existing DoC with the much more binding CoC, which when enforced, is expected to curtail Chinese behaviour and preference-of-action in the disputed waterway.

Nevertheless, Chinese President Xi Jinping's moderate-conciliatory pledge at the Washington summit in November 2015 that "China does not intend to pursue militarization" of the disputed SCS islands, and that it favours "an early conclusion" of the deliberation of the CoC, augurs well with the prospect of its materialization.

Indeed, both China and the ASEAN member-states have, after a delay of more than a decade, finally reached an agreement in May 2017, with regard to the establishment of a "framework" for this much sought after code of conduct to manage the South China Sea disputes (*Reuters*, 2017). However, it is still premature to reach any conclusion as to whether the "framework", which is more of an agreement on "how the document would be structured", would eventually be successfully translated into a legally binding "text" of the CoC, to make it an "effective and meaningful code of conduct" compatible with the UNCLOS (*Reuters*, 2017). To be sure, skepticism remains in the air, with the media reporting that some ASEAN diplomats are still concerned regarding Beijing's sincerity in realising the CoC, and, perhaps more significantly, whether ASEAN has the leverage to ensure China's commitment to "a set of rules" they mutually agreed to (*Reuters*, 2017).

Besides the CoC, China and ASEAN should continue to undertake maritime cooperation in other non-sensitive and perceived non-zero-sum areas, to keep the momentum of cooperation going while serving as confidence-building measures (CBMs) for both sides. Specifically, the easing of tensions and trust building between China and the ASEAN claimant-states can and should be done by framing the South China Sea disputes as just one of many issues in the broader ASEAN-China relationship. In other words, the unresolved maritime-territorial disputes notwithstanding, both sides should strive to explore and advance maritime cooperation in the South China Sea in mutually beneficial and less controversial areas such as humanitarian assistance and disaster relief (HADR) as well as other civil maritime cooperation endeavours. The logic of intensified cooperation reaping mutual trust and confidence that eventually paves the way for dispute resolution is not as hollow as it sounds. Indeed, several positive bilateral and multilateral initiatives have emerged that could serve to advance maritime cooperation in the South China Sea. These are as follows:

- i) Singapore-proposed China-ASEAN enhanced Code for Unplanned Encounters at Sea (CUES) to prevent miscalculations and incidents in high sea;
- ii) the AMM-proposed ASEAN Coast Guard Forum to address civil maritime cooperation;
- iii) the expanded ASEAN Maritime Forum in the guise of the East Asia Maritime Forum;

- iv) ARF inter-sessional meeting on maritime security;
- v) Maritime security expert working group under the ASEAN Defence Ministers Meeting Plus; and
- vi) China-Malaysia joint military exercise on search-and-rescue; hijacked vessel rescue, and disaster relief at sea.

China, on its part, has sought to continue “dangling the economic carrot” via its Belt and Road Initiative, which in many ways, serve to encourage the disputant parties in ASEAN to focus on reaping the mutual benefits of enhanced cooperation with China, while “shelving” their maritime-territorial dispute till such a time when it can be amicably resolved, albeit to Beijing advantage. Manila’s apparent diplomatic “change of direction” vis-à-vis Beijing under the newly-minted Duterte administration, as opposed to its predecessor’s hardline position, not to mention, both Hanoi and Putrajaya’s “softening” stance and muted reaction over continuous Chinese presence in the contested waters, are ominous signs of the effectiveness of such a Chinese strategy. It may not even be far-fetched to suggest that the previously “balancing” and/or “hedging” policies of ASEAN claimant-states may slowly be giving way to “pseudo-bandwagoning” with the preponderant resident power of East Asia.

Apart from boosting maritime cooperation in less sensitive areas, building trust and confidence through shared rules and norms are equally critical and needed to be embraced by all SCS claimant-states. Aileen Baviera (2014) argues that one of the biggest obstacles to addressing the South China Sea disputes has been the lack of “standardization and agreement on rules and norms”. From the Philippines’s PCA arbitration case to the CoC negotiations, confusion has been abounding on which set of rules apply and should take precedence, i.e. domestic laws, UNCLOS, IMO conventions, to name a few. The downside of such a lack of standardization has been the proclivity of different interpretations arising from the skewed understanding and legal referent point used by the claimant-states, which complicated negotiations let alone the possible conclusion/resolution of the SCS disputes. Moreover, given asymmetries in power capability among the disputant parties, Baviera (2014) in referring to the South China Sea issue, opines that “agreement on the force of law, consensus on shared norms, and predictability of agreed rules can help build trust and assuage fundamental insecurity of states”. When states agree and are committed to clear rules, regime-building can then ensue to ensure that even peace and stability can take hold in the anarchic international order. Simply put, China and ASEAN need to conscientiously agree to some standardized and shared rules and norms as a way forward to resolving the bone-of-contention that holds them back from fully realizing their much-talked about “community of common destiny”.

In this regard, China and the ASEAN states' adoption and adherence to the UNCLOS regimes are vital to ensure the peaceful management and potential resolution of their contending disputes in the South China Sea. In this regard, China has lately, according to Bill Hayton (2015), shown signs of a "shift in its thinking", leaving "clues" of possible Chinese acceptance of "a legal regime closer to the UNCLOS" rather than its vaguely articulated "historical rights" in asserting its maritime-territorial claims in the SCS. Beijing's ambiguous response to the recent American warship *USS Lassen*'s deliberate sail-by near the Chinese occupied and reclaimed Subi Reef during a "freedom of navigation" exercise, suggests Beijing's move towards a compliance with the UNCLOS's definition of territorial sea. To an extent, Beijing's somewhat subdued response towards Washington's "provocation" has been perceived as its "deliberate efforts towards trying to fit China's claims within the language of the UNCLOS", albeit subtly and informally. Observers like Hayton (2015) also believe that the Chinese leadership may have begun to see the benefits of UNCLOS to China in view of their country's dependence on sea-lanes to secure its vital resources and for economic development, not to mention, "legitimizing" the movement and outreach of China's growing blue-water naval power. Therefore, bringing their maritime claims in line with shared rules and norms like the UNCLOS may yet benefit the Chinese insofar as it would help reduce tension with the ASEAN states and the US. This, in return, would facilitate more open and robust cooperation in the maritime domain between the related actors that only serves to help China realize its supra-regional MSR and the Belt-and-Road initiatives.

7. Conclusion

China-ASEAN relations have grown leaps and bounds over the last couple of decades due to their increasingly shared common destiny. Specifically, the maritime contiguity in the guise of the South China Sea that bounds them together regionally makes maritime cooperation a salient if not vital dimension in their overall relations. Indeed, China has taken the initiative to drive maritime cooperation through a comprehensive range of proposals under the auspices of the MSR and the Belt-and-Road agenda. However, the festering, unresolved disputes between China and the related ASEAN claimant-states over the contested archipelagoes and their surrounding waters in the South China Sea suggest the waterway to be more of a stumbling rather than a building block in facilitating greater China-ASEAN maritime cooperation. The burgeoning "trust-deficit" affecting both China and ASEAN due a plethora of unilateral actions and counteractions in advancing and/or defending their respective claims, not to mention, the shortage of political will

as well as shared rules and norms, have to be duly addressed and reversed by both parties. The current situation may indeed be ripe for negotiating a compromise, in view of the South China Sea imbroglio having arguably reached a state described by Zartman as “mutually hurting stalemate”, where the costs of non-compromise becomes higher for all parties concerned (cf. Baviera, 2014). Needless to say, their failure to do so would not only ensure China-ASEAN maritime cooperation remains in the rhetorical realm, but also accentuates the propensity of the South China Sea turning into a “sea of conflict” that could undermine the peace and stability of Southeast Asia, specifically, and the East Asian region, as a whole.

Note

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The 12 July 2016 Permanent Court of Arbitration's (PCA) Award: The Philippines' Lawfare versus China's Realpolitik in the South China Sea Dispute

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Abstract

On 12 July 2016, the Permanent Court of Arbitration (PCA) under the United Nations Convention on the Law of the Sea (UNCLOS) ruled in favour of the Philippines in 14 of its 15 submissions against China's expansive territorial claims in the South China Sea. The PCA declared that China's claims – defined by the nine-dash line – violate international law. The arbitral tribunal also asserted that Chinese reclamation and construction projects in the land features of the disputed waters infringe on Philippines' territorial rights. The ruling likewise found China guilty of destroying the maritime environment by building artificial islands and illegally preventing Filipinos from fishing and conducting oil exploration activities in the area. The PCA award to the Philippines illustrates the efficient and impartial dispute resolution mechanism of the UNCLOS as well as the short-term triumph of the Philippines' lawfare over China's realpolitik approach in the dispute. Unfortunately, the Duterte Administration has shelved the PCA ruling saying that enforcing it has a minimal chance of success. Instead, he has adopted an appeasement policy in exchange for China's goodwill and economic largess. The article concludes that the Duterte Administration's course of action lends credence to former State Councilor Dai Bingguo's statement that the PCA award to the Philippines is nothing more than a "piece of trash paper".

Keywords: *China-Philippine maritime-territorial dispute, Permanent Court of Arbitration (PCA) award, realpolitik, South China Sea, United Nations Convention on the Law of the SEA (UNCLOS)*

1. Introduction

... Law, like politics, is a meeting place for ethics and power.

The same is true of international law, which can have no existence except in so far as there is an international community which, on the basis of a minimum common view, recognizes it as binding. International law is a function of the political community of nations. Its defects are due, not to any technical shortcomings but to the embryonic character of the community in which it functions.¹

E.H. Carr, 1939

The Scarborough Shoal stand-off in 2012 exemplifies a historic pattern of Chinese protracted, low-intensity, and incremental moves to gain control of a large portion of the South China Sea. The impasse pitted the Philippines – which has the weakest navy in the region, and an ill-equipped air force incapable of safeguarding its vast maritime territory – with China in a naval brinkmanship game. The stand-off began on 10 April 2012 when the Philippine Navy's (PN's) flagship, the *BRP Gregorio Del Pilar* tried to apprehend several Chinese fishing boats at the Scarborough Shoal. However, at this juncture, two Chinese maritime surveillance vessels arrived and prevented the arrest of the Chinese fishermen who were hauling corals, clams and live sharks into their boats. To diffuse the tension and avoid a dangerous armed confrontation with the Chinese patrol vessels, the Philippines replaced its surface combatant with a smaller coast guard vessel. Instead of reciprocating, China raised the stakes by deploying the *Yuzheng 310* – the most advanced and largest patrol vessel equipped with machine guns, light cannons and electronic sensors. When the Philippines government filed a diplomatic protest, the Chinese Embassy in Manila contended that the three Chinese surveillance vessels in Scarborough Shoal were “in the area fulfilling the duties of safeguarding Chinese maritime rights and interests.” It added that the shoal “is an integral part of the Chinese territory and the waters around it are the traditional fishing area for Chinese fishermen.”² Clearly, this incident underscores an international reality – Chinese economic and naval power cast a long shadow over the Philippines and Vietnam, which are at the forefront of a maritime dispute with China in the South China Sea.³

However, much to China's surprise, the Philippine government decided to fight back. In January 2013, the Philippines directly confronted Chinese realpolitik approach in the South China Sea dispute by filing a statement of claim against China in the Arbitral Tribunal of the United Nations Convention on the Law of the Sea (UNCLOS).

This paper examines why and how the Philippines used the legal/liberal approach as lawfare to blunt China's realpolitik strategy against the Philippines which began as early as 1995 with the occupation of the

Mischief Reef by Chinese forces, and culminated with the 2012 confrontation between a Philippine Coast Guard (PCG) vessel and four Chinese Maritime Surveillance (CMS) ships at the Scarborough Shoal. It addresses two major questions: 1) what events led to the Philippines' filing of a case against China's expansive maritime claims in the South China Sea in 2013, and 2) how does the 2016 Permanent Court of Arbitration (PCA) award to the Philippines affect its stance against China's expansionist moves in the disputed waters? This paper also raises these ancillary questions: 1) how did the Philippines respond to China's realpolitik tactic during and after the Scarborough Shoal stand-off? 2) How did the Philippines pursue its liberal/legal approach vis-à-vis China's realpolitik approach after the Scarborough Shoal stand-off? 3) How did the PCA award to the Philippines blunt China's realpolitik approach to the maritime dispute? 4) What are the geo-strategic implications of the PCA award to the Philippines for China's maritime design in the contested waters? 5) How has the Duterte Administration used the PCA ruling to challenge China's claim of sovereignty over most of the South China Sea?

2. International Law as a Lawfare

A common premise in the study of International Relations/Global Society since Thucydides wrote an account of the 27-year Peloponnesian War among the Greek city-states is that the major or big powers overwhelm or subdue small or minor powers in all kinds of conflicts from wars and diplomatic tussles to business and sports competitions. Furthermore, in an asymmetric conflict – a contention between political actors with a wide disparity in capabilities – the strong is bound to and should win.⁴ However, history shows that power preponderance does not give big powers carte blanche to impose their will on the small powers, and determine international outcomes. Small or minor powers, on several occasions, have applied balancing strategies against the major powers despite the military and diplomatic disparities between them, e.g., Finland against the Soviet Union in 1939-1940, North Vietnam against the U.S. in the 1960s, Nicaragua versus the U.S. in the 1980s, and finally, Iraq against the U.S. in 1991 and again in 2003. Clearly, inferences based on relative power relations cannot explain why small powers challenge big powers and in certain cases, even provoke or instigate an international crisis or an armed conflict.⁵ Sometimes, small powers ignore disproportionate power relations and adopt a balancing policy against big powers because of their domestic politics, geography and ability to manipulate local circumstances. If global conditions for their balancing gambits are ripe, small powers can either draw on their geo-strategic location to exert leverage on the

powerful state, rely on other major powers for military assistance and security guarantee, or rely on the liberal approach by appealing to international law and global/regional organizations.

The liberal approach banks on a promise of rewards, the power of persuasion and reliance on the legitimacy of its claims in the dispute.⁶ It uses legal precedent and reciprocity to make one's claim legitimate and that of the opponent illegitimate before the global society. Collectively, these methods comprise the liberal/legal institutional approach. The liberal/legal/institutional approach is one that pursues conflict resolution through negotiation, bargaining, adherence to international norms or law, and debates that promote problem-solving rather than contention and subjugation. This approach provides compromise, third-party mediation or arbitration, or adjudication of some sort.⁷ This approach rejects certain types of state policy or behaviour, particularly unilateral actions or power-politics goals, while preferring alternative styles of conflict management. It also fosters interactive communication to reduce the possibility of war, even in the presence of a conflict.⁸

Lacking a credible military capability to stand up against China's naval prowess in the South China Sea, the Philippines opted for the liberal/legal approach leading to the use of lawfare to resolve its maritime dispute with this emergent power. By availing itself of the arbitration mechanism of the UNCLOS, the Philippines adopted international law as a "lawfare" or the use of law as a substitute for traditional military means to achieve an operational objective.⁹ It is the application of legal or judicial processes to enable a weaker adversary to engage in political and legal battle against a superior opponent.¹⁰ It is the same vein as Sun Tzu's aphorism to "subdue the enemy without fighting."¹¹ The importance of this approach is clear and cannot be overemphasized particularly when former Foreign Secretary Del Rosario opined that the "UNCLOS has never been more important for the Philippines than today, when overlapping maritime claims threatens as never before the peace and prosperity in our part of the world."

The Philippines' filing statement of 15 submissions against China's expansive maritime claims in the arbitral tribunal of the UNCLOS showed that the former could not be subdued easily by the latter's strong-arm tactic. In effect, the Philippines thwarted China's realpolitik approach as it sought a multilateral and legal solution to the maritime row and argued that the global society has a stake in the outcome of the case. The country showed to the international community that the appropriate way of dealing with disputes involving conflicting claims to the global commons should be the liberal/legal approach based on multilateralism and international law and not on sheer powerpolitik.

3. China's Maritime Expansion in the South China Sea

In the mid-1980s, Admiral Liu Huaqing, the Commander of the People's Liberation Army Navy (PLAN), announced the "Near Seas Active Defense" doctrine. This doctrine called for the People's Liberation Army (PLA) to form layered defences in the first island-chain to deter a potential adversary from threatening China from the sea.¹² In the mid-1990s, China developed an arsenal of conventional yet inexpensive and highly precise armed ballistic and cruise missiles aimed at virtually every U.S. air-base and port in the Western Pacific. These weapons are also designed to sink enemy surface vessels (including U.S. aircraft carriers) operating hundreds of miles off China's coast.¹³ Chinese military planners believe that their missiles, with anti-access/area denial (A2/AD) capabilities, can adequately prevent the U.S. Navy from intervening or provoking a confrontation with China in the region.¹⁴ Thus, since the last decade of the 20th century, the U.S. Navy maintains that China has the means to disrupt or slow down the deployment of American air and naval forces to the theatre of operations.¹⁵

China's phenomenal economic prosperity during the first decade of the 21st century transformed it into an engine of growth in East Asia and, indeed, the wider world. With its gross domestic product (GDP) surpassing Japan in 2010, it has become the second largest economy in the world next only to the U.S. Its rapid economic progress has not only made the country more confident and assertive in foreign affairs but also heightened its military prowess.¹⁶ China has had an annual double-digit increase in defence spending since 2006. Recently, the Chinese government increased its defence budget by 13% to boost the PLAN's capability to accomplish a wide range of military functions including winning local wars under information-age conditions. Since the early years of the new millennium, the PLAN has easily acquired a fleet of Russian-made diesel-electric Kilo-class submarines and *Sovremenny*-class destroyers, along with several types of indigenously-built destroyers, frigates, and nuclear-powered attack submarines. It also continues to upgrade its operational capabilities across the waters surrounding Taiwan and has deployed two new classes of ballistic and attack submarines. In 2012, the PLAN commissioned China's first aircraft carrier – the *Lianoning*. Likewise, China has developed and deployed the carrier-based J-15 fighter plane and the new *Jaingdao*-class light frigate for long-distance security patrol in the disputed waters around the Spratlys and the Senkaku Islands.¹⁷

China's current naval build-up is designed to bolster its A2AD, which can prevent foreign navies from occupying or crossing vast stretches of maritime territory, and make the Western Pacific off limits to the U.S. and Japanese navies.¹⁸ To achieve this goal, the PLA has implemented the following:¹⁹

- a) setting up anti-satellite missiles, lasers and a sophisticated cyber-attack

mechanism to target the U.S. military's command and control systems that rely operationally and logistically on satellites and the Internet; b) deployment of conventional ballistic and cruise missiles, and stealth combat aircraft that can destroy major U.S. military facilities in the region and limit the U.S. Navy's ability to manoeuvre in international waters; and c) the purchase of submarines armed with advanced torpedoes and high-speed cruise missiles to counter U.S. aircraft carriers and the surface vessels that protect them.

Strong economically and militarily, China has taken several provocative actions in the South and East China Seas. These include the unilateral declaration of an East China Sea Air Defense Identification Zone (ADIZ); the active conduct of several live-fire naval exercises by the PLAN and the People's Liberation Army's Air Force (PLAAF) in the Western Pacific/South China Sea, and the hardline responses by the PLAN in coordination with other Chinese maritime law-enforcement agencies on territorial rows with the Philippines and Vietnam in the contested sea.²⁰ These moves worry the other littoral states about China's maritime design in the region.²¹ From their viewpoint, these manoeuvres smack of Chinese territorial expansionism and adventurism.²² However, from China's perspective, it is a case of the country outgrowing its subordinate status in the past and feeling confident enough to press its case in the western Pacific – to stand resolute in managing its territorial and sovereignty issues in the East and South China Seas.²³

Arguably, China's aggressive pursuit of its territorial claim over the South China Sea has increased in tandem with the expansion of its navy and maritime services.²⁴ Its regular naval exercises utilize modern surface combatants and even submarines.²⁵ These actions concretize China's intention to unilaterally and militarily resolve the maritime issue, flaunt its naval capabilities, and impress upon the other claimant states its "de facto" ownership of the disputed territories.²⁶ In the long run, China's naval capabilities will be directed not only to expand its maritime domain but to deny foreign navies – especially that of the U.S. – access to the South China and East China Seas. In time, it will be capable of depriving the U.S. 7th Fleet access to the Western Pacific inside of the so-called first-island chain.²⁷ Hence, China's long-term goal to project its naval power not only to the near seas but to the far seas – the sea adjacent to the outer rim of the first-island-chain and those of the north Pacific – is no longer a remote possibility.²⁸

4. On the Path of China's Maritime Expansion: The Philippines

By early 2012, China's fervent nationalism, growing naval prowess, and unilateral moves were overtly directed against a militarily-weak Philippines. As early as the last quarter of 2010, the Philippine Department of Foreign Affairs (DFA) noted increased Chinese naval presence and activities in the

Spratlys and monitored around six or seven major intrusions by Chinese vessels into the waters claimed by the Philippines. On 25 February 2011, Filipino fishermen alleged that they were fired upon by a *Jianghu*-B class missile frigate off Jackson Atoll, 140 miles west of Palawan.²⁹ On 2 March 2011, two Chinese patrol boats reportedly harassed a survey vessel commissioned by the Philippines Department of Energy (DOE) to conduct oil exploration in the Reed Bank, 150 kilometres east of the Spratly Islands and 250 kilometres west of the Philippine island of Palawan.

Then in June 2011, the PN discovered a number of Chinese structures in the vicinity of Philippine-claimed Iroquois Reef-Amy Douglas Bank near Palawan and within the country's 200-nautical mile exclusive economic zone (EEZ). Armed Forces of the Philippines (AFP) observers reported that CMS vessels and PLAN ships unloaded building materials, erected an undetermined number of posts, and placed a buoy near the breaker of the Amy Douglas Bank. In a diplomatic protest sent to the Chinese Embassy in Manila, the DFA argued that any new construction in the vicinity of the uninhabited Amy Douglas Bank is a clear violation of the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea.³⁰

In response, the Chinese foreign ministry sternly told the Philippines to stop "harming China's sovereignty and maritime rights and interests, which leads to unilateral actions that can expand and complicate [sic] South China Sea dispute."³¹ It was Beijing's defensive reaction when the Philippines unravelling China's plan to construct an oil rig deep within the Philippines' EEZ. The Philippines also sought clarification on the recent sightings of CMS and PLAN ships near the Kalayaan group of islands. Beijing went on to demand that Manila seek Chinese permission first before it could conduct oil exploration activities even within the Philippines' EEZ.

Moreover, the Chinese ambassador in Manila justified the actions of the two Chinese patrol boats that harassed a Philippine survey ship at the Reed Bank. He regarded it as an exercise of jurisdiction over purported part that is a part of China's territory.³² He added that the Philippine surveying activity in the area is a "violation of Chinese sovereignty and that is something that we (China) are against." Thus, China's aggressive actions against the Philippines and Vietnam in the first half of 2011 heightened the tension in the contested sea. Consequently, the previous Aquino Administration recognized that the Philippines was potentially on a collision course with China relative to the South China Sea imbroglio.³³

5. The 2012 Scarborough Shoal Stand-off

The two-month stand-off between the Philippines and China at the Scarborough Shoal epitomized an international incident waiting to happen.

The stand-off began on 8 April 2012, when a Philippine Air Force (PAF) reconnaissance plane spotted eight Chinese fishing boats around the shoal. Immediately, President Aquino ordered the AFP and the PN to step up their monitoring activities and enforce the country's fisheries and maritime environmental protection laws. Accordingly, the PN deployed the *BRP Gregorio Del Pilar*, the recently-purchased U.S. Coast Guard cutter that sailed from its homeport in Palawan into the shoal. The ship was tasked with protecting marine environment and resources and asserting the sovereignty of the Philippines as a coastal state.

On the morning of 10 April, the *BRP Gregorio Del Pilar* verified the presence of eight Chinese fishing vessels anchored inside the lagoon. Following the established rules of engagement, the PN ship dispatched a boarding team to inspect the fishing vessels. Large amounts of illegally collected corals, giant clams and live sharks were found inside the compartments of the first fishing vessel boarded. On the fateful April day, however, before the PN could apprehend the fishing vessels at the shoal, however, two Chinese marine surveillance vessels arrived and placed themselves between the arresting Philippine warship and the Chinese fishing boats. The surveillance vessels not only prevented the arrest of the Chinese fishermen but also informed the captain of the *BRP Gregorio Del Pilar* that he had strayed into Chinese territorial waters. Clearly, China's reaction was a complete turnaround from its previous stance on maritime encroachments. Firstly, the Chinese patrol vessels inhibited the PN from arresting the fishermen. Secondly, China defied Philippine territorial rights over the shoal that is only 224 kilometres from the province of Zambales in Luzon and well within the country's EEZ that extends outwardly up to 200 nautical miles.

While Chinese and Philippine patrol vessels were in an impasse at the Scarborough Shoal, the Chinese Embassy in Manila confirmed that both countries were engaged in a long and tedious diplomatic negotiation. Again, the Chinese Embassy articulated the official mantra that the Scarborough Shoal is an integral part of Chinese territory. It also warned Manila not to take actions that could irreparably damage Philippines-China relations and affect the stability of the South China Sea.³⁴ By the end of April 2012, the Philippines-China negotiations were getting nowhere. The Chinese embassy accused Manila of negotiating in bad-faith and of distorting the facts during the lengthy discussions. It also "urged the Philippines to stop illegal activities and leave this area," and insisted once more that China has sovereign rights over almost the whole of the South China Sea. The embassy spokesperson also said "that ever since the ancient times, numerous documents on Chinese history have put down definitely in writing that Huangyan Island belongs to Chinese territory." Manila, in turn, criticized China's aggressive stance against other claimant states like the Philippines.³⁵ Tersely, it reminded China that the

“responsibility for resolving the stand-off in the South China Sea rests not just with one party but both parties” and challenged it to let the International Tribunal for the Law of the Seas (ITLOS) mediate the dispute.

6. The End of the Stand-off and its Aftermath

In mid-June 2012, the two countries withdrew their civilian vessels on the pretext of the onset of the typhoon season. On 16 June, President Aquino ordered all Philippine vessels to leave the shoal because of rough seas and heavy rains brought by a seasonal typhoon.³⁶ On 18 June, Chinese fishing boats and civilian vessels near the area were heading back to port. A Chinese foreign ministry spokesperson announced that with the withdrawal of the civilian ships, “We (China) hope (that) there will continue to be an easing in the situation and bilateral cooperation will recover and be safeguarded.”³⁷ The following day, the China Maritime Search and Rescue Center deployed a rescue ship to the Scarborough Shoal to assist Chinese fishing boats leaving the shoal due to “rough sea conditions.”³⁸ The coordinated withdrawal of Filipino and Chinese civilian vessels from the shoal came amid ongoing consultations between the two countries. However, while the withdrawal of these vessels was aimed to de-escalate the tension, both countries have persisted in claiming sovereignty over the shoal.

In June 2012, when tension at the Scarborough Shoal eased up, China immediately consolidated its control over the area. Chinese Maritime Surveillance (CMS) vessels constructed a chain barrier across the mouth of the shoal to block the Philippines’ access to it. China also deployed these vessels to protect the fleet of Chinese fishing boats operating deep into the Philippines’ EEZ. In October 2012, then Chinese Assistant Deputy Foreign Minister Fu Ying visited Manila for a high-level dialogue. The visit was seen as China’s stop-gap measure to prevent a similar critical confrontation from happening again. However, instead of finding a mutually acceptable solution, the high-ranking official warned Manila not to do the following: 1) appeal to the UN; 2) internationalize the issue in forums such as the ASEAN; 3) coordinate with other countries such as the U.S.; and 4) issue any press release regarding the negotiations. In effect, she badgered the Philippines to accept in silence China’s exercise of *de facto* occupation of the Scarborough Shoal.

In January 2013, the Philippines directly confronted Chinese realpolitik approach in the South China Sea dispute by filing a statement of claim against China in the Permanent Court of Arbitration at The Hague in the Netherlands. In its Notification and Statement of Claim, the Philippines asked the arbitral tribunal to determine the country’s legal entitlements under the UNCLOS to the Spratly Islands, Scarborough Shoal, Mischief Reef, and other land features within its 200-mile EEZ. These entitlements are based on the UNCLOS

provisions on the rights of the Philippines to a Territorial Sea and Contiguous Zone under Part II, to an Exclusive Economic Zone under Part V, and to a Continental Shelf under Part VI.³⁹

In its statement of claim, the Philippines made it clear that it was not seeking arbitration over which party has sovereignty over the islands. Rather, it was merely requesting the arbitral tribunal to issue an opinion on the following issues: a) whether China's maritime claim in the South China Sea based on its so-called nine-dash line is valid or contrary to UNCLOS; and b) whether the Scarborough Shoal, Johnson Reef, Cuarteron Reef, and Fiery Reef, which are submerged features and that are below sea level at high tide are islands or rocks under Article 121 (3) of the Convention. It also petitioned the Arbitral Tribunal to declare that the Philippines is entitled to a 12-mile Territorial Sea, a 200-mile EEZ, and a Continental under Parts II, V, and VI of UNCLOS and that China has unlawfully prevented the Philippines from exercising its rights to exploit resources in its EEZ and to navigation within and beyond the 200-mile of the Philippines' archipelagic baselines.⁴⁰

The notification and statement of claim was filed to show that the Philippines' ownership of its six-islands in the Spratlys and other land features within its legitimate maritime jurisdiction is firmly grounded on international law – specifically the UNCLOS. The Philippines also requested the arbitral tribunal to require China to “bring its domestic legislation into conformity with its obligations under the UNCLOS and for it to stop any activities that violate the rights of the Philippines in its maritime domain in the ‘West Philippine Sea’ (South China Sea).”

7. Realpolitik Strikes Back!

As expected, China refused to participate in the international mediation and openly expressed its opposition to the Philippines' filing of a case with the arbitral tribunal. On 20 February 2013, the Chinese ambassador in Manila returned the notice of arbitration to the Department of Foreign Affairs. At the same time, Mr. Hong Lei, Chinese foreign ministry spokesperson in Beijing branded the filing as “factually flawed” and accused Manila of violating the non-binding 2001 Declaration of the Code of Conduct of the Parties in the South China Sea which provides for ASEAN states and China to settle their maritime disputes among themselves.

In April 2013, a visiting Chinese foreign ministry official warned Manila of the consequences of pushing the arbitration process against China.⁴¹ In late August 2013, Beijing withdrew its invitation for President Aquino to attend the China-ASEAN Expo in Nanning after the Philippine government declined its precondition for Manila to withdraw its arbitration case filed with the arbitral tribunal.⁴² From early September to mid-October 2013,

President Xi Jin Ping and Prime Minister Li Keqiang took part in a public relations show of strong Chinese interest in fostering relations and managing differences with the Southeast Asian countries by visiting Indonesia, Malaysia, Brunei, Thailand, and Vietnam. The two Chinese leaders, however, snubbed the Philippines. China's resentment towards the Philippines became more glaring in November 2013 after it donated a measly US\$100,000 to the relief and rehabilitation efforts for the victims of Typhoon Yolanda (Haiyan) – a category five typhoon. As a result, the international media questioned China's ability to assume global leadership and responsibility.⁴³

From 7 to 13 July 2015, the Permanent Court of Arbitration in The Hague held its first hearing on the Philippine claims against China in the South China Sea. Then Philippine Foreign Affairs Secretary Albert Del Rosario made a presentation before the five-member tribunal hearing Manila's case filed against China's expansive maritime claim in the disputed waters. He acknowledged that the tribunal does not have authority to make decisions on the issues of sovereignty. However, he said that the Philippines wanted to clarify its maritime entitlements in the South China Sea, a question over which the tribunal has jurisdiction.⁴⁴ He also argued that the 1982 UNCLOS does not recognize, or permit the exercise of so called "historic" rights in areas beyond the limits of maritime zones that are recognized or established by the UNCLOS.⁴⁵ He then lamented that China has acted forcefully to assert its so-called right by exploiting the living and non-living resources in the areas beyond the UNCLOS limits while forcibly preventing other coastal states, including the Philippines from exploiting resources in the same areas.⁴⁶

To justify its non-participation in the proceedings, China cited its policy of resolving disputes on territorial and maritime rights only through direct consultation and negotiation with the countries directly involved.⁴⁷ It repeatedly declared that "it will neither accept nor participate in the arbitration unilaterally initiated by the Philippines," and it also made it clear – through the publication of a position paper, the *2014 December Position Paper* and in other official statements – that, "in its view the tribunal lacks jurisdiction in this matter."⁴⁸ For a crafty player that had benefited from the ambiguity of its goal and on the full extent of its South China Sea claim, China had much to lose in the ruling.⁴⁹ Since 2009, however, it has slowly shifted its strategy away from delaying the resolution of the dispute to one that emphasizes its sovereignty over the contested waters. This tactic aims to deter other claimant states like the Philippines and Vietnam from cementing their claims and to enable China to negotiate with small powers from the position of strength.⁵⁰ Furthermore, it does not want to extend any legitimacy to the tribunal since it holds other instruments of power – economic, diplomatic, and strategic – that it can wield to settle the dispute according to its own terms.⁵¹

Without China's participation, the arbitration proceeded in accordance with the provisions of UNCLOS. Representatives from Indonesia, Japan, Malaysia, Thailand, and Vietnam also attended the hearings.⁵² On 29 October 2015, after almost three years of proceedings, the arbitral tribunal unanimously decided that it has jurisdiction over the maritime dispute between China and the Philippines in the South China Sea. In its ruling, the tribunal held that both the Philippines and China are parties to the Convention and are bound by its provisions on the settlement of the dispute.⁵³ It also stated that China's choice not to participate in the proceedings does not deprive the tribunal of its jurisdiction over the case and that the Philippine decision to commence arbitration was not an abuse of the UNCLOS' dispute settlement procedure.⁵⁴ The tribunal's ruling meant that it would hold further hearings to settle the highly contentious territorial dispute between the Philippines and China in the South China Sea. On 30 November 2015, the Philippine panel concluded the presentation of its claims against China to the tribunal.

8. Blunting China's Realpolitik Approach in the South China Sea Dispute

On 12 July 2016, the PCA delivered its long-awaited ruling on the protracted and tense maritime dispute between the Philippines and China. Surprisingly, the PCA ruled in favour of the Philippines in 14 of its 15 claims against China's expansive territorial claims in the South China Sea. The court declared that China's claims – defined by the nine-dash line – defy and violate international law. The tribunal concluded that whatever historic rights China had to the resources in the waters of the South China Sea were extinguished when it joined and ratified the UNCLOS.⁵⁵ It also noted that, although Chinese navigators and fishermen, as well as those of other states, had historically made use of the islands in the South China Sea, there was no evidence that China had historically exercised exclusive control over the waters or their resources.⁵⁶ The tribunal asserted that historical navigation and fishing by Chinese fishermen and navigators in the waters of the South China Sea involved the exercise of high seas freedom, rather than a historic right, and that there was no concrete evidence that China had historically exercised exclusive control over the South China Sea or prevented other states from exploiting its resources. This ruling on China's claim to historic rights within the nine-dash line was a major legal victory for the Philippines since this was the major reason why it initiated the arbitration proceedings against Asia's new emergent power.⁵⁷

In addition, the PCA ascertained although the Spratly Islands were historically used by small groups of fishermen and several fishing and

guano mining enterprises, these land features could not sustain habitation by a stable community. Accordingly, the tribunal gathered that none of the Spratly Islands is capable of generating extended maritime zones.⁵⁸ It also noted that these features now have constructed installations with maintenance personnel. However, these modern presences are dependent on outside resources and support. In fact, many of the features have been modified to improve their habitability. The tribunal ruled that the Chinese land reclamation and construction projects in the area infringe on the Philippines' territorial rights. More importantly, it found China guilty of destroying the maritime environment by building artificial islands and illegally preventing Filipinos from fishing and exploring oil in the area.

All in all, these decisions effectively invalidate any Chinese claim based on the nine-dash line to more than the disputed land features themselves and the territorial seas they encompass. Furthermore, the PCA determined that China violated the rights and obligations of nations utilizing the ocean by destroying the marine environment, through its constructions of artificial islands; openly defied Philippines sovereign rights by interfering with oil and gas exploration at the Reed Bank; and illegally constructed a facility on Mischief Reef, which sits on the Philippine continental shelf.⁵⁹

The PCA award to the Philippine case is a strong assertion of the impartiality and effectiveness of the dispute resolution mechanism of UNCLOS and more significantly, the triumph of the Philippines' liberal approach over China's realpolitik approach in the maritime dispute. On the implication of the PCA's award for the South China Sea dispute, an American specialist on maritime law commented:

...the decision is much more than a pyrrhic victory for the Philippines as some will be tempted to suggest. This opinion will have normative power that over the long run will and should affect the way every state thinks about the South China Sea in the future. Ultimately, the ruling's power is not in its direct enforceability, but the way it will inevitably alter perceptions about right and wrong actions in the South China Sea. Coercion will no longer stand with moral impunity. Even if indirectly, the opinion should therefore serve as the basis for improved bilateral relations in the future. It has significantly narrowed the scope of what is in reasonable and justifiable dispute and therefore should help the parties move closer to a final resolution of their differences.⁶⁰

9. The PCA Award as a Lawfare

The PCA award to the Philippines is not simply a sweeping legal victory and a decisive setback for China. It also has significant strategic and geopolitical implications for East Asia. Thus, it is considered a potential

game changer that has introduced new factors transforming the strategic milieu of the dispute, reshaping the actors' strategies and identities, and strongly motivating them to change their courses of actions and decisions. At the core of this change is the engendered clarity of the maritime dispute particularly China's claim based on the nine-dash line that has neither legal nor historical foundation and the ruling that no country can lawfully assert "historic rights" in the high seas.⁶¹ By clarifying the legal status of the South China Sea, the ruling has exposed China's expansive maritime claim as simply a component of its concerted long-term maritime strategy aimed to erode American preponderant position in the region, weaken the credibility of U.S. security commitments in East Asia, fragment ASEAN and other regional bodies, and coerce specific regional states to accommodate its self-defined and self-proclaimed "core interests."⁶²

Likewise, the PCA ruling revealed that the maritime dispute between China and the other littoral states such as the Philippines is part and parcel of an old-fashioned great power competition between an emergent regional power and a status quo power in East Asia.⁶³ From a geo-strategic perspective, Chinese control of the South China Sea will extend the PLA's A2/AD.⁶⁴ This will enable the PLA to fully deploy advanced submarines and surface combatants, for longer-ranged strike warfare, and more sophisticated aircraft to delay or deter U.S. response to regional crisis, such as over the Taiwan Straits or in the Senkaku Islands.⁶⁵ Maritime control over the South China Sea will also support the PLAN's power-project capabilities into the far seas.⁶⁶ In specific terms, using its historic claim as the legal basis of its maritime expansion, China was able to occupy, build-up and construct military-grade facilities on a network of seven disputed land features in the South China Sea. These fortified land features can be fully militarized within days and utilized to intimidate other littoral states, as well as complicate U.S. naval operations in the South China Sea short of creating an all-out conflict.⁶⁷

Consequently, the PCA ruling forces states in the region to take sides – either to be on the side of international law (or the status quo) or against it (revisionism leading to China's domination of the South China Sea) – and this significantly narrows the room for manoeuvre by both sides. Prior to the ruling, regional states articulated their own interpretations of the various South China Sea disputes and preferred to be fence-sitters. Interestingly, the PCA award also produces the basis and motivation for cooperation among states that are threatened by China's maritime expansion and consequently, are supportive of international law. Before 12 July 2016, the maxim of "each to his own" hindered these states from engaging in robust cooperation to constrain China's maritime expansion. With the PCA's ruling that China's nine-dash line is invalid, littoral states like the Philippines, Malaysia, Indonesia, and Vietnam can join forces and lawfully align themselves with

major naval powers like the United States, Japan, Australia, and India to defend their EEZ against Chinese encroachment, and rationalize this effort to uphold international law. If cooperation among these states before the ruling could easily be interpreted as taking sides and ganging up on China, now it can be regarded as a collective effort by the international community to defend the rule-based order against an aggressive and expansionist power.⁶⁸

These states can then apply a strategy of constraint on China. Nonetheless, formulating a constraint policy entails an assessment of whether China's neighbours and the major powers are strong enough to resist Chinese expansion in the South China Sea.⁶⁹ The policy also requires that the interests of the states must be collectively defended by means of incentives for good behaviour, deterrence for bad behaviour, and punishment when deterrence fails.⁷⁰ The legitimacy of the PCA ruling and its alignment with the strategic interests of these states will provide the *raison d'être* of this coalition which will set the appropriate mechanisms for the effective implementation of the constraint policy on China.

10. The Duterte Administration's Goal: To Reduce the Ruling as a "Piece of Trash"

Despite the fact that the eagerly awaited 12 July 2016 PCA ruling was a legal victory for the Philippines, the Duterte Administration met the decision with sober, cautious and even muted reaction. Then Philippine Foreign Affairs Secretary Perfecto Yasay Jr. called for restraint and sobriety among the Filipinos who were euphoric about their country's decisive legal triumph against an expansionist power. During the ASEAN summit meeting in Laos, President Rodrigo Duterte digressed from his prepared speech on the PCA ruling on the South China Sea, and instead, narrated accounts of American atrocities against the Moros of Mindanao in the early 20th century. Before the summit, President Duterte claimed that the PCA ruling is purely a bilateral issue between the Philippines and China, and not a matter for ASEAN, echoing both Cambodia's and China's position on the matter. On 13 September 2016, he announced an end to Philippine-U.S. joint patrols in the South China Sea and, added that the PN will confine its routine patrol within the country's territorial waters to avoid provoking other countries.⁷¹

In his speech at the Center of Strategic and International Studies (CSIS) in Washington D.C., in September 2016, Secretary Yasay reasoned out "that joint patrols (with the U.S.) could be seen by China as a provocative acting, making it more difficult to peacefully resolved territorial disputes."⁷² He disclosed that the Philippines is quietly making arrangements through diplomatic channels for bilateral talks with China without any preconditions. Clearly, the Duterte Administration is determined to establish an entente with China even though

the Chinese Navy and Coast Guard vessels are operating inside potential flashpoints such as the Scarborough Shoal and the Mischief Reef.

President Duterte pursues a calibrated foreign policy by gravitating closer to China. He declared that he is opened to any direct bilateral negotiations. In contrast, former President Aquino brought the dispute to be resolved by the Permanent Court of Arbitration. Supportive of President Duterte's policy pronouncements, then Foreign Secretary Yasay commented "that the relationship between the two countries (China and the Philippines) was not limited to the maritime dispute. There were other areas of concern in such fields as investment, trade and tourism and discussing them could open the doors for talks on the maritime issues."⁷³

In late September 2016, President Duterte divulged that he would forge "new alliances" to cushion the fallout from the possible withdrawal of the U.S. from the Philippines in 2017.⁷⁴ In a speech delivered in the province of Pampanga, he urged Filipinos to make a small sacrifice for his plan of "crossing the Rubicon" in his ties with the U.S. as he establishes partnerships with rival countries (China and Russia) or what he called countries on the other side of the ideological barrier.⁷⁵ He also announced his forthcoming visits to Russia and China to chart an independent foreign policy and "open (new) alliances" with these two regional powers that are ideological and traditional rivals of the U.S., the Philippines' only strategic ally.

In his most recent speeches and policy initiatives, he has intimated that he is diplomatically and strategically distancing the Philippines from the United States while gravitating towards China and Russia.⁷⁶ On 21 October 2016, 250 Filipino businessmen accompanied him when he visited China. The Philippines set aside years of hostility and sought a new partnership with China at a time when strained relations between the Philippines and its long-standing ally, the U.S., were mounting.⁷⁷ This trip manifested President Duterte's independent posture in foreign affairs that allows him to adroitly balance the major powers. This diplomatic gambit also impelled him to downplay the arbitral tribunal's landmark decision on the South China Sea disputes and giving credence to former State Councilor Dai Bingguo's remark that the ruling is nothing more than a "piece of trash paper."

Toeing the line, then Secretary Yasay admitted that the Philippines is helpless in stopping China's maritime expansion and militarization activities on the disputed islands in the South China Sea.⁷⁸ He mentioned that it was wiser to let other countries with special concerns about China's activities take action (themselves), citing the U.S. and Japan which had raised concern on freedom of navigation and overflight operations.⁷⁹ He announced as well that the Philippines has its own bilateral engagement with China to ensure no further actions.⁸⁰ On 20 December 2016, Chief Presidential Legal Counsel, Salvador B. Panelo, stated to set aside temporarily the PCA ruling favouring

the Philippines “since the country cannot enforce it against China.”⁸¹ According to him, “the ruling is a mere paper judgement.”⁸² Accordingly, “instead of trying to enforce it against China with minimal chances for success, the Philippines should take advantage of economic benefits resulting from better relations with China.”⁸³ He went to say instead of trying to enforce it against China with a minimal chance of success, the Philippines should take advantage of economic benefits resulting from better relations with China.⁸⁴ On 22 December 2016, President Duterte himself declared his readiness to set aside the PCA ruling amidst reports that PLAN has installed weapon systems in the seven land features which China occupies in the disputed waters.⁸⁵ Succinctly, he said the changing nature of international politics in Southeast Asia prompted his decision. This standpoint obviously and radically differs from President Aquino’s position of standing up to China.

11. The Duterte Administration’s Appeasement Policy and the 30th ASEAN Summit

Since early 2017, President Duterte made several statements and undertook several measures that could be construed as an appeasement policy on China. In March 2017, he publicly admitted that the Philippines cannot stop China’s reported plan to construct an environmental monitoring station on the disputed Scarborough Shoal.⁸⁶ Questioned by a journalist about his view on the prospect of China building a radar station on the shoal, President Duterte revealed his appeasement agenda when he replied: “We cannot stop China from doing this thing. So what do you want me to do ... declare war on China? I can, but we’ll all lose our military and policemen tomorrow.”⁸⁷ He even announced that he wants Chinese ships “to pass or come and dock” in the Philippines as long as “they will not do anything to the Philippine Coast Guard as it patrols the country’s maritime waters.”⁸⁸

President Duterte’s announcements that he would not do anything to stop China from building on the disputed shoal was based on the calculation that appeasing this emergent power has its rewards in the form of US\$6 billion dollars in deals including agreement for agricultural exports to China, and loans for infrastructure projects. In March 2017, Chinese Third-Vice Premier Wang Yang visited Davao City and witnessed the exchange of letters between Philippine and Chinese officials on the feasibility studies of infrastructure projects China will bankroll.⁸⁹ Mr. Wang visited portions of the proposed Davao Coastline and Portland Development Project. He was also briefed on the Davao City Expressway and the Mindanao Railway. In the aftermath of this trip in Mindanao, Premier Wang expressed China’s interest in funding the various infrastructure projects presented to him while he was in Davao City.⁹⁰

Also during Premier Wang's visit, the Philippines and China signed a six-year economic cooperation agreement.⁹¹ It commits China to finance 15 big-ticket infrastructure projects such as the US\$53.6 million Chico River Pump Irrigation, the US\$374 million New Centennial Water Source-Kaliwa Dam, and the South Line of the North-South Railway.⁹² Moreover, China also extended to the Philippine government a credit package worth US\$500 million for the AFP's procurement of Chinese-made military hardware.⁹³ Under the initial part of this assistance package, China will extend to the Philippines US\$144.4 million for the Philippine military's acquisition of small arms, speed boats and night vision goggles to enhance its counter-terrorism, counter-insurgency, counter-terrorism and anti-narcotics capabilities.⁹⁴ Historically, the AFP has acquired its hardware from the U.S. However, under his administration, the Philippine military's procurement pattern will likely change as President Duterte explores the possibility of reducing the AFP's dependence on the U.S. by procuring Chinese-made weapons financed by Chinese loans over a 25-year period.⁹⁵

Not surprisingly, President Duterte is resigned to heightened Chinese island-building activities in the South China Sea. Clearly, he has been lured by the Chinese promise of trade concessions, grants, loans and investment. Consequently, his administration has subscribed to Beijing's official mantra "that after several years of disruption caused mainly by "non-regional countries (Japan and the U.S.), the South China Sea has calmed with China and Southeast Asian countries agreeing to peacefully resolve [their] disputes."⁹⁶ He put this mantra into practice during the 30th ASEAN Summit held in Manila in late April 2017.

Even before the summit began President Duterte announced that he would not raise the PCA rulings on the South China Sea during the ASEAN Summit on 27 April.⁹⁷ During a press conference held in the presidential palace two days before the event, he emphatically declared "We [ASEAN] will skip, I will skip the arbitral ruling. It is not an issue here in the ASEAN."⁹⁸ By accepting Chinese economic largess and rejecting former President Aquino's confrontational stance on the South China Sea dispute, President Duterte dismissed the idea that any benefits could come out from the PCA ruling. Responding to his domestic critics, President Duterte deridingly pointed out: "What would be the purpose of discussing it? Who will dare pressure China?"⁹⁹

True to his word, the chairperson's communique for the 30th ASEAN Summit avoided any adversarial statements directed at China. It did not include any references to China's island building and weapons deployment on the reclaimed land features nor did it touch on the PCA ruling that declared China's excessive claim in the South China Sea as a violation of international law. ASEAN diplomats reported that there were some efforts exerted by the

Chinese government to pressure the Philippines to keep the South China Sea issue totally off the ASEAN agenda. The statement, however, retained the phrase “the need to demonstrate full respect for legal and diplomatic process in resolving the dispute.” This was a very subtle reference to the PCA ruling and to the regional negotiations for the COC.¹⁰⁰ Nevertheless, the statement also welcomed China’s cooperation with ASEAN on the drafting of a framework for a Code of Conduct for the Parties in the South China Sea.

A few ASEAN leaders tried to include the phrase “such reclamation and militarization (in the South China islands) that may further complicate the situations.” However, as the current chair of ASEAN, President Duterte determined it was pointless to discuss China’s island reclamations in the South China Sea and the PCA ruling, calling both a non-issue.¹⁰¹ Pleased by the Philippine president’s moves to soften the chairman’s statement, the Chinese foreign ministry announced that “it had noted Mr. Duterte’s remarks and would continue to deal with the Philippines to create a sound environment for stable development of bilateral relations.”¹⁰² The following month, the Duterte Administration made sure that its relations with China would indeed further develop. He attended the opening ceremony of China’s One Belt, One Road Project in Beijing; the Philippine and Chinese coast guards formed a commission on maritime security cooperation; and the two countries’ foreign ministries began conducting bilateral talks on the South China Sea dispute.¹⁰³

12. Conclusion

The Philippines’ decision to file a case against China’s claim of sovereignty over much of the South China Sea stemmed from the 2012 Scarborough stand-off. This impasse was the proverbial tipping point caused by China’s pattern of protracted series of aggressive actions against the Philippines which began two years earlier. Confronted by an assertive China, the Philippines resorted to the instrumentality of international law that governs the use of the world’s oceans to settle maritime territorial disputes. Former Philippine Foreign Secretary Albert Del Rosario stressed the importance of this approach when he declared that the “UNCLOS has never been more important for the Philippines than today, when overlapping maritime claims threatens as never before the peace and prosperity in our part of the world.” Without any credible military capability to back its diplomacy, the Philippines saw that “the legal track presents the most durable option to defend the national interests and territory on the basis of international law.” During the stand-off, the Philippines reiterated its proposal to present the dispute over the shoal for arbitration by the International Tribunal on the Law of the Sea (ITLOS). It insisted on a multilateral approach to resolve the conflict and to ensure the freedom of navigation and the unimpeded commerce in the South China Sea which are also issues of grave concerns.

In January 2013, the Philippines confronted Chinese coercive diplomacy head-on by filing a statement of claim against China in the arbitral tribunal of the UNCLOS. In its statement of claim, the Philippines made it clear that it was not seeking arbitration over which party has sovereignty over the islands claimed by both the Philippines and China. Rather, it was simply requesting the tribunal to issue an opinion on two points in question: a) whether China's maritime claim in the South China Sea based on its so-called nine-dash line is valid or contrary to UNCLOS; and b) whether the Scarborough Shoal, Johnson Reef, Cuarteron Reef and Fiery Reef, which are submerged features that are below sea level at high tide, are islands or rocks under Article 121 (3) of the Convention.

With its filing of the 15 submissions with the PCA and the consequential ruling of the court on 12 July 2016, the Philippines foiled China's strong-arm tactic. By winning most of its claims, the country blunted China's realpolitik approach specifically when it patiently pursued a multilateral and legal solution to the maritime dispute, and appealed for the support of the international society that also has a stake in the outcome of the case. The Philippines showed to the global society that the appropriate way of settling disputes involving overlapping claims to the global commons should be the liberal/legal approach based on multilateralism and international law, not on powerpolitik. The challenge then for the Philippines was to forge a strong partnership with law-abiding countries in the world so that, collectively, they can avert China's realpolitik approach resolving disputes in an evolving regional order still haunted by recent history and still susceptible to the use of coercion and force. Finally, the PCA ruling could also be a potential game changer since it ascertained that China's expansionism into the South China Sea is bereft of neither legal nor historical foundation. It also created the *raison e'tre* for littoral states and major naval powers to form a coalition to effectively constrain an expansionist China.

Unfortunately, the Duterte Administration has shelved the PCA ruling saying that enforcing the decision has minimal chance of success. Instead, it has adopted a policy of appease in exchange for China's goodwill and economic largess. In the process, the Duterte Administration has unwittingly lent credence to former State Councilor Dai Bingguo's assertion that the 12 July 2016 PCA award to the Philippines is nothing more than a "piece of trash paper."

Notes

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The South China Sea Conundrum: China's Strategic Culture and Malaysia's Preferred Approaches

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Abstract

China is often portrayed as benign and peaceful. Yet, its assertive disposition on the South China Sea territorial disputes appears to contradict the “peaceful rise” narrative. China’s relentless quest in strengthening features under its control and turning them into artificial islands equipped with military facilities have stoke fear of expansionism among the Southeast Asian claimant states and threatened the maritime influence and interests of the US in the region. This paper focuses on China’s strategic culture to explain its policy considerations and Malaysia’s approach in responding to changing developments following the Permanent Court of Arbitration (PCA) Tribunal ruling. The paper argues that firstly, China’s strategic stance is two-fold – to neutralize US’s regional dominance and to dissuade Southeast Asian states from their reliance on the US; and secondly, Malaysia’s preference for a non-confrontational approach that gives precedence to dialogues and consultations are insufficient in defending its sovereign interests and must therefore be aptly backed up by a more emphatic strategic posture both on the ground and in its diplomatic language.

Keywords: *China, strategic culture, South China Sea, territorial disputes, PCA Tribunal ruling, sovereign interests, Malaysia*

1. Introduction

The South China Sea disputes involving six claimants of whom Malaysia is one of them¹ continue to remain a major torn in bilateral and regional relations. Over the course of 15 years since the issuance of the ASEAN Declaration on the Conduct of Parties in the South China Sea in November 2002, practically all claimant states have beefed up their claims to islands and reefs in the South China Sea by reclaiming land, building structures and expanding runways, and in the process further strengthening their own control

over the features that they have occupied. This runs contrary to the spirit of the Declaration where all the 10 ASEAN member countries and China have officially declared “to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability” (ASEAN Website, n.d.).

In recent years, the spotlight has been trained on China owing in part to its unbending historic claims to the South China Sea and its increasing assertiveness in ensuring that its territorial sovereignty and maritime rights are safeguarded. One case in point was the placing of its HS-981 oil rig in disputed waters with Vietnam in 2014 that later sparked violent anti-Chinese protests. While Beijing is quick to defend its action and view the area as under its jurisdiction despite Hanoi’s contestation, it shows intolerance to Vietnam and the Philippines when they tried to carry out oil and gas explorations in areas claimed to be within their exclusive economic zones (EEZs). Tensions flared in 2007 and 2011 when the two countries were pressured by China to stop their activities including issuing warnings against foreign energy companies involved (Glaser, 2011). Incidences that went beyond the overlapping claims have also been recorded of late. In 2015, Malaysia was shocked to learn from reports that a 4000 ton Chinese vessel was identified near Luconia Breakers and a Chinese coast guard vessel has been anchored at Luconia Shoals, about 150 km from the coast of Sarawak, for the past two years. A year later, Indonesia’s Natuna Island came under the limelight when China responded to Indonesia’s detaining of Chinese fishermen and trawlers near the island by claiming the waters around the island as rightfully its traditional fishing ground.

Escalations of tensions in the South China Sea have been squarely blamed on China’s increasing assertive and expansionist behaviour. Chinese vessels have been reported to collude or harass neighbouring coast guard ships and fishing trawlers as well as the USNS *Impeccable* surveillance ship, and have acted on occasions to protect their countrymen’s fishing boats that have strayed into neighbouring countries’ EEZs from being detained at sea. Incidences of emboldened Chinese trawlers ramming and sinking foreign fishing vessels and a 4.5-tonne South Korean coast guard boat in disputed waters have been reported as well (Perlez, 2014; Williams, 2016). China’s active pursuit of strengthening reefs and outposts that it occupies through land reclamation activities and the building of military facilities have not only stoke apprehension in the other claimant states but also posed a strategic threat to the maritime influence and interests of the US in the region.

Is Beijing launching an offensive to disrupt the power balance in the region and substantially reduce the threat that the US has been posing to Beijing’s strategic ambitions or is it merely interested to exert its claims and defend its maritime and territorial rights based on historical arguments?

Insights to this question lie in deconstructing China's strategic culture and understanding how ideational factors play a role in affecting policy considerations. This is pivotal when discussing appropriate responses and options for Malaysia as it utilizes bilateral and regional (through ASEAN) approaches to protect its sovereign interests.

Malaysia, unlike its ASEAN counterparts who have resorted to actions, some unconventional, to check China's assertiveness – Vietnam's violent clashes with China, Philippines' unilateral decision to take China to the arbitration court to seek international legal recourse, and Indonesia's eccentric move to blow up foreign fishing vessels, has been by far the quietest and reserved in expressing its stand against China. What informs Malaysia's policy position with regards to the territorial disputes in the South China Sea? Has the 2016 arbitration court ruling strengthened Malaysia's position vis-à-vis China's? How effective is ASEAN in addressing the issue, preventing tension from escalating, and sustaining peace in the region?

To address some of the questions raised above, this paper is divided into six sections. The next section looks at China's strategic culture and its significance in explaining the South China Sea conundrum. The third section examines Malaysia's policy orientation on the issue, particularly in dealing with China's assertiveness. The fourth section analyzes the impact of the Permanent Court of Arbitration (PCA) Tribunal's Award ruling and the role of ASEAN in managing the issue. The fifth section discusses the implications of China's strategic interests and Malaysia's strategic preferences. The final section concludes the paper.

2. China's Strategic Culture in the Context of the South China Sea Dispute

China advocates often portray the Middle Kingdom as a peace-loving non-aggressive nation that can be depended upon to choose nonviolent solutions over the waging of war in resolving conflicts and its rise as a formidable economic and military power is therefore peaceful and non-threatening. This "peaceful rise" narrative is reinforced by formal efforts of the Chinese government, particularly the "China's peaceful development" policy promoted under President Hu Jintao, to allay fears of a "China threat" by proactively engaging regional countries through economic cooperation initiatives such as the China-ASEAN Free Trade Agreement (CAFTA). However, is China's strategic culture purely defensive in nature?

The "peaceful rise" narrative is also considered by Merriden Varrall of the Lowy Institute for International Policy as one of her four narratives that informs China's strategic culture. She terms it as inherent and unchanging cultural characteristics (Varrall, 2015). It is often emphasized by Chinese

leaders in their speeches to the international community. For example, President Xi Jinping in his speech at the United Nations in Geneva in January 2017 mentioned that,

First, China remains unchanged in its commitment to uphold world peace. Amity with neighbors, harmony without uniformity and peace are values cherished in the Chinese culture. *The Art of War*, a Chinese classic, begins with this observation, “The art of war is of vital importance to the State. It is a matter of life and death, a road to either survival or ruin. Hence it demands careful study.” What it means is that every effort should be made to prevent a war and great caution must be exercised when it comes to fighting a war. For several millennia, peace has been in the blood of us Chinese and a part of our DNA.

Several centuries ago, China was strong and its GDP accounted for 30% of the global total. Even then, China was never engaged in aggression or expansion. In over 100 years after the 1840 Opium War, China suffered immensely from aggression, wars and chaos. Confucius said, “Do not do to others what you do not want others to do to you.” We Chinese firmly believe that peace and stability is the only way to development and prosperity.

China has grown from a poor and weak country to the world’s second largest economy not by committing military expansion or colonial plunder, but through the hard work of its people and our efforts to uphold peace. China will never waver in its pursuit of peaceful development. No matter how strong its economy grows, China will never seek hegemony, expansion or sphere of influence. History has borne this out and will continue to do so. (Xi, 2017)

Xi’s statement would have been dismissed by Christopher Ford, author of “Realpolitik with Chinese Characteristics” (2016) and currently a Special Assistant to the President and US National Security Council Senior Director for Weapons of Mass Destruction and Counterproliferation, as propaganda. In an interview, Ford warned against being misled by “Beijing’s self-Orientalizing narrative of benevolent pacifism”, stating that “[a]t a time when China was weak, it indeed tried to act non-provocatively while working to build that strength. But this is not real pacifism; it is the prudence of a country with a clear agenda waiting for a better opportunity to act on it. As China has become stronger, it has increasingly been abandoning non-provocative postures, and seems today ever more willing to act like exactly the self-interested hegemon that official propaganda has denied it is culturally or even ‘genetically’ possible for China to be” (Wan, 2016).

Is Xi’s statement a strategic deception? According to Alastair Iain Johnston, a professor of China in World Affairs at Harvard University, the espousing of the ‘peaceful rise’ narrative would be categorized under the Confucian-Mencian or idealpolitik paradigm where strategic preferences are defensive or accommodationist. This is in contrast to the other category of

hard realpolitik or *parabellum* paradigm with offensive strategic preferences (Johnston, 1996).² Johnston defines strategic culture as “an integrated system of symbols (i.e., causal axioms, languages, analogies, metaphors, etc.) that acts to establish pervasive and long-lasting strategic preferences by formulating concepts of the role and efficacy of military force in interstate political affairs, and by clothing these conceptions with such an aura of factuality that the strategic preferences seem uniquely realistic and efficacious” and found evidences through his extensive research of a Chinese tradition of *parabellum* strategic culture (termed cultural realism) during the periods of the Ming Dynasty and Maoist China (Johnston, 1995; 1996: 222). He concludes that far from idealpolitik and contrary to popular belief, “the predominant Chinese strategic tradition does not differ radically from key elements in the Western realpolitik tradition” (Johnston, 1995; Johnston, 1996: 256). His findings imply that China is not uniquely different from Western powers as commonly perceived and is more predisposed to the use of force than popularly imagined.

Johnston's study found support from political scientist Andrew Scobell who defines strategic culture as a “set of fundamental and enduring assumptions about the role of collective violence in human affairs and the efficacy of applying force interpreted by a country's political and military elites” (Scobell, 2015: 48).³ But unlike Johnston who views the presence of Chinese idealpolitik as essentially symbolic and thus less relevant, Scobell argues that both realpolitik (offensive) and idealpolitik (defensive) characterize Chinese strategic culture because of the tendency to rationalize offensive military operations as defensive pursuits (Scobell, 2002; 2015). Chinese leaders perceive their strategic culture as defensive in nature while viewing the world via a realpolitik lens and thus consider the use of force as an instrument of defence (Scobell, 2015: 49). This view offers an explanation for why China sees a need to strengthen its control over the features that it occupy in the South China Sea: to counter what it perceives as US territorial or maritime threats exemplified by the various freedom of navigation operations (FONOPS) and joint military drill exercises with neighbouring countries who are also claimant states.

Varrall's second narrative of what motivates Chinese behaviour reinforces Scobell's argument of how China perceives the outside world. She terms it the “century of humiliation” where the Chinese are constantly reminded of the long history of humiliation suffered in the hands of foreign powers and this narrative is then used to support a national identity construction by the Party-state to claim political authority and legitimacy (Varrall, 2015: 5-6). Although China today is far from being weak, it continues to paint foreign powers in realpolitik terms and thus calls for the need to stay vigilant and sustain an active defense that includes offensive and preemptive responses

(Scobell, 2002). The 2015 White Paper on China's military strategy does not mention preemptive strike but defines active defence as "adherence to the unity of strategic defence and operational and tactical offense; adherence to the principles of defense, self-defense and post-emptive strike; and adherence to the stance that 'We will not attack unless we are attacked, but we will surely counterattack if attacked'" (White Paper, 2015). Applied to the context of the South China Sea dispute, the fortification of China-controlled features would therefore fall within the notion of strategic defence but with operational and tactical offensive capabilities.

Varrall's third and fourth narratives, namely "history as destiny" and "filial piety and familial obligation", lend credence to the "idealized discourse" within the Confucian-Mencian paradigm mentioned by Johnston (1996: 220) as they emphasize the importance of cultural symbols characterized by China's "right" to claim supremacy (albeit peacefully) as it once used to do so under the imperial tributary system, and the right to a "China dream" where China as a state is also a large family (the Chinese characters for country is made up of 国 – country and 家 – family) (Varrall, 2015: 8-10). This latter observation is not only restricted to mainland China but encompasses neighbouring regions including Southeast Asia with China playing the role of an older brother (*ibid.*: 10), perhaps resembling how Southeast Asian countries were required to pay tribute to the Middle Kingdom in recognition of its dominant position. As an older brother, China can be counted on to defend the interests of ASEAN countries but only if they could subscribe to the Confucian philosophy of filial piety. Cooperating with the US to hedge against China would logically contradict this philosophy and earn the wrath of Beijing.

While Johnston provides a convincing argument on China's hard realpolitik culture, there is still a lack of firm evidence to suggest that post-Maoist modern China aims to supersede the US, dominate the entire world and claim the throne of a global hegemon. At the same time, China's strategic behaviour does not reflect a benevolent pacifist as often portrayed in its official language. There is certainly a rich mix of idealpolitik and realpolitik in its strategic culture and its military posture of active defence would suggest that it is not reticent in its use of force including offensive tactics to defend its security interests. China's actions in the South China Sea issue could therefore be explained based on the understanding of its strategic culture as follows. Firstly, Beijing factors Washington's role in its strategic calculations even though the disputes are only between the six claimant states. This is anticipated since China's constant warning against US's interference has fallen on deaf ears and has not stopped the US from thumbing its nose and flexing its muscles on the issue, at times working with the other claimant states to bolster their defense capacities. This creates the perception of threats that

could undermine Chinese interests and heightens China's defensive posture by postulating a more assertive stance.

Secondly, China is no longer a weak and hapless nation but the second and third most powerful economy and military respectively in the world. It has the means necessary to regain its status as a strong and respected nation. Its actions in the South China Sea should be viewed within this context instead of being interpreted as steps toward a regional, if not world, domination. This is in line with Varrall's "history as destiny" narrative (2015) and Morton's related argument of China's ambition as "primarily driven by a historic mission to achieve its rightful status as a maritime nation" (2016: 911). But in claiming this historical right by actively defending its control over contested boundaries, China has undermined the legitimate interests of other claimants. Therein lays the contention between historical assertion and the preservation of established maritime order. The recent PCA ruling clearly challenges the "history as destiny" narrative when it rejects China's claims. However, it also attests to the "century of humiliation" narrative as the *People's Daily*, an official newspaper of the Chinese Communist Party (CCP), has called the ruling a "tool of political manipulation" to damage China's territorial sovereignty and maritime rights (*People's Daily*, 2016).

China's behaviour further raises the question of how effective has ASEAN become in socializing China, i.e. persuading it to subscribe to ASEAN's established norms specifically on the renunciation of the threat or use of force, a key principle in the Treaty of Amity and Cooperation (TAC) that China acceded in 2003. Observably, China's accession to the TAC or its "socialization" through cooperative processes has neither contributed to the reduction of tensions in the South China Sea nor prevented the Philippines from seeing a dire need to seek international legal recourse.

3. Malaysia's Policy Orientation on the South China Sea Issue

Malaysia's position on the South China Sea dispute rests on a number of factors perhaps similar in some respects to other claimant states. They are the health of Sino-Malaysian relations, the level or degree of the disputes, and the conditions of its domestic political economy. The historical factor argument that Malaysia is the first country in Southeast Asia to establish diplomatic relations with China and therefore Putrajaya enjoys a "special political relationship" with Beijing unparalleled by other claimant states has often been noted by some media and scholars in explaining Malaysia's cordial relationship with China compared to Vietnam's and the Philippines'. However, this narrative is at best a mere proposition. While "the ruling elite in Kuala Lumpur have been convinced that they have a 'special relationship' with Beijing" as remarked by Gregory Poling of US's Center for Strategic

and International Studies (CSIS) (quoted in Jennings, 2016), whether Beijing shares the same belief is anything but clear.

Malaysia maintains a healthy political relationship with China due to the former practicing a non-antagonistic policy towards the latter. Malaysia is aware of its status as a small state and understands that its power capabilities are limited. Political and economic stabilities are important as it aims to achieve its Vision 2020 of becoming a developed nation by 2020. It thus takes a more pragmatic approach by exercising a higher tolerance level when dealing with China's assertiveness and placing greater emphasis on diplomacy and the rule of law. The latter point is reflected in a recent op-ed piece by Malaysian Prime Minister Najib Razak where he wrote that, "When it comes to the South China Sea, we firmly believe that overlapping territorial and maritime disputes should be managed calmly and rationally through dialogue, in accordance with the rule of law and peaceful negotiations" (Razak, 2016). Obviously, this pragmatism is largely realized by the lower level or degree of disputes Malaysia have with China in comparison to its fellow ASEANists – Vietnam and the Philippines. This pragmatic approach is further supported by the ability to carry out discussions behind closed doors and away from public debates that could otherwise fan nationalist emotions like in Vietnam, the Philippines and China, and "complicate ongoing diplomatic efforts by hardening positions" (Noor, 2016: 210).⁴

Geographically, the disputed islands that Malaysia controls are situated relatively further South and away from mainland China. Land reclamation, building of civil and military outposts, and the oil rig and Scarborough shoal incidences as well as reported clashes between coast guards at sea have yet to involve Malaysia. The issues of harassment of Malaysian fishermen, surveillance activities by Chinese vessels in Malaysian waters, and encroachment of Chinese fishing boats into Malaysian waters have not led to any strong retaliation from Putrajaya beyond the registering of official protests with Beijing and the summoning of China's ambassador to Malaysia.⁵ Arguably, Malaysia has yet to encounter the level of distress that beset Vietnam and the Philippines due to their geographical proximity to China. As Poling observed, "Malaysia has been more hesitant to push back forcefully against China, partially because the Philippines and Vietnam have been a useful buffer, soaking up so much of China's bullying over the last few years" (quoted in Jennings, 2016). This could well explain Malaysia's position of promoting multilateral platforms such as ASEAN as the best avenue to address and more importantly manage the South China Sea issue in a peaceful manner. Malaysia has been a strong proponent of the ASEAN code of conduct and tends to favour collective resolve on security matters.

Economic wise, Malaysia realizes it needs China to maintain its economic growth. Figures have shown that bilateral trade and investment between

the two nations are very strong. China is Malaysia's number one trading partner since 2009 with two way trade volume for January to November 2016 totalling RM216.27 billion (USD48.67 billion). Antagonizing China could cause a backlash on Malaysia's economy which is already facing weak currency exchange, lower oil prices and heavy debts owed by its state fund – 1Malaysia Development Berhad (1MDB). With foreign direct investments (FDIs) from the West becoming less available due in part to investigations on the 1MDB scandal being carried out in Switzerland, the US and Singapore, critics argue that Prime Minister Najib Razak does not have much option but to turn to cash-rich China for help (Jaipragas, 2016). Najib, however, registered his displeasure at Western powers when he opined in a Chinese government owned newspaper that “former colonial powers” should not “lecture countries they once exploited on how to conduct their own internal affairs today” (Razak, 2016), a move perhaps to signal to his Western counterparts that Malaysia can rely on China and need not kowtow to the self-righteous West in order to receive their investments.

Najib's remarks came at a time when Chinese state-owned enterprises have agreed to purchase assets belonging to 1MDB, thus raising the question of whether China is helping to ease some of 1MDB's burgeoning debts. China General Nuclear Power Corporation recently bought 1MDB's energy assets under Edra Global Energy Bhd for RM9.83 billion (USD2.25 billion) and China Railway Engineering Corporation (CREC) will be partnering with Iskandar Waterfront Holdings (IWH) to purchase a 60% stake in a real-estate mega project called Bandar Malaysia from 1MDB for RM7.42 billion (USD1.7 billion) that will likely serve as the main hub for the proposed Kuala-Lumpur-Singapore high speed rail project (Zahid, 2015).⁶ Najib's visit to China in November 2016 has further secured fresh foreign direct investments totaling RM144 billion (USD33 billion) that included a RM55 billion (USD12.6 billion) deal to build the East Coast Rail Link (ECRL) and a first ever military purchase of four Chinese littoral mission ships – two to be built by China and two by Malaysia. China has become a major contributor to FDI in Malaysia. Chinese investments in 2015 stood at RM1.87 billion (USD428.4 million) and rose to RM2.50 billion (USD572.8 million) in Jan-Sept 2016 (MIDA Official Website). FDI inflow is an important scorecard for the government as it needs to continuously generate jobs, maintain growth of the export-oriented economy, and uplift the population's standard of living particularly when the next general election is looming near.

Whether this “pivot” to China, economically and possibly militarily, will compromise Malaysia's territorial claims in the South China Sea or affect its policy vis-à-vis Japan and the US that have called for China to scale back its activities in the South China Sea remains to be seen. It is, however, a cause for concern primarily because Malaysia, according to retired Malaysian

ambassador Dennis Ignatius, does not have a “coherent strategy in place to deal with [China’s assertiveness]” in the South China Sea (Ignatius, 2017). He argues that “it does not help that we look to the very country that challenges our sovereignty to defend it or cozy up to the very navy that intrudes into our waters and harasses our fishermen” (*ibid.*). In Parliament, Najib stated that the government will not compromise and allow the territorial sovereignty of the country to be trampled upon (*The Malaysian Reserve*, 2017). But without a coherent strategy, too much dependence on China could put into doubt the country’s level of dependability when its support is needed in efforts directed at pressuring China to back off from its overarching claims.⁷

4. The Permanent Court of Arbitration (PCA) Ruling and the Role of ASEAN

The PCA tribunal on the South China Sea case involving the Philippines and China was as important to the other ASEAN states (claimants and non-claimants) as it was to the Philippines. From a small state perspective, international law can serve as a legitimate line of defence against powerful states who flex their muscles because of its ability to depict the strong state as a “bully” and be used to rally support from the international community. Although Malaysia was not a party, its support for the tribunal’s process can be witnessed from its participation in the proceedings as an observer. Malaysia is as concerned as the Philippines since the outcome of the ruling will have implications for the country as well. A nullification of China’s 9-dash line claim would automatically remove Malaysia’s overlapping territorial and maritime claims with China.⁸ So, how did Malaysia view the ruling and its importance to ASEAN?

Malaysia was careful in wording its official statement released by its Ministry of Foreign Affairs following the decision of the PCA tribunal on 12th July 2016. Instead of following the Philippines and Vietnam in using the word “welcome”, the word “notes” was used, as in “to take note”, in acknowledging the tribunal’s decision; conceivably to take into consideration the sensitivities of parties involved and to show impartiality. The statement reiterated Malaysia’s position that “it is fully committed and calls on all parties to ensure the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) in its entirety; and the early conclusion of a Code of Conduct in the South China Sea (COC) as agreed between China and ASEAN countries” (MOFA Malaysia, 2016). It reflected Malaysia’s cautious and accommodationist behaviour, which is visibly in accordance with its non-confrontational approach towards China.

The tribunal award⁹ that ruled in favour of the Philippines is important for Malaysia for two particular reasons. Firstly, instead of using the ruling to

push China into a corner, it saw the verdict as a further boost¹⁰ to get Beijing to return to the negotiation table under the established ASEAN framework, i.e. to reaffirm the significance of the DOC and speed up the realization of a COC, and to subsequently downplay China's insistence on separate bilateral negotiations. Secondly, the ruling will strengthen ASEAN's collective position on addressing the disputes in a peaceful manner. The same statement further reads, "Malaysia believes that all relevant parties can peacefully resolve disputes by full respect for diplomatic and legal processes, and relevant international law and 1982 UNCLOS" (*ibid.*).

A similar phrase appeared as well in the Joint Communiqué of the 49th ASEAN Foreign Ministers' Meeting (AMM) on 24th July 2016 in Vientiane, although not under the sub-heading of "South China Sea" but in paragraph two under "ASEAN Community Vision 2025" (AMM, 2016). The phrase "full respect for legal and diplomatic processes" was likely intended to remind China to fully respect the international law and established practices. The repositioning of the phrase was made to accommodate Cambodia who viewed the tribunal's ruling as a "political conspiracy" against China and had blocked any efforts of mentioning the PCA ruling in the communiqué as it did not want to join its ASEAN counterparts in adopting a common position (Sokheng, 2016; Mogato, Martina and Blanchard, 2016). Interestingly, however, it did not join Pakistan, China and Taiwan in officially rejecting the tribunal's findings.

ASEAN's efforts in overcoming internal and external obstacles to come together and express their joint stand on the South China Sea issue deserve commendation. Internally, the grouping has failed to issue a joint statement in 2012 due to Cambodia's actions in blocking criticisms against China. Externally, China has tried to drive a wedge into ASEAN by getting three ASEAN countries, namely Brunei, Cambodia and Laos, to support its position that the territorial disputes should be resolved among claimant states through bilateral negotiations (Miller, 2016). Complications also surfaced at a Malaysian proposed Special ASEAN-China Foreign Ministers' Meeting in Kunming in June 2016 that highlighted poor coordination in issuing statements on the ASEAN side and failed to produce any outcomes on the South China Sea problem (Tang, 2016).

Following the AMM's joint communiqué, a few joint statements by ASEAN and China were issued where both reaffirmed their commitment to the full and effective implementation of the DOC and the CUES (Code for Unplanned Encounters at Sea), and agreed to adopt China's proposal on guidelines for senior diplomatic officials' communication hotline platform to respond to maritime emergencies (which will complement the communication hotline established by ASEAN defence ministers in 2015) and complete the COC consultations by the middle of 2017. These steps are no doubt important

in enhancing confidence, reducing risks of conflicts and clashes at sea, building political trust among parties involved and setting the stage for more practical maritime cooperation. They may also give the impression that China has softened its stance.

However, such developments do not address or alter China's core interests. Calling the PCA judgment a "political farce under the pretext of law" (quoted in Beech, 2016), China still maintains its claim to the South China Sea based on its 9-dash line and historical arguments as well as its strong conviction over the islands and reefs that it has so far occupied and those that it haven't but deemed as part of China's territorial sovereignty. It would be unthinkable that China is prepared to peacefully abdicate its control over Mischief Reef, for example, that it has heavily constructed and militarily fortified because the tribunal has ruled the artificial island to form part of the Philippines' exclusive economic zone. The recent developments related to the DOC and COC may help to alleviate some of ASEAN members' apprehensions especially in light of the PCA award but will do little to change China's sovereign claims in any way, shape or form.

China's position is very clear. Its official policy on maritime cooperation firmly states that "China has *indisputable sovereignty* over the Nansha Islands and their adjacent waters.... No effort to internationalize and judicialize the South China Sea issue will be of any avail for its resolution; it will only make it harder to resolve the issue, and endanger regional peace and stability" (MOFA China, 2017; emphasis added). This is reinforced by on the ground activities with the construction of military related structures in all seven of its artificial islands. Satellite images have revealed the presence of aircraft hangars, missile shelters, point defense structures, radar or communication facilities and underground storage facilities (AMTI, 2017). These undertakings are in tandem with its active defence doctrine and display its seriousness in fulfilling its strategic ambition.

Arguably, the DOC reflects China's strategy to appease the concerns of its Southern neighbours and project a more Confucian-Mencian behaviour by keeping the dialogue channel open and hopefully reduce its neighbours' reliance on external powers such as the US for support that could disrupt China's defense buildup plans in the South China Sea. The DOC's significance in managing peace in the South China Sea is dependent on the COC, which has not been forthcoming. The Philippines, as the current host of ASEAN, has pledged to make the COC agenda as one of its key priorities. In May 2017, it was reported that China and ASEAN have agreed on an initial framework for how the COC document should be structured (Blanchard, 2017). Considering that the DOC has been in existence for over a decade, the exceptionally slow progress is disappointing. Yet, even if the COC is finally realized, it is doubtful that it will resolve the territorial rights

or claims in ways that the PCA has done. ASEAN should have capitalized on the tribunal's ruling by issuing a joint statement to express its solidarity and support for the Philippines' unilateral action and the importance of upholding international law, which is in line with its Charter. This would have improved ASEAN's bargaining power vis-à-vis China's. In addition, a shift in the Philippines' position on the South China Sea due to a change in presidency has further diluted the effects of the ruling with President Rodrigo Duterte setting aside the award in favour of closer economic ties with – and support for his war on drugs from – China.

Hence, it is highly unlikely that ASEAN or more specifically the COC that Malaysia is pushing for is capable of constraining China's strategic ambition since Beijing will readily oppose any efforts that hamper it from exercising its claims. The regional organization's inability to project a united front and continues to be subjected to external power-play speaks volume of its ineffectiveness in dealing with critical security concerns like the South China Sea issue. The fact remains that none of the international laws and norms such as UNCLOS, the 2002 DOC or the specific PCA ruling have stopped China from further solidifying its control and strategic interests in the South China Sea. Observers such as Sir Angus Houston, former chief of the Australian Defence Force, have opined that it is too late to do so (Fernando, 2017). It is hence apprehensible that Indonesia, a non-claimant small state, has unilaterally renamed part of the South China Sea as the North Natuna Sea and in so doing joins Vietnam and the Philippines in exerting its sovereignty against China's historic claims (Allard and Munthe, 2017).¹¹

5. The Implications of China's Strategic Interests and Malaysia's Strategic Preferences

China's strategic position on the South China Sea issue premises on a “dual-track approach” as reiterated by its Foreign Minister Wang Yi, whereby any overlapping claims ought to be addressed peacefully through bilateral channels only by the claimant states, and the regional role in maintaining peace in the South China Sea should fall on China and ASEAN under the guidance of the DOC (MOFA China, 2016). It is a strategy that aims to prevent the issue from being internationalized by allowing Beijing to maintain an upper hand and keep external powers, primarily the US, Japan, Australia and India, out of the issue. Although these countries do not have any territorial claims in the dispute, they have keenly voiced concerns over China's active land reclamation activities and militarization of its occupied features as a threat to the freedom of navigation on the seas and in the air. China has maintained that it is not against the freedom of commercial navigation but military operations that aim to challenge China's sovereign claims.

With the South China Sea serving as critical sea lines of communication, these countries do not share China's view but see the dispute as an international concern. The PCA ruling was thus instructive for them with Tokyo and Washington describing the outcome as "final and legally binding" (*Rappler*, 2016). This came on top of an unprecedented joint statement by India and Japan in December 2015 calling states to "avoid unilateral actions that could lead to tensions" in the South China Sea and an official statement on maritime security issued by the G7 Foreign Ministers in April 2016 expressing their "strong opposition to any intimidating, coercive or provocative unilateral actions that could alter the status quo and increase tensions..." (G7, 2016).

Criticisms from external powers should therefore be viewed within a wider context where China's actions in the South China Sea undermine established international laws and norms. It is not only about violations of another country's sovereign rights but more importantly of the concern that China will seek to unilaterally alter the current world order that the Western powers have painstakingly built and greatly benefited. This is reflective in Japanese Prime Minister Shinzo Abe's 2013 address on the "Five New Principles for Japanese Diplomacy" at the 40th Year of Japan-ASEAN Relations in Jakarta, mentioning "that the seas, which are the most vital commons to us all, are governed by laws and rules, not by might" (MOFA Japan, 2013). A major purpose of these powers in engaging ASEAN and its member countries is hence to build capacity, instill shared values and counter China's influence, in order to uphold the existing international norms and practices.

China's active defence culture and its preparedness to use force to defend its strategic interests in the South China Sea as well as the severe limitations of the DOC and the PCA ruling in impacting Chinese behaviour do leave very few strategic options for Malaysia to pursue. Malaysia's strategic preference has always been to push for a concerted effort under the banner of ASEAN. Putrajaya subscribes to the notion that an ASEAN with a united stance on the South China Sea issue will prevent Sino-US power rivalry from tearing the region apart or use its member countries as pawns in a zero-sum game. Malaysia is reluctant to take sides, preferring instead to subscribe to the rule of law and the ASEAN process to deal with China's assertiveness.

Unless China launches a military invasion to wrest control of Malaysia's controlled features, Putrajaya will unlikely make a major shift from its non-confrontational approach. This means that; firstly, Malaysia will continue to champion multilateral cooperation through regional and international platforms, especially the significance of ASEAN in realizing the COC. Malaysia is aware that the COC may not fully resolve the long-standing dispute but strongly believes in its importance in providing badly needed regional governance. Secondly, Malaysia will stay clear from aligning or

bandwagoning with the US or China. Malaysia's foreign policy is premised on non-alignment and enduring friendship with both the US and China (Noor, 2016: 216). Thirdly, Malaysia will continue to give precedence to diplomacy as the ineffectiveness of the PCA ruling in affecting a positive change highlights legal recourse as an unattractive option.

Putrajaya is however concerned with recent reports about China's militarization activities. It is firmly against any moves to further militarize the South China Sea. Apart from China, reports have also indicated that Vietnam could be discreetly fortifying a few of its occupied features with "new mobile rocket launchers capable of striking China's runways and military installations" and carrying out new dredging works on its controlled Ladd Reef (or Riji reef in Chinese) as a possible step to the construction of an artificial island to bolster its claims (Torode, 2016; Feast and Torode, 2016). Malaysia's objection to an increase in militarization activities is therefore premised on the concern that it will not only threaten Malaysia's territorial sovereignty but also create a downward spiral effect where other claimant states are forced to follow suit. Malaysia's Defense Minister Hishammuddin Hussein acknowledges that his two main concerns are "accidental and unintended incidents in the high seas and the increase in militarisation from any country" (*The Straits Times*, 2016b).

Hishammuddin Hussein's keynote speech at the International Institute for Strategic Studies Fullerton Forum in January 2017 encapsulates Malaysia's strategic thinking.

Malaysia for its part, firmly and unequivocally believes that this dispute can only be resolved through diplomacy and via multi-lateral institution such as ASEAN. We must also look beyond tired and childish notions of "winners" and "losers" for the simple fact that peace is a universal good and not a zero-sum game.

There has been as of late, a regrettable tendency to pigeon hole foreign relations in Asia Pacific as a series of false dichotomies. We are apparently being forced to choose the East or West, between China or the United States, between liberalism and populism. However, this goes against Asia's unique tradition of pluralism where different cultures, faiths and belief systems were able to co-exist and thrive for centuries. Securing the peace in our time, will require us to regain and enshrine this tradition in everything we do. Malaysia – whose DNA bears the best trace of moderation and pluralism – will always champion these sentiments in our dealings with the world. (Hussein, 2017)

The absence of a unified ASEAN position means that Malaysia still needs to consider the roles played by external powers, predominantly the US, as important in balancing against China. Hussein has reportedly stated that he welcomes US's FONOPS in the South China Sea as long as it does not cause an increase in tension (Moss, 2015). US FONOPS is important and should be

supported if its role is to uphold the PCA ruling and ensure that the sovereign rights of the other claimant states are equally protected. Nevertheless, the actual intention of FONOPS remains ambiguous. Are FONOPS meant to preserve the right of innocent passage as provided for under UNCLOS or to monitor China's military development? Some scholars have argued that US's real concern has been with the perceived threat to its freedom to conduct military operations in China's EEZ (Bateman, 2015; Valencia, 2016). Remarks from US Secretary of State Rex Tillerson at his Senate confirmation hearing in January 2017 that he wants China to stop the island construction and be denied access to the features it occupy further reaffirms China's long held suspicion over US's FONOPS. Tillerson's assertion is logically only possible with the use of force, which will undoubtedly trigger a retaliatory response from China.

Moreover, US's unclear policy on East and Southeast Asia under the new Trump administration has not instilled confidence in ASEAN countries. An online survey conducted by the ASEAN Studies Centre at ISEAS-Yusof Ishak Institute in Singapore in April 2017 found that 43.4 per cent of the respondents see the US as "disinterested" in Southeast Asia and 51.4 per cent think that the US has lost strategic ground to China since Trump took office (ASEAN Focus, 2017: 12-13). President Trump's decision to withdraw the US from the Trans-Pacific Partnership (TPP) agreement has further disappointed Malaysia and other TPP member countries and put into question the permanence of US's pivot to Asia. The US under Trump's leadership is increasingly viewed as unreliable.

US's tilt towards a more confrontational approach in dealing with China does not bode well for Southeast Asian countries who are against Washington's move to antagonize Beijing. The Philippines, under Duterte's leadership, has distanced itself from its overreliance on the US in favour of stronger dialogue and diplomacy with China while Malaysia considers military actions provoking China as counterproductive and will be very concerned if a confrontational attitude takes shape in Washington designed to contain China. None of the Southeast Asian claimant states appears to be advocating a zero-sum game in resolving the territorial dispute.

In moving forward, Malaysia should carefully reassess its defence capabilities and take necessary steps to reinforce its defences over the features that it currently occupies. A non-antagonistic approach that maintains a strong active defence coupled by a non-aligned policy while working with the US and China through joint military exercises should inform Malaysia's strategic posture. A rigorous patrol and surveillance capabilities will not only prevent embarrassing incidents like the Luconia Shoals from repeating but also the encroachment of foreign fishing vessels into Malaysian waters.

Bilateral and regional dialogues, the rule of law, and the realization of a unified ASEAN position and the COC are long term efforts that Malaysia should continuously stress.

6. Conclusion

The South China Sea issue is unquestionably complicated. The challenge is on how to uphold the rule of law, avoid conflict and work with China to find an amicable solution. Complications arise due to China's strategic culture that informs its strategic preference for active defence, which does not rule out the use of offensive tactics. This "defence-offensive" posture is motivated by its strategic ambition to reclaim its "rightful" place on one hand and the perceived threat from US interference on the other. The perceived US hostility that bent on thwarting Beijing's ambition is aptly factored into its strategic calculations. It is even prepared to discredit the PCA ruling as a Western ploy in order to defend its historic claims and counter any efforts aimed at suppressing and containing its rise. China's assertiveness and its militarization plans in the South China Sea are therefore a necessity to neutralize US's long-held hegemonic power in the region and demonstrate to the Southeast Asian states the undesirability of aligning with external powers to frustrate Beijing. Beijing is beyond doubt resolute in protecting its strategic interests and achieving its stated ambition.

This understanding of China's strategic interests explains why ASEAN has been ineffective in finding a regional solution to the issue. The DOC has contributed little to lessen tensions and the COC, even if realized, will not reverse the damages caused by the unlawful construction of artificial islands and facilities for military purposes. The COC will at best provide governance to the management of the high seas by establishing agreed mechanisms to manage incidences. Malaysia has been a strong advocate of this and should continue to work for its realization. Rallying ASEAN countries to stand united with a single voice is unfortunately much tougher to achieve due in part to vested national interests overshadowing collective regional good.

Malaysia cannot afford to be complacent or believe to enjoy "special treatment" from China. Putrajaya must instead take cognizance of changes in the South China Sea and project a more emphatic behaviour in protecting its strategic interests and preserving its sovereign integrity. Increased activism should be characterized by more advanced surveillance and intelligence systems, improved coordination between enforcement agencies, the deployment of military assets and more frequent patrolling around its controlled features. Malaysia should at the same time remain heedful of China's economic diplomacy and ensure that it does not affirm Varrall's fourth

narrative by unwittingly subordinating its interests to China's or falling into Beijing's sphere of influence.

Notes

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1. The other five claimants are China, Taiwan, Philippines, Brunei and Vietnam.
 2. Accommodationist, defensive and offensive form the three dimensions of Johnston's central paradigm and are ranked strategic preferences instead of mere options (Johnston, 1996: 224).
 3. Other scholars who support Johnston's analysis of China's strategic culture include Warren Cohen, an emeritus professor of American diplomatic history at University of Maryland. Cohen (1997) believes that a powerful China in the 21st century will likely be aggressive and expansionist.
 4. This, however, should not imply that the absence or lack of public debate results in the softening of position. As an example, the Indonesian government has been steadfast in defending its interests in the South China Sea despite the lack of active public discourse.
 5. In March 2016, it was reported that the Malaysian Maritime Enforcement Agency (MMEA) detected about 100 Chinese fishing boats accompanied by Chinese coast guard vessels encroached into Malaysian waters off the state of Sarawak (*The Straits Times*, 2016a).
 6. The Bandar Malaysia deal has unfortunately collapsed. The likely reasons were the imposition of capital controls by China, Beijing's perceived outlook towards the rail project, and the increased worth of the land parcel (Naidu, 2017).
 7. Former Prime Minister Mahathir Mohamad recently voiced his concerns that huge loans from China for large scale infrastructure projects will adversely affect Malaysia's sovereign claims in the South China Sea (*The Straits Times*, 2016c).
 8. China claims the South China Sea area within the 9-dash line as its traditional fishing ground.
 9. The tribunal found, among others, no legal basis for China's claim to historic rights within the 9-dash line area, all of the high-tide features in the Spratly Islands are "rocks" and therefore do not generate an exclusive economic zone, and China's claim to several features were unlawful and thus violated the Philippines' sovereign rights. For details of the award, see PCA (2016).
 10. Both Putrajaya and Beijing have already agreed to address concerns in the South China Sea through the DOC prior to the verdict (*The Sun Daily*, 2016).
 11. Vietnam refers to the South China Sea as the East Sea while the Philippines renamed part of the South China Sea as the West Philippine Sea.

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Geopolitics, Real and Imagined Spaces: China and Foreign Policy in the Context of East Asia

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Abstract

This article analyzes the relationship between the People's Republic of China in East Asia and real and imagined spaces as key factors for understanding the rise of China on the international stage. To this end therefore we propose that spaces, both real and imagined, play a fundamental role in the design and implementation of Chinese foreign policy. We propose that Chinese interests in East Asia are the result of both material and intangible aspirations, which in turn are the result of a dynamic and intersubjective processes between the physical and imaginary worlds. In this world both physical and imagined geography have a fundamental role. Finally, we conclude that the international system is a world comprising not only physical but also mental representations which give form and meaning to the physical entity, as demonstrated by Chinese foreign policy in East Asia.

Keywords: *People's Republic of China, East Asia, foreign policy, geopolitics, imagined spaces*

1. Introduction

East Asia is one of the most dynamic regions on earth. In this space countries such as the People's Republic of China,¹ Japan, Russia and South Korea are the largest economies, although the United States also has an undeniably significant presence in the region. East Asia also hosts the important nuclear powers (China, Russia and the U.S.), with the danger that North Korea at some point might become the fourth nuclear power in the region, despite its significantly smaller economic capacity.

The international relations of the states in the region are marked by a series of conflicts derived from the constant inter-state clash of interests between these nations and the United States. Territorial disputes such as

those arising between China and Japan over the Senkaku Islands or Diaoyu, Japanese protests to Russia over the Kuril Islands, the continuing state of war which exists between North and South Korea, and the Chinese insistence of sovereignty over Taiwan are just some examples of this reality. For its part, the United States has been a significant regional player for over a century. In effect, even though it is not an East Asian country, the global reach of US power has assisted in the establishing of a status quo which favours US interests. As the world's second-largest economy, China is set to gradually shape and reconstruct the international order (Zheng and Lim, 2017). What we actually see today is the increasing significance that China has attached to its interests in the region as a result of its foreign policy agenda, although on occasion these interests inevitably clash with those of the United States.²

Different perspectives evidence the competition between China and the United States in East Asia. For example, North Korean provocations emerged as a result of the post Cold War era Sino-US strategic competition in the region, where such variables as the rise of China, the increasing US focus on Asia and growing Sino-ROK economic ties are driving the strategic choices of major states (Kim, 2015). Regarding security, the United States is seeking to increasingly isolate China, by striking regional alliances, off-shore balancing, and shifting towards air-sea confrontations. In terms of trade, the United States continues its effort to reduce Asian mercantilism by tying Asian traders to neoliberal rule sets. Despite this however, the “Beijing Consensus” is a growing challenge to US soft power (Kelly, 2014), with China starting to affirm its military power in East and Southeast Asia. For example, a two-week standoff between Japan and China over a boat collision in 2010 underlined the growing propensity of China to adopt a more aggressive political approach against rivals and US allies. This incident happened near a chain of islands in the East China Sea, and Chinese claims of ownership of the archipelago and that the South China Sea was a “core interest”, increased fears in Taiwan, the Philippines, Vietnam, Indonesia and Malaysia. These countries perceive that China is seeking to dominate a vital space in the region (Pant, 2012).

It should also be taken into account that sovereignty, along with territorial integrity and national unity, are indisputable values of identity to the Chinese nation-state (Xinbo, 2012; Khong, 2013). In addition, they are a fundamental part of the development of Chinese international relations (Kang, 2007: 81). With this vision, the Beijing regime believes that it needs to safeguard at all costs what it considers its territorial integrity and the legitimacy of the Chinese Communist Party, and by doing so, strengthen the existence of the Chinese state (Xinbo, 2012).³

Chinese-U.S. rivalry also affects both multilateral and mini-lateral regional institutions in East Asia. China believes the Association of Southeast

Asian Nations (ASEAN) + 3 to be a primary vehicle for the consolidation of cooperation in East Asia, while maintaining a broader vision of a regional institution, the East Asia Summit (EAS), as a forum for talks. A similar scenario is present in the trilateral cooperation between China, Japan and Korea versus Korea, Japan and the U.S. Finally, regarding the economic panorama, the Regional Comprehensive Economic Partnership (RCEP) and Trans-Pacific Partnership (TPP) is another element of Chinese-U.S. competition (Park, 2013).

Lanteigne (2016) argued that China's foreign policy is comprised of two processes. First, China is a rising power with a strong position that determines its actions and decisions in the international arena. Second, its foreign policy is in a stage of transformation and reconstruction. Nowadays China is a nation with significant aspirations of power (Li, 2009), and although the specific interests and approach vary according to geographic region, in the end, China's main focus is the search to contribute to constructing a multipolar world in order to reaffirm political stability and ensure the rule of the Chinese Communist Party (Saunders, 2014b). The core of this strategy is actually to obtain prominence in East Asia (Zhao, 2014).

Given this complex situation, this article analyzes the relationship between physical and imagined spaces and how external politics reflects the aspirations of states to consolidate their interests. To this end, we examine the interests of China in East Asia from the classic geopolitical standpoint and complement this analysis with an approximation of these imaginary spaces. We propose that both real and imaginary spaces are fundamental to Chinese foreign policy. The central proposition is that the focus of classic geopolitics is insufficient to allow understanding of the dynamics of conflict and cooperation in the region; it is necessary therefore to complement this vision with an approximation that considers the paradigmatic concepts of an imaginary space which determines the place that each one of the actors occupies within it. This paradigmatic concept has its roots in a particular interpretation of Chinese history and civilization.

Thus, we suggest that to understand Chinese foreign policy in East Asia it is necessary to consider the geographical factor from two dimensions. The first is the classic vision of geopolitics in which physical space is relevant to Chinese interests.

The second aspect considers an imaginary space. This idealized space encourages the aspirations of the Chinese bureaucratic elite to recreate a world based on certain historical paradigmatic concepts.⁴ In this way, this article contributes to understanding the rise of China in East Asia from a perspective which not only considers geography as a power-defining factor but which goes further than the classic vision of geopolitics in highlighting the relevance of ideational structure in the process. Using a paraphrase from Alexander Wendt

(1992), space is what states make of it. In other words, space is given not only by nature but socially constructed.

This article has six sections. In the next section, we introduce the emergence of geopolitics and the major theoretical proposals utilized to understand how state interests in the international arena have their origin in distinct geographic spaces. In the third section, we show how physical space is a factor which determines the interests of China. In the fourth section, we analyze the paradigmatic concept of space inherent in classic Chinese civilization, and we explore the impact of this idea on the perception of China as the centre of the world to the contemporary political elite. In the next section, we present the rise of China and what this signifies for the East Asian region. Finally, in the conclusion we discuss how it is that both material and imaginary factors have come to be the two elements which allow us to understand the current rise of China and its impact in East Asia.

2. Geopolitics and the Quest for Power

Geopolitics encompasses the study of the exterior spatial relationships of states, and refers particularly to the geographical aspects of these external relations and the problems of particular states which impact the rest of the world (Cairo, 1993). According to Robert Kaplan, geography plays a central role in the relationships of each nation-state, as it governs the way in which the individual challenges which arise are tackled and thus affects outcomes. Natural characteristics such as rivers, seas, hills, mountains as well as climatic differences mark both culture and ideology and also the way in which historical challenges are confronted (Kaplan, 2012). For example, ideas about control of oceans have always played a fundamental role in politics, diplomacy, and the military, and in part explain the current disputes in the South China Sea (Ren and Liu, 2013).

Rudolf Kjellen, who is believed to have coined the term “geopolitics”, understood the concept as the link between the geographical and the political (Tuathail, 1998). In his key work *The State as a Life-Form*, Kjellen signalled that the state could be considered as an individual human, as it was subject to the law of natural growth. That is to say, as a living organism it is born, grows, develops and dies, although in some cases it simply transforms. In the same way, Kjellen argued that the two principal influences on the state are geographic environment and race (Rosales, 2015).

Halford Makinder (1904) reaffirmed the relevance of geopolitics by highlighting the existence of the significant influence of geographical conditions on human activity and how these influences are regarded by humans. Mackinder developed his theories during the heyday of the British Empire. His most significant contribution was the *Heartland* theory, and he identified Eurasia,

more specifically Eastern Europe and Central Asia, as a “pivotal region” of the world, a huge landmass inaccessible to maritime powers, but with sufficient riches to allow the country which controlled this area to dominate the world.

Geopolitics as a discipline was enriched thanks to the contributions of diverse theories influenced to a large extent by military strategy and by the identification of the importance of resources to the objectives of survival and dominance. The most outstanding of these theorists included, amongst others, Alfred Thayer Mahan, Karl Haushofer and Nicholas Spykman. In the case of Mahan, his time in the navy led to him concentrating his geopolitical vision on the relevance of maritime power. He was the first author to recognize the importance of maritime dominance on the history of humanity. The effect of his work *The Influence of Naval Power in History* urged the most important leaders of the time to produce battleships and establish bases which would give them key points of control to protect trade routes and strengthen outlying military outposts (Cropsey and Milikh, 2012).

For his part, Karl Haushofer concentrated on the relationship between access to and possession of resources and the significance of this relationship to the survival of the “great nations” (Haushofer, 2009). He indicated that politicians should not only have an understanding of jurisprudence and political science, but an understanding of geopolitics was also essential, an idea which, according to his viewpoint, was particularly important for Germany, his native country. The central theory of this argument was that space was the defining element which ruled the history of humanity:

Only a nation with sufficient space is capable of providing both spiritual and material necessities. Our leaders must learn to use the tools available to continue the fight for the existence of Germany, a fight which is becoming increasingly difficult due to the mismatch between food production and population density (Haushofer, 2009).

According to Augusto Rattenbach (1975), Haushofer affirmed that geography will become the defining factor in world politics and was therefore of particular importance to the analysis of the distribution of available living space: in other words, the space required for nations to feed their respective populations. He also mentioned the importance of complete integration of geographical space (Haushofer, 2009). In this sense, Haushofer alluded to the consideration of geographical space as a transcendent political and economic factor, but also as an element of great importance militarily. Kaplan (2012) subsequently argued that geography is a constant impulse behind the development of nation-state actions, particularly with reference to the military and economic areas.

Finally, Nicholas Spykman, influenced by both Mackinder and Mahan, proposed a scenario in which geography was identified as the most important

factor in the formulation of state foreign policy, due to its status as the most permanent identifying element (Cairo, 1993). Spykman's theory put forward the objectives that he argued should guide US foreign policy both during and after the Second World War (WWII). His theory was based on the premise that as the US had insufficient resources to compete with the combined resources of Eurasia, it therefore had to ensure a balance of power in both Europe and Asia. The danger was that the German-Japanese alliance could be continued after the end of the war by countries such as China and Russia (Dougherty and Pzaltzgraff, 2001).

Spykman referenced Mahan's ideas relating to the importance of maritime power and used the theories of Mackinder as part of his own proposal in the same way, emphasizing the importance of maritime strength over terrestrial power. It may well be argued that Mackinder created a model based on European history, believing that the state that occupied the *Heartland* would enjoy decision-making power over world politics, while Spykman, without gainsaying the relevance of the *Heartland* in obtaining world power, argued that in actuality the control of the "continental rim" or *Rimland* (Spykman, 2008) was actually of more relevance for states.

From this standpoint it was essential for the United States to acquire, as much for peacetime as for wartime, a global strategy based on the implications of geographical location, this considering that the US was in fact a considerable maritime power and that its intervention in WWII resulted from a desire to avoid the appearance of a dominant power in the *Rimland* surrounding Eurasia (Peritone, 2010). In this way *Rimland* was considered a perspective of particular relevance in the development of US foreign policy post-WWII.

To conclude, according to the perspective of the classic authors of geopolitics, the development of the great powers has been determined by the relevance of the relationship existing between the geographic factors which surround them and the deployment of their foreign policy. Nevertheless, according to Tuathail (1996), these approximations are constrained by the fact that in the search for specialization a Eurocentric view of understanding the relationship between power and states is the norm. He furthermore maintains that this view of the existence of important regions, identities and perspectives is the natural one. In this way, geopolitics in its classic dimension has justified state expansionism and militarism, and left to one side the fact that these processes are marked by specific social and historical contexts.

The theoretical review of the most critical approach to understanding the relationship between geography and foreign policy shows how ideas about the values of space has changed over time, with the significance of physical space and the conceptual framing of physical elements determining perceptions of geography. This perception generates the practices, norms and discourse of

how a nation should conduct foreign policy. The evolution of various theories of geopolitics reflects that the importance of particular space is shaped by many forces of the international system in a specific historical context. At the same time, the concept of space is a continuous construction of meanings that influences the norms of how both real and imaginary space are perceived. Geopolitics therefore is the result of how a singular way of thinking embeds into civilization.

It can be seen therefore how the traditional vision of geopolitics corresponds to a Western perspective. However, it is possible to find other ways in which the relationship between physical space and international politics can be understood. As John Agnew (2012) suggests, nowadays the way of thinking about China's "place in the world" is based on the use of analogies and interpretations of how China's past practices and geographical forms inspire contemporary and future directions in Chinese foreign policy. Different venues within China are therefore producing interpretive geopolitical frames to assist in the conduct of foreign policy. Within these narratives, it is possible to distinguish four distinct strands of thought: Pacific Rim, orientalism, nationalist geopolitics, and international relations with Chinese characteristics, with each strand placing a different emphasis on Chinese history. However, these interpretations about space as a historical and social construct have their roots in real, physical space. In the following section we analyze the physical space that frames the possibilities for Chinese action on the international stage.

3. Physical Space and Chinese Interests

Firstly it is necessary to state that geographical space plays a defining role in Chinese foreign policy for diverse reasons. In the first place, when one thinks of China one also considers its not insignificant territory. China is a nation with an area of approximately 9,500,000 square kilometres and a population of over 1,360 million people. China shares over 20 thousand kilometres of land border with 14 countries: North Korea, Russia, Mongolia, Kazakhstan, Kirgizstan, Tajikistan, Afghanistan, Pakistan, India, Nepal, Bhutan, Myanmar, Laos and Vietnam (Anguiano, 2008). Within this immense territory are four distinctly different forms of political administration. It has 22 provinces, 5 autonomous regions, 4 municipalities administrated directly by the Communist Party and 2 special administrative regions. In terms of population, China recognizes 55 different ethnic minorities, which comprise approximately 6-8% of the total population. The dominant ethnic group, the Han, actually have significant regional linguistic variations, but the existence of a written language since the second century B.C.E. has been a culturally unifying factor in the midst of this diversity (Starr, 2010).

Secondly we find the urgent need for economic development. From the inception of the reform program, the Chinese economy has grown at an average rate of 9.8% annually for over three decades (Song, 2013). The current imperative for China remains as it was at the beginning of the reform program: guaranteeing economic growth with the intention of improving the life chances of its citizens. Nevertheless, the fallout from the economic crisis of 2008 has forced China to revise its growth forecast downwards and impose a “new normal” where the aspiration was moderate and balanced growth. In spite of the adverse circumstances presented by the international context and the need for balanced and more environment-friendly growth, economic success continues to be an imperative for the Chinese state. It should not be forgotten that growth increases the legitimacy of the regime, and, simultaneously, contains all the elements for possible social unrest resulting from the social inequality that, paradoxically, this growth has generated.

The third factor refers to the Chinese geopolitical context. As Anguiano (2008) has argued, due to its contiguous coastline and military reach China has important links with the great archipelagos of the region. It is in this vast theatre that China’s relations with Japan, a developed-world economic and technological power, take place. It is also the environment in which it maintains relations with the following nations: Australia and New Zealand, countries viewed as advanced economies; Russia, a nuclear and military power; India, a rising power, and the countries of South-East Asia which make up the Association of South-East Asian Nations. China has similarly played a fundamental part in the complex relationship between the two Koreas. This geopolitical context delineates the foreign policy decisions implemented by the bureaucratic elite.

From the perspective of geopolitics the rise of China can be identified as a natural result of the search for an area of influence which will provide the resources necessary to continue its heady economic rise and guarantee a natural security buffer. This buffer corresponds to the territorial reach of the Chinese state. For this reason, the Chinese government has directed a great deal of attention towards gaining access to control of its immediate geographic space, and deployed significant resources to begin ensuring such control.

Nevertheless, without downplaying the influence of space in Chinese foreign policy, it is necessary to consider that this vision is in fact incomplete and that it is necessary to take a broader view which also considers the imaginary aspects of space. In this sense, as the previous section has demonstrated, the beliefs of the current Chinese bureaucratic elite about what the nation should be are based on an imaginary concept of space derived from a particular interpretation of Chinese civilization and the tax system. These ideas about the centrality of China are in fact widely shared by other countries in the region (Kang, 2003).

4. Imagined Space: A World View According to the Heritage of Classical Chinese Civilization

Evidently, the manner in which bureaucratic elites decided and implemented the foreign policy of a state was conditioned by the material structures of the international scene and by the individual abilities of each state to implement its foreign policy. However, the perception that these elites had of the international scene was of equal importance. This perception encompassed beliefs about values and norms as well as behavioral expectations that each state and other actors on the international scene should assume (Onuf, 1998). In the same way these perceptions were based on a particular understanding of history and of the identities that each international player possessed, given that state identity in large part determined state interests (Epstein, 2013). These perceptions are the lens through which international reality is seen and they act in accordance with the understanding which colours this reality (Onuf, 1998).

The case of China is no exception. The foreign policy which the political elite has followed over the last six decades has been related to both tangible and intangible factors. Different events in foreign policy have been moulded not only by the physical space occupied by China, but also by the particular vision of an imagined space. This suggests that the space China is desirous of occupying in the world corresponds to an interpretation that the bureaucratic elite has constructed about the past. At the same time, this interpretation has constituted a fundamental part of the identity of the Chinese state, and in this way, maybe as in no other case, the weight of history, imagined space and the identity of the Chinese people are particularly significant elements which help to explain foreign policy. It is also true, according to Barabantsev (2009), that Chinese international relations cannot be understood by simply projecting Chinese history onto the present, as the past is only one way to confirm an imagined identity that drives and guides the role that China must play in the international arena. In addition, there is the existence of a Chinese bureaucratic elite who perceive themselves as the heirs and custodians of Chinese civilization.

Out of this perception arises the classical vision of China as the centre of the world. It should not be forgotten that the international context in which we find ourselves today is the result of the Treaty of Westphalia, signed in 1648 (Kennedy, 1989). This agreement created the basis for the establishment of the modern international system. In this way fundamental elements of the relationship between states were established, elements such as the principles of territorial sovereignty, of not meddling in the internal affairs of sovereign nations and the equal treatment of states independent of their material capacities or religious beliefs. This treaty permitted an end to be put to the

religious wars that had plagued Europe in previous years. It is important to understand that this vision came out of the European context and was judged to be the best way of organizing interstate relations: it was gradually expanded across the globe along with European imperialism in the same way as the capitalist system (Wallerstein, 2004).

The world vision described above however contrasted significantly with the Sinocentric view. In his seminal work John King Fairbank put forward the “Chinese world order” theory, with the intention of understanding the nature of Chinese imperial relations. Fairbanks’ thesis postulated a “Sino-centric hierarchical world order”, in which China had a lord-vassal relationship in vertical terms with neighbouring political units. According to Fairbank, this relationship functioned as part of a tribute system. In East Asia it was this system which would mould international relations before the arrival of western powers. Fairbank argued that the tribute system permitted the direction of diplomatic and commercial matters between foreign governments and the Chinese Emperor. In sum, the Chinese Emperor awarded both official titles and influence to neighbouring governments, thus giving them a form of legitimacy. In exchange, these foreign powers adopted a submissive position, thus confirming the superiority of Chinese civilization and legitimacy of the Chinese Emperor (Fairbank, 1969). Imperial China was therefore governed by a unified system of rituals that promoted the ideology of Great Unity (Callahan, 2010).

In effect, in the 16th century Chinese governments considered, without the slightest doubt, that China possessed the biggest political structure and was, in effect, the centre of the world. China was a universe unto and in itself. In this context, the Confucian approach was the paradigm of the world (Levenson, 1971), which was protected by natural frontiers in which Chinese influence spread to Korea, Japan, the Ryukyu islands and Southeast Asia. In this autonomous world of East Asia, China was the only power (McNall, 1971), and in this scenario the relationship between states was asymmetrical and notable for its benevolent nature: “the dominant state is essentially benign, the smaller state would prefer an accommodating stance that allows it to benefit from warm relations with its neighbor” (Kang, 2007: 19).

This vision paradigmatically dominated the relationship between the Chinese empire and neighbouring states. The relationship between China and its neighbours which resulted from this paradigm had been in place for over two thousand years when the Europeans forced China to open to the world in the 19th century (Fairbank, 1969). The imposition, by blood and fire, of a western inter-state structure was one reason which explained the situation of weakness, backwardness and poverty in which China was mired in the middle of the twentieth century. Mao Zedong expressed it thusly in the founding discourse of the Communist Republic: “The Chinese have always been a

powerful and hardworking nation and only in recent times have we fallen behind. This delay is exclusively due to the oppression and exploitation of foreign imperialists and of the reactionary government of the country” (Mao in Cornejo, 2010: 300-301).

The Sinocentric world vision represented the most noteworthy, consistent, and important dimension of the imperial discourse (Zhang, 2011), as it was based on Chinese imperial history. The first element is the idea of China as a Central Kingdom (Zhang, 2013). In actuality the name of China in the Chinese language is *Zhōngguó* 中国, derived from *guó* “kingdom” and *zhōng*, “central” or “in the middle of”. From the Chinese point of view, relations between states take place in an ordered and hierarchical world, in which each state must assume a specific and appropriate role according to the position that it occupies in the hierarchy and in relationships. In this way, Chinese leaders ascertained that China occupied a unique position in the historical and geographical context due to its hierarchical vision of the world and evaluation of itself as the Central Kingdom (Reed, 2006).

The Chinese Empire was established in the year 221 BCE, when the state of Qin unified the Chinese world following years of intense interstate warfare (Gernet, 1996). Along with the empire was established a monarchical political system, a powerful bureaucracy, a strongly hierarchical social structure alongside considerable and generalized social mobility, an extended-family system, a uniform system of writing and the idea of education as a route to achieving power (Lewis, 2010). Despite the differences present at distinct stages of the Chinese dynastic age, all these characteristics continued to be valid as much for the unifying dynasties as for regional regimes during periods of political fragmentation. Similarly these characteristics were present in dynasties headed by ethnic Chinese as well as those founded by different ethnic groups such as the Mongols or the Manchu. In this concept of power the Emperor is regarded as omnipotent, with his law being universal. The bureaucracy must be in the hands of men of proven talent and merit. The common people must be well treated but must remain outside the sphere of political influence. These ideas marked the conduct of those who governed China for centuries (Pines, 2012).

As Pines (2012) has maintained, the Chinese Empire was an extraordinarily powerful ideological construction. In other words, the particular historical trajectory of the Chinese Empire has not been one of indestructibility, in fact it has suffered various collapses throughout its trajectory. What is singular about Chinese history is its repeated resurgences. These occur in the same general geographical vicinity and give rise to a similar functional structure to those seen in previous periods prior to dynastic collapse. It is worthy of note that these resurgences were not casual; on the contrary, they reflect the conscious efforts of the principal political actors to restore what

they considered to be the natural world order, that which was normal and must be the normative standard of sociopolitical conduct: the imperial order.

It could be argued that the most important element of this world view in Ancient China was the unanimous agreement between different schools of philosophy that Chinese political unification was the only way to put an end to the state of perennial warfare (Pines, 2012). In the same way, it was considered that Chinese territory, known as *Tiānxià* 天下 – “all-under-heaven” – should be ruled by one, all-powerful monarch (Kang, 2003). These premises of unity and a sole political authority became the ideological basis of the empire and remained unquestioned for centuries. The basic ideological premise of the imperial structure was shared by all politically-significant social groups, including immediate neighbours. No other alternative political structure was considered either legitimate or appropriate (Pines, 2012). In addition, imperial China utilized a specific ideology based on the *Tiānxià* concept that attracted rather than conquered its neighbours (Callahan, 2010).

In its most basic sense, *Tiānxià* is a geographical term (Callahan, 2008), with the concept being created during the Zhou dynasty, approximately 3,000 years ago. According to Zhao (2009), the Zhou concept of “all-under-heaven” had different elements. First, it was a monarchal system, including certain aristocratic components. Second, it was an open network, consisting of a general world government and sub-states. Third, the world government was in charge of universal institutions, laws and world order; however, the world government lost its legitimacy if it betrayed justice or abused its responsibilities, and revolution is then justified. Fourth, the sub-states were independent in their domestic economy, culture, social norms and values. Fifth, an institutionally-established balance played a key role in maintaining long-term cooperation. Finally, people had the freedom to migrate and work in any state. This was crucial because it implied a non-nationalistic philosophy: “The system, characterized by its global perspective and the principle of harmony amongst all nations, created long-term peace which lasted for centuries in China, thought to be the whole world as a result of the limited geographical knowledge at that time” (Zhao, 2009: 9).

The Zhou dynasty inherited a vision of *Tiānxià* as a timeless, three-dimensional way of governing. One of these dimensions was the material and geographical area, and in this sense, it is almost equivalent to ‘the universe’ or ‘the world’ in western language. However, *Tiānxià* also has two other significant meanings. It alludes to all people, the people’s heart (*minxin* 民心), the people’s will. *Tiānxià* is also seen as the world institution (Zhao, 2005), constituting the Chinese pre-modern cosmological view of the world, a view significantly different from the world order created by the European civilization (Barabantsev, 2009). *Tiānxià* was a powerful idea that encompassed the civilized world blessed by Heaven and presided over by the

Chinese emperor: “No political control was involved. It was later invoked to refer to imperial lands but it could also be used with different ideas about territory governed by non-Chinese rulers, like those in Vietnam, Korea and Japan, for the purposes of the empire (Wang, 2013: 14)

Given these suppositions, it was believed therefore that China was the only civilized country in the world. The rest of the world was land dominated by barbarians, an uncivilized place (Terrill, 2003). In consequence, the further away people were from the political and cultural boundaries of China the further away they were from civilization. This overarching paradigm of the centrality of China therefore formed the basis of the beliefs upon which the relationships between China and other states in East Asia were founded. The main reason for Chinese superiority lay in its moral superiority, in virtue, from which material superiority originated. The supreme values of Chinese civilization guaranteed the supremacy of the Chinese state in every respect (Pines, 2012).

The primary belief was that the traditional world was hierarchical and not egalitarian. The concept of legal equality or individual political sovereignty was non-existent. All political entities were arranged in accordance with the centrality of China. All forms of what today are referred to as international relations, including political, cultural and economic relations had their place within the framework of the taxation system. This taxation system was divided into two parts: those who paid and those who received. This system permitted the legalization of long-distance commerce and preserved the myth of the self-sufficiency of the Chinese civilization (Pines, 2012).

The centrality of China to the international order was due to its civilization and its virtue, particularly the virtue of the ruler. From this perspective, world order was much more an ethical phenomenon than a political one. Harmony on the international scenario, as well as the harmony present inside China itself, was more than anything a product of the virtue of the emperor. This virtue was apparent in the capacity to preserve Confucian values (Pines, 2012).

This hierarchical world was considered a universal world. No other hierarchies existed. Nor was it possible to conceive of other sources of power. As a result, there was no need to consider other concepts, such as a power equilibrium. State power therefore was seen as a reflection of virtue. By definition power was primarily more moral than material, because it resulted from the possession of virtue. In this way duty and power were regarded as synonymous (Kang, 2010).

International society was understood as an extension of internal society. Concepts such as “nation-state”, “international” or “interstate” were unknown, nor did clear boundaries exist between jurisdiction and power. The only apparent limits were solely the result of culture. An example would be the

construction of the Great Wall of China, which actually resulted from the need to mark limits between nomads and barbaric northern peoples and the agricultural and bureaucratic society of China. The Great Wall was never about a political or jurisdictional frontier (Kang, 2010).

In this context therefore the inability of Chinese monarchs to understand the ideas of a western international scene built on state sovereignty as the basic element of equality between nations was hardly surprising. A perfect example would be the case of George McCartney, who was appointed by the British government to facilitate commerce between Britain and China and establish a permanent base in Beijing to further diplomatic relations based on western concepts, an idea which seemed ridiculous to the then Chinese Emperor, Qianlong. The Emperor sent a missive to King George III which stated that “if you assert that your reverence for Our Celestial dynasty fills you with a desire to acquire our civilization, our ceremonies and code of laws differ so completely from your own that, even if your Envoy were able to acquire the rudiments of our civilization, you could not possibly transplant our manners and customs to your alien soil. Therefore, however adept the Envoy might become, nothing would be gained thereby” (Qianlong in Bonhomme and Boivin, 2009: 833). In fact, as Lin (2009) suggests, in the case of the Hunza tribal state of Central Asia, it is possible that the tax system was not a dynastic inheritance which ceased to function after the 1911 revolution, but rather an instrument of political convenience which continued to be used in the post-imperial era.

The theoretical conceptualization of the taxation system should however be viewed with caution due to the danger of over-simplification: this may occur in the absence of specific contexts when there is a failure to consider the specific nuances of how a relationship is presented within differing geographical and historical scenarios (Crossley, 1997). Kim (2002) argues that the preconceived image of the international order in East Asia is problematic due to representations of the “other” – as much for western foreigners as for Asians, which are based on generalizations and fundamental misunderstandings about specific interpretations of Confucian thought which do not accurately reflect the essence of the system. Nevertheless, the power of the idea lies not in whether it coincides fully with reality, but rather in whether the interpretation justifies the design of a very specific Chinese foreign policy.

The perception of China as the centre of the world is important because it has constituted a reference point from which the governmental elite has defined the role of the nation in the global sphere. Thus, as highlighted by Romer Cornejo (2010), the foundation of the People’s Republic foreign policy for the Chinese has been defined by the search for a space which reflects their ideas about the achievements of their civilization prior to the 19th century. It is the search for this space based on an aspirational ideal

which has moulded Chinese foreign policy from the establishment of the People's Republic. In fact, for the Chinese political bureaucracy, the rise of China on the international scene is simply the recuperation of the privileged position that China has enjoyed throughout history. The period of humiliation and under-development of the last two centuries is no more than a historical anomaly that produced a traumatic experience, one which Chinese officials must correct. Chinese leaders therefore assume not only the need to protect their territorial integrity, but also their sovereignty and their national unity as values of their identity as a nation-state (Xinbo, 2012). In addition, they have historically paid special attention to seeing China increasingly as a great ascendant power of the twenty-first century in a way that assumes a more global perspective (Wang Yi in Byun, 2017). This is exemplified through assumption of greater global responsibilities and the promotion by Beijing of new proposals for world order (Stone, 2017).

Obviously, the world and the international system is not and could not be the same as that of imperial China. However, the imagination and idealization of a past where China occupied a prominent site is an attractive idea that foments a particular way of understanding the leadership of China in the twenty-first century. The bureaucratic elite has viewed this past in two ways. First, in the creation of a particular narrative that shows the benefits of a hierarchical international system and the traditional positive values of Chinese civilization. Second, in the employment of the narrative to argue that Chinese power in the international arena is distinct due to the way it relates to its neighbours and the principle of mutual benefit. Today, this idea of the past is incarnate in the discourse and practice of foreign policy.⁵ In the following section, we analyze how physical and imaginary space influences the design and practice of foreign policy in East Asia.

5. East Asia, the Rise of China and the Role of Space

China's presence is undoubtedly expanding globally, and its capacity to mould the international scene in accordance with its own interest demands a new balance of power (Saunders, 2014a). The formula for this increasing Chinese influence is simple, and involves a combination of commerce and investment. To this can be added loans to the governments of developing nations, principally to assist in the development of infrastructure. In these cases, the type of loan offered is notable for not being conditional on the internal affairs of national governments. In this way, questions related to human rights, transparency in the use of resources and the fight against corruption, demands which are inextricably linked to loans from organizations such as the World Bank and the International Monetary Fund, are not taken into consideration by Beijing (Woods, 2008). The formula behind the growing

Chinese presence on the international scene is complemented by a strong media campaign which is linked to the promotion of the Chinese language and the granting of scholarships for study in the country (Hartig, 2012). In sum, the motivation behind all these actions is the strengthening of Chinese presence on the international scene.

East Asia however is particularly unusual because the formula for economic assistance is unconditional and this development cooperation does not necessarily fit the individual dynamics of the countries in this geographical zone. One reason for this is that the perception of space in East Asia is very important, and therefore the siren-song that China represents in other parts of the world does not sound so enchanting in this particular region.

From this perspective, China is not an attractive proposition for traditional partners in the region, particularly the United States. The formula that the Chinese government utilizes on the other side of the world can be perceived as hollow in East Asia. In many aspects, the growing presence of China, bolstered by military spending, is perceived as a security threat by South Korea, Japan and Taiwan as well as Southeast Asian nations such as Vietnam and the Philippines (Chen and Feffer, 2009).

The reason behind the growing Chinese presence is due to the strategic vision of the Chinese authorities. The government has displayed a more active diplomatic policy with the intention of moulding the international scene according to its interests. The rise of China is not a minor issue. This situation goes further than just a modification of the relationship with neighbouring countries: it implies a simultaneous displacement of the United States as the principal actor in this part of the world.

As Yoshihide Soeya (2015) argued, this aspiration does not necessarily imply that China wishes to compete with the United States over Asian or indeed world leadership. For Chinese leaders, as President Xi Jinping has said, the Pacific Ocean is large enough to accommodate both China and the US. Nevertheless, the Chinese bureaucratic elite is not in agreement with the dominant role of the US in East Asia and would like to see the eventual retreat of the US from this part of the world. The concept of a new model in Chinese relations demonstrates this fact. This model, on one hand, acknowledges the existence of the United States in the Asia-Pacific and the world stage, and on the other visualizes a scenario where the US leaves the fate of this part of the world in Chinese hands. In this new vision of international relations, Beijing aspires to solidify the dream of this part of the world being centred on China. In this way what we see in East Asia is the reconfiguration of the core questions of the international scene through the growth of a new balance of power. Although this readjustment is taking place in a particular geographical region, the implications are global.

Until now this change has taken place gradually and, with a few exceptions, without significant setbacks. Evidently, however, tension is building between China and some of its neighbours in East and Southeast Asia. Nonetheless, in general terms, this is a gradual transition which has been accompanied by strong economic ties between the countries in the region which has softened the impact of these changes. Nevertheless, one question posited by international relations is whether or not the growth and decline of hegemonic powers can take place peacefully. History teaches us that it has not always been so, but neither does it determine which historical phenomena will or will not be repeated in the present.

As Beeson and Li (2015) have highlighted, the US and China are not only the two great economic powers on the planet but at the same time, they symbolize, arguably, the two most strategic actors in the design and implementation of foreign policy. Although the physical capacities and investments in military spending made by the Chinese government differ significantly from those of the US, the growing activism of China on the international scene and its understanding of the meaning of national security impact significantly the relationship with both China's neighbours and the US. In this way the rise of China represents simultaneously an unprecedented transformation in world economic structures and a direct challenge to US supremacy. In sum, US-China relations reveal two parallel but equally important processes: the transformation of the structures of the international system and, within these structures, the distribution of power between the diverse actors.

Given the above context, Chinese foreign policy reflects a strong impulse to establish a regional order centred on China in East Asia. In order to help achieve this, President Xi Jinping, speaking at the Conference on Interaction and Confidence Building Measures in Asia in Shanghai in May 2014 stated: "It is for the people of Asia to run the affairs of Asia, solve the problems of Asia and uphold the security of Asia. The people of Asia have the capability and wisdom to achieve peace and stability in the region through enhanced cooperation" (Xi Jinping, 2014a). In addition, he suggested that: "Matters in Asia ultimately must be taken care of by Asians, Asia's problems ultimately must be resolved by Asians, and Asia's security ultimately must be protected by Asians". That same year, in the APEC summit hosted by China in Beijing, President Xi suggested that the region should work towards realizing an "Asia-Pacific dream", based on the shared destiny of all the countries in the region, and adding that China would be in a position to provide "new initiatives and visions for enhancing regional cooperation" (Xi Jinping, 2014b).⁶

Arguably the best example in East Asia of how the new foreign policy direction under Xi Jinping is based on the desire to establish a new order is

the case of the South China Sea (SCS). Since 2010 the conflict in the SCS has become more volatile in the context of China's accelerated rise and the US "pivot" towards Asia (Fangyin, 2016). This conflict shows the rivalry between China, the USA, and other ASEAN countries, especially Vietnam (Roszko, 2015). The dispute between China and the USA in this region results not only from the competition for local energy resources but also for its value as a strategic path, particularly the Malacca Strait (Wang, 2006). Control of the Strait is viewed as essential to the launch of China as a great naval power (Karim, 2013), and it is for this reason that Chinese tactics to impose its interests in the SCS include the use of a historical narrative to demonstrate the legitimacy of its demands. The intentions behind the establishing of such a narrative are threefold: to take a bilateral approach to the countries of the region, to drive a wedge between ASEAN and the USA, and to strengthen naval capabilities in order to resolve the territorial dispute according to Chinese interests (Cruz De Castro, 2012).

6. Conclusions

Space plays a fundamental role in the process of transforming Chinese foreign policy. However, this space has two dimensions: real and imaginary. We consider that both spaces are fundamental for the analysis of Chinese foreign policy. In this way, it can be understood that it is not only material factors which govern Chinese actions on the international stage but that the ideas, values and intangible aspirations derived from an imagined concept of space have driven the foreign policy decisions of the government elite.

In the analysis of foreign policy, geopolitics is a perspective which permits the development of a wide-ranging and in-depth explanation of the relationship between countries. The approach to the struggle for resources, the development of ways to increase power and survival and the relationship between states based on the geography which drives geopolitics are all inextricably linked to the daily consideration that states have of recognition of their interests. Nevertheless, if we consider only those physical resources related to the traditional vision of geopolitics such as the power of geography and leave to one side the imagined representations of spaces, the vision is incomplete because it does not permit an evaluation of those material or imagined aspects which are fundamental to international relations, and it is these which, in fact, determine the interests of the states. The world is not only comprised of the physical environment but what we believe it to be intellectually. The interests of the actors on the international scene are not the result of a cold, objective and calculating way of seeing reality, but rather the sum of socially-constructed aspirations resulting from a perception of the spaces in which the imagination develops a fundamental role.

The case of Chinese foreign policy also shows us that throughout the existence of the People's Republic of China the actions taken abroad by the bureaucratic elite are a combination of tangible and intangible, in which ideas, perceptions and identities play a fundamental role. In other words we cannot limit the explanation of Chinese behaviour and the transformation of East Asia solely to exclusively material factors. In this way, when faced with an apparent contradiction relating to some of the actions taken in this region by the communist leadership which could be interpreted as contradictory or unsound, if we instead consider ideas and perceptions of the Chinese world based on an imaginary space where all is as it should be, it is easier to understand the rationale behind the foreign-policy decisions made by the Chinese elite.

The key question to be answered is how the combination of these mental and material structures can determine the reconfiguration of the international scene in the Asia-Pacific and what consequences this could have for the international community. A clear example would be territorial disputes, which revolve around the material interests and idealized aspirations of those involved. In actuality, these disputes are a recurring phenomenon in international relations and a constant cause of conflict between states (Cruz de Castro, 2013). Evidently, the manner in which China views these disputes is related to the material capacities which it has and the idealized aspirations which it pursues.

In this sense there is a clear sense of purpose towards China recovering the key position it once held in history. However, in order to achieve the fundamental proposition of recovering the central role of China on the international scene, an assertive policy must be imposed, sustained by multilateral initiatives and a spirit of cooperation based on the win-win principle; or, on the contrary, we may see a more jealous China, one less trusting and more aggressive when it comes to defending its interests. Which scenario actually takes place depends on the capacity of the international community to understand the reasoning behind Chinese foreign policy. China has shown a great deal of flexibility in the management of its foreign policy, and today participates in the principal regional and international organizations. The Chinese bureaucratic elite tends to view these organizations as a means of achieving or defending national interests while simultaneously exercising caution with regard to taking on costs, risks and international commitments (Saunders, 2014a).

Apparently the key to cementing the rise of Chinese power will depend on the leaders of western countries having the same degree of flexibility to enable them, without compromising their specific interests, to find common ground in the construction of a world big enough to encompass Chinese aspirations as well as the achievements of western powers. It is therefore

indispensable to understand the importance of physical and geographic space in the construction of Chinese interests.

Notes

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1. It is necessary to distinguish between China as a political state and China as a civilization. Today, the People's Republic of China, founded after the triumph of the Communist revolution, includes ethnic groups that do not share the same values, traditions, beliefs and other elements of Chinese civilization. One example is the Muslims of the Xinjiang Autonomous Region. In addition, many Chinese people today do not live in a politically united China, although they are heirs of Chinese civilization. There are also Chinese diaspora in countries such as Singapore, Malaysia and some cities in Canada and the United States. Finally, there is the case of Taiwan, an autonomous state with strong links to Chinese history and civilization but with a lower international recognition, limited participation in international organizations, and without representation at the United Nations.
 2. As Lanteigne (2016) has observed, foreign policy can be understood as the interplay between various political agents – including individuals – and structures – the State, but also organizations and rules which are commonly constructed, i.e. formed by social relationships. In the case of China: “the biggest change in the development of that country’s foreign policy has been the expansion both of the number of agents involved, directly or indirectly, in Beijing’s foreign policymaker process, and the number of China’s international interests as well as the global-level structures with which it can interact” (Lanteigne, 2016: 1).
 3. In 2011, the then spokesman for the Chinese Foreign Ministry, Hong Lei, pointed out that although his government has not explicitly outlined its territorial claims regarding the islands of the South China Sea, the current claims of Beijing are in fact based on the maps developed by the former Kuomintang government. This signifies that the territorial claim predates the founding of the People’s Republic of China (Edward Wong, 14 June 2011).
 4. According to Lanteigne (2016), to the extent that China is rising in the international arena, a number of actors, including sectors of the Chinese government but also non-state actors, participate in the design of foreign policy. However, in comparison with other nations, the decision-making process in foreign policy

is more centralized because the Chinese Communist Party is still the most important political actor. In addition, since President Xi took power, he has ended the traditional collective and consensual leadership structure, marginalized the bureaucracy and put himself at the centre (Blackwill and Campbell, 2016). Therefore, when we assume that one bureaucratic elite drives the international issues of the Chinese state, we refer to the political leadership of President Xi Jinping and his inner circle.

5. One example of the use of the past to design and justify Chinese foreign policy is the relationship between China and Africa in the Forum on China-Africa Cooperation (FOCAC). Different meetings and action plans support the idea of mutual benefit, friendship and shared development being justified by an idealized view of China as an elder brother (Lemus, 2015).
6. The rise of China does not necessarily mean the origin of a new and unique hegemony, but also the consolidation of Chinese presence in multilateral mechanisms and in the construction of new mechanisms. This approach is observed in President Xi's defence of the current economic globalization model. Xi was quoted as saying at the 2016 APEC summit: "Since becoming an APEC member 25 years ago, China has forged ahead with other APEC members. Together, we have pursued development and shared prosperity. Together, we have advanced opening-up and deepened integration. Together, we have blazed new trails and taken bold initiatives. And together, we have pursued shared development based on mutual respect and assistance. Throughout these years, China and the economies in the Asia-Pacific have moved increasingly close to each other. Indeed, China has become a main trading partner and export market for most of the APEC members" (Xi Jinping, 2016). In a similar fashion China has gone on to boost new multilateral initiatives such as the Forum on China-Africa Cooperation, the Shanghai Cooperation Organization, the Regional Comprehensive Economic Partnership, the One Belt One Road initiative and the Asian Infrastructure Investment Bank.

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Book Review



Book Review

Ghulam Ali, *China-Pakistan Relations: A Historical Analysis*. Oxford University Press, 2017, 278 pages. ISBN 978-0199402496.

The shifting sands of power being transformed from the West to the East appears to be in favour of China. The changing regional dynamics coupled with China's economic rise; China being the "Factory of the World" and growing global inter-connectivity through the Maritime Silk Route and Belt and Road Initiative have given rise to a growing trend towards China studies among the China watchers. There is a profound influence of China around its periphery. Therefore, Pakistan is no exception. There is a growing scholarship on China and China-Pakistan relations from the Chinese, American or Indian perspective, yet it lacks a Pakistani scholarship over China and Pakistan-China relations. Thus, the current study on Pakistan-China relations can contribute to an existing body of literature.

The underlined study dilates upon the formative phase that begins from 1950-60; informs about how these relations were strengthened; looks into China's modernization agenda and relations with Pakistan; indicates how China has kept balance and stability through its policy. He further identifies China's renewed interests in Pakistan in the wake of post-9/11 horrendous terrorist attacks. It also sheds light on the recent China-Pakistan Economic Corridor and interestingly identifies various factors in Pakistan-China durable relations.

This book examines the relations between Pakistan and China with a historical perspective. Ghulam Ali, the author, begins his study with an argument that divergence in political, economic, social cultural and ideology could not deter China-Pakistan relations to strengthen further since the early 1960s. Ghulam Ali, while quoting John W. Garver, stated: "There is a consensus among analysts who have studied Sino-Pakistan relations that this partnership has consistently been of a truly special character" (p. 1).

Similar views were also given by William Brands and Rajshree Jetly. For example, Jetly opined that: "Sino-Pakistan relations stand out as one of the few enduring friendship that have withstood the pressures of time and shifting geostrategic conditions" (p. 2). The author's main argument is that previous studies on China-Pakistan relations have shown that the Indian factor was the dominant element that paved the way towards Pakistan-China ties. The author also shows the merits and demerits of this argument (p. 3).

His study adopts the qualitative approach. He has selected samples for his study from Pakistan, India and China. His chosen sampling size is: ten experts from Pakistan, five Indian experts and eleven Chinese experts. The author has interviewed scholars in 2011, 2014, 2015. More importantly, this study contributes to an existing scholarship on China-Pakistan relations by exploring the genesis of the alliance that is deeply intertwined by the domestic, regional and international factors.

This book consists of seven chapters. The first part reflects on the formative phase in Pakistan and China relations (p. 8). This part of the study concludes that sustained relations were partly due to lack of historical enmity and conflict of interests. The second part dilates upon strengthening and deepening of relations (1963-77) (p. 53). This study helps the readers to understand how China-Pakistan relations were strengthened. The author finds that the China-Pakistan entente cordial strengthened partly due to common factors like India. The author further finds that even after the normalization of India-China ties, it could not stop both Pakistan and China from cultivating friendly ties with strong economic and military support to the former in the difficult period.

The third chapter is about China's reforms and modernization and relations with Pakistan (1978-89) (p. 99). This part of the study identifies that in the post-Mao era of reforms and modernization, China expanded its scope of relations with its South Asian neighbours. This period also witnessed India-China rapprochement. China began its neutral policy as far as South Asian affairs were concerned. The author further points out that in the backdrop of the Soviet invasion of Afghanistan, US-Pakistan-China alliance became inevitable. However, this alliance could not last long due to Russian withdrawal from Afghanistan in May 1989. However, Pakistan became a strategic ally of China besides growing economic cooperation. Both Pakistan and China have mutually driven interests but Pakistan suffered in the post-Russian withdrawal from Afghanistan. The US-Pakistan-China alliance ended but resulted in more security and economic woes for Pakistan due to refugee influx from Afghanistan.

The fourth chapter explores how China has maintained its balance and stability through its policy in the 1990-2001 period (p. 134). The author finds that despite hardships, Pakistan-China friendship remained traditionally strong. Unfortunately, Pakistan could not reap the fruits of its friendly economic reforms, modernization and cooperation due to the lack of economic activism, frequent changes in governments, and India-centric policies. China maintained its neutrality in South Asian matters and Pakistan was sanctioned by the US due to its nuclear tests, yet these ups and downs could not deter Pakistan-China relations. The author finds that respect for each other's

policies, frequent exchange of visits and non-intervention policies further strengthened Pakistan's relations with China.

The fifth chapter explains China's renewed interests in Pakistan in the post-9/11 episode (p. 162). The author explores that with the change in security dynamics in the wake of 9/11 incident, relations between Pakistan and China remained stronger than before. In order to address issues related to terrorism, Pakistan shared its important information, conducted joint military exercises and consequently China supported Pakistan in counter terrorism efforts. In this way, Pakistan was able to provide security to Chinese workers and stronger measures were taken against the Uighur sanctuaries in Pakistan's tribal belt.

Pakistan's active support for China on the issues like Tibet, Taiwan and human rights, was reciprocated by China in the shape of FTA signing, establishing of JIC (Joint Investment Company), establishment of economic and industrial zones and joint economic ventures. This reciprocity resulted in an economic boom in Pakistan which in the long run culminated in the China-Pakistan Economic Corridor.

The sixth chapter explains the CPEC (China-Pakistan Economic Corridor) (p. 203). The author finds that the CPEC project is one of the largest investments by China in Pakistan. This mega investment shows that China has high stakes in Pakistan. This project, though part of OBOR, could complement China's Western region's modernization agenda. Consequently, Pakistan would be able to generate revenue through the royalties it earns. Further, the author argues that CPEC project has potential to increase Pakistan's stature and credibility in regional politics and increases integration of Pakistan with China. The author warns that the success of the project would determine the future course of Pakistan's relations with China.

The seventh chapter focuses on factors of durability in Pakistan and China relations (p. 213). The author finds different but important factors. Among these are geographical proximity, Pakistan's geostrategic location, the Indian factor, China's place in Pakistan's security strategy, early and mutually agreed border settlement, Islamic world factor, the US factor, trust and reliability, expansion of cooperation, two-way relationship, the role of armed forces, regular exchange of visits, and the role of media. The author finds that China's support for Pakistan in terms of diplomatic, economic and military has been remarkable in laying the foundation of Pakistan-China relations. Interestingly, Pakistan's reciprocal response to Beijing in terms of playing an important role in procuring a seat in the United Nations, breaking its isolation, and helping China to improve its relationship with the USA and the Muslim world have been widely acclaimed in China.

Ghulam Ali's conduct of qualitative data analysis and a historic approach in understanding China-Pakistan relations are important but they are not new

in Pakistan, China, and India. For instance, his argument that the “Indian factor is dominant in the context of China-Pakistan relations” (p.236). However, this argument is obvious even without the significant analysis done by the author in his book. The more interesting parts of his study are factors which have resulted in the durability of Pakistan and China relations in which the author has identified a few important factors which I have already mentioned above.

The author in his concluding chapter proposes a holistic approach in tackling issues and creating more understanding of China-Pakistan relationship (p. 241). Given the trajectory of regional dynamics, the China-Pakistan Economic Corridor is taken as a test case of how strong China-Pakistan friendship could remain in the future.

This study in fact helps us understand China-Pakistan relations in a historical perspective. However, this study is far from getting an entire picture of overall relations. There is little reference to civilization linkages in China and Pakistan relations as it begins with the 1950s. There is also less Pakistani perspective in a sense that those scholars from Pakistan chosen for interview for this study are not experts on China and China-Pakistan relations. Out of ten interviewees from the Pakistani side, one or two have expertise on China-Pakistan relations while the rest are out of this field. Moreover, there is an unequal sampling from the Indian, Pakistani and Chinese sides. I find less quotes from interviewees taken for this purpose. However, dragging India as a factor of strengthening Pakistan-China relations does not necessarily justify relations being historical. Therefore, in order to understand relations, it is important to conduct an in-depth study on China and China-Pakistan relations.

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Research Articles

The People's Republic of China and European Union
Security Cooperation in Africa: Sino-EU Security
Cooperation in Mali and the Gulf of Aden
Niall Duggan 1

China's Secular Ruler's Pragmatic Re-appropriation of
Traditional Chinese Sacred Resources: A Critical Assessment
Peter T.C. Chang 25

The Role of Trust in China-ASEAN Relations – Towards a
Multi-level Trust Building for China and ASEAN
Huang Haitao 45

Behind the Invisible Wall: What Determine Wage Differentials
between Urban and Migrant Workers in China
Yih-chyi Chuang and Eric Yan 61

Research Note

Chinese System of Science & Technology and Cooperation in
Science & Technology between Thailand and China
Tang Zhimin 95

Book Review

Stephen FitzGerald, *Comrade Ambassador: Whitlam's
Beijing Envoy* 119
Reviewed by Lee Kam Hing

International Journal of China Studies

Volume 8

Number 2

August 2017

ISSN 2180-3250

Special Issue

Great Fall or New Normal: China's Economic Restructuring and its Impact on Southeast Asia

Guest Editors: Zhang Miao and Li Ran

- Introduction: Southeast Asia and China's Growth Deceleration 125
Zhang Miao, Li Ran and Cheong Kee Cheok
- The Logic of Long-term Growth of China: From New Normal to
Supply-side Reform 139
Li Ling and Quan Heng
- The Changing Pattern of China's Trade and Implications for
Southeast Asia 161
Sarah Y. Tong and Tuan Yuen Kong
- The Impact of China's Economic Restructuring on Southeast Asia:
An Investment Perspective 183
Zhang Miao and Li Ran
- China's Growth Deceleration – A New Normal for Malaysia too? 199
Cheong Kee Cheok and Wang Qianyi
- The Impact of China's New Normal on the Philippine Economy 221
Joseph Anthony Lim
- The Impact of Chinese FDI on Economy and Poverty of Lao PDR 259
*Phouphet Kyophilavong, Xiong Bin, Bounlert Vanhnala,
Piya Wongpit, Alay Phonvisay and Phanpakit Onphanhdala*
- Book Review**
- Michael Useem, Harbir Singh, Neng Liang and Peter Cappelli, 279
*Fortune Makers: The Leaders Creating China's Great Global
Companies*
Reviewed by Zhang Chen

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