

# MAKING WAVES: RECENT DEVELOPMENTS OF THE SOUTH CHINA SEA DISPUTES\*

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*A potential crisis of significant magnitude may be imminent on the rocks of the South China Sea (SCS), where state sovereignty and geopolitics converge. These tensions could increase the risk of confrontation, undermine regional stability, and damage neighborly relations. As observed by many, sovereignty disputes in the SCS entail more than simply who owns what particular geologic and geographic features. They involve fishing rights, shipping lanes, oil and natural gas reserves, the maritime environment, and security. These contested maritime zones have led to significant tensions in the region and raise great concerns for nations using the shipping lanes for international trade. These quarrels are also linked to rising nationalism in every claimant nation. Disagreements have proven difficult to resolve, despite decades of attempts to do so. At dispute are both ownership of land features and what rules to apply in resolving the disputes, since rules determine results. The continued tensions have restrained policies among the nations involved, making interactions difficult at times. To further complicate matters, nations have started to reclaim land to expand their control at the expense of others. To more vividly demonstrate how dynamic the "status quo" in the SCS is, this paper surveys the latest developments in the region and analyzes the different attitudes and responses of various capitals to actions in the SCS in recent years. Competing interests are investigated to gauge each claimant's strategies. The complexity of the overlapping claims involved calls for dialogue toward a peaceful diplomatic solution.*

A potential crisis of significant magnitude may be imminent on the rocks of the South China Sea (SCS), where state sovereignty and great power politics converge. These tensions could increase the risk of confrontation, undermine regional stability, and damage neighborly relations. As observed by many, sovereignty disputes in the SCS entail more than simply who owns what particular geologic and geographic features. They involve fishing rights, shipping lanes, oil and natural gas reserves, the maritime environment, and

security. These contested maritime zones have led to significant tensions in the region and raise great concerns for nations using the shipping lanes for international trade. These quarrels are also linked to rising nationalism in every claimant nation. These disagreements have proven difficult to resolve, despite decades of attempts to do so. At dispute are both land features and what rules to apply in resolving the disputes, because rules determine results. The continued existence of tensions has restrained policies among the nations involved, making interactions difficult at times.

To further complicate matters, nations have started to reclaim land to expand their control at the expense of others.<sup>1</sup> Most recently, China has begun land reclamation and construction in the disputed area. These efforts have been contested by some of the claimants involved and have caused tensions to escalate with the United States, the guarantor of the regional order. The legality of China's claims aside, the fact remains that Chinese efforts are interfering with its attempts to interact with other nations. Beijing's insistence on establishing its claim runs directly against its other foreign policy strategies, such as the Belt and Road initiatives, which were meant to draw neighbors closer economically and politically. As tensions grow, more nations are making the disputes an issue when dealing with China. It has become a stumbling block for China's regional efforts and led to the unprecedented meeting in mid-February 2016, between President Obama and leaders of the ten Association of Southeast Asian Nations (ASEAN) members in Sunnyland, California, to resist Beijing's assertiveness. To demonstrate how dynamic the status quo in the SCS is, this paper surveys the latest developments in the region and analyzes the different attitudes and responses of various capitals to actions in the SCS in recent years. Competing interests are investigated to gauge each claimant's strategies.

### **China's South China Sea Policies and Actions**

At the heart of Beijing's South China Sea (SCS) claims is the eleven-dashed line drawn by the pre-Communist government in 1947, which included all the features into two groups of islands—the Paracels and Spratlys<sup>2</sup>—plus the

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2 Since the 1970s, Vietnam, the Philippines, Taiwan, and Malaysia have reclaimed land on islets and

Scarborough Shoal. Viewed as China's traditional sea boundary (*chuantong haijiang xian*), the line forms the basis of both Taiwan and Mainland China's claims of ownership<sup>3</sup> but has not been recognized by the United States or any neighboring countries. Decades after 1947, neighboring states occupied some of the features; a competing regime was formed under the United Nations Convention on the Law of the Sea (UNCLOS), which allows littoral states 12 nm of territorial sea and 200 nm of exclusive economic zones.<sup>4</sup> Beijing ratified the UNCLOS but with reservations that the regime and its tribunal were not applicable to its disputed territories. The dashed line rule favors Taipei and Beijing while depriving others of their controlled islands. The UNCLOS rule could support neighboring countries and deprive Beijing and Taipei the legal status of their holdings in the SCS. Mainland China signed and approved the treaty with reservations in 1996, while Taiwan remains outside of the UNCLOS.<sup>5</sup>

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reefs under their respective control to build airstrips and other facilities. The Paracels have been under China's control since 1974, while the Spratlys are controlled by five disputants. Beijing's definition of the Spratlys ranges from "3° 37' to 11° 55' north latitude and 109° 43' to 117° 47' east longitude, stretching south to north approximately 550 nautical miles, and spreading east to west more than 650 nautical miles; its water-territory area exceeds 800,000 square kilometers." For more, see Daniel J. Dzurek, "The Spratly Islands Dispute: Who's On First?" *IBRU Maritime Briefing* 2, no. 1 (1996): 3.

- 3 One analysis terms this action as China's "legal annexation via the nine-dashed-line claim." See Mark E. Rosen, "Philippine Claims in the South China Sea: A Legal Analysis," *CNA*, August 2014, 15, [https://www.cna.org/CNA\\_files/PDF/IOP-2014-U-008435.pdf](https://www.cna.org/CNA_files/PDF/IOP-2014-U-008435.pdf).
- 4 Typically, the UNCLOS recognizes maritime zones including the territorial sea (TS), the contiguous zone (CZ), the exclusive economic zone (EEZ), and the continental shelf (CS), all measured from the baseline. A littoral state may thus claim a TS for up to 12 nautical miles (nm, or 22 km), over which it exercises sovereignty not only on the waters, but also the air space above, and the seabed and subsoil beneath it. The country may claim an additional 12 nm (22km) CZ adjacent to its TS, in which it may exercise control necessary to prevent and punish infringement of its laws within its territory and the TS. The coastal state may further claim an EEZ beyond and adjacent to its TS up to 200 nm (370 km) from its baselines, within which it has sovereign rights over the natural resources (both living and nonliving) in the waters, the seabed, and subsoil; and other rights provided for by the UNCLOS including establishment and use of artificial islands. Finally, the country may declare up to 200 nm (370 km) of CS from the baseline and gain sovereign rights for exploring and exploiting its natural resources, i.e. mineral resources and living organisms that exist on the seabed and in the subsoil. For a diagram of the zones and their respective rights, see "4.1 International Regulatory Framework," Global CCS Institute, <https://hub.globalccsinstitute.com/publications/preliminary-feasibility-study-co2-carrier-ship-based-ccs/41-international-regulatory>.
- 5 After Japan's defeat in WWII, the Republic of China (ROC) government in Nanjing recovered all the SCS islands in 1946. Upon its defeat by the Chinese Communist Party and retreat to Taiwan, the ROC government (now in Taiwan) signed a separate peace treaty with Japan in 1951, and the latter officially handed over the Pescadores, Parcel, and Spratly Islands to Taipei. The cross-Taiwan Strait relation involves disputes over which regime is the legitimate Chinese government that should inherit Chinese rights and claims. For simplicity, this paper leaves out Taipei's claims because it largely mirrors that of Beijing in the South China Sea. For more about the bilateral

No country is more affected by these disputes than China, whose ambition goes beyond the SCS rocks to explicitly include reunification with Taiwan, the last major piece of its territorial irredentism. A rising power poised to challenge the regional supremacy of the United States in East Asia, the Middle Kingdom has been successful in modernizing its outdated economy and military capabilities. According to David Lampton, a long-time China expert, Beijing employed a three-pronged approach to enhance its strength: money, minds, and might.<sup>6</sup> Economically, China has footprints in every corner of the world and has accumulated the most foreign exchange reserves. Its educational policies have focused on science, technology, engineering, research, and development. Massive new investment has produced its first aircraft carrier, albeit a Russian refurbish, and more indigenous carriers are under construction.<sup>7</sup> Chinese military reach has extended to the SCS, where a century-old dispute has existed since the advent of western colonialism.

Lampton's "three faces of Chinese power" have now produced a maritime Great Wall in 2016. In 18 months, Beijing increased the size of its holdings from 5 acres to more than 2,000 acres in the disputed Spratly Islands, a 400-fold increase in acreage, much more than all the other claimants have salvaged in the past 40 years, according to a Pentagon report.<sup>8</sup> Consider the following achievements China's rivals have made: Vietnam built 60 acres over five years, Malaysia 60 acres over 30 years, and Taiwan 5 acres over two years.<sup>9</sup> Beijing's impressive dredging fleet, especially its most powerful dredger *Tianjing* used in manufacturing the islands—which broke six records in Asia in terms of its capability—reflects China's long-term planning and its achievements in science and technology. Jointly designed by China and Germany, the dredger was already under construction in 2008, and was delivered in 2010, four years prior to its employment as a landfill.<sup>10</sup> With its

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treaty, see "Treaty of Peace between the Republic of China and Japan," signed at Taipei, April 28, 1952, <http://www.taiwandocuments.org/taipei01.htm>.

6 David Lampton, *The Three Faces of Chinese Power: Might, Money, and Minds* (University of California Press, 2008).

7 Koh Swee Lean Collin, "China's Aircraft Carrier Ambitions," *The Diplomat*, January 18, 2016, accessed January 22, 2016, <http://thediplomat.com/2016/01/chinas-aircraft-carrier-ambitions/>.

8 David Alexander, "China accelerates land reclamation in disputed islands – Pentagon," *Reuters*, May 9, 2015, accessed January 2, 2016, <https://uk.news.yahoo.com/china-accelerates-land-reclamation-disputed-islands-pentagon-130329555.html#tzgn1P>.

9 Andrew S. Erickson and Kevin Bond, "South China Sea and Beyond: Why China's Huge Dredging Fleet Matters," *The National Interest*, August 12, 2015, <http://nationalinterest.org/blog/the-buzz/south-china-sea-beyond-why-chinas-huge-dredging-fleet-13562>.

10 "Zhongguo shou sou chaodaxing wanichuan 'Tianjinghao' jiao chuan" [China's first super-dredger "Tianjing" delivered], *China News*, January 19, 2010, accessed December 19, 2014, <http://www.chinanews.com/gn/news/2010/01-19/2080822.shtml>; "Yazhou zuida zihang jiaoxi wanichuan

huge capabilities, Beijing is able to add more implements to its sandbox. Before January 2014, the Chinese presence in the Spratlys only comprised of outposts made of concrete blockhouses perched atop seven coral atolls. Satellite images in late 2014 proved the impressive scale and speed of this extensive island building project.<sup>11</sup> Outposts on stilts grew from reef-based constructions into full islands, with two of them having lighthouses and three of them having airstrips.<sup>12</sup> None of Beijing's reclaimed lands have been tested by the elements, such as the area's periodic typhoons and rising sea levels. Rival airstrips built by Malaysia, Vietnam, and the Philippines in the 1970s and 1980s cannot compare with Beijing's in size or capabilities.<sup>13</sup> This again demonstrates the extent of China's will, resolve, and national capabilities, all in a long game played by Beijing's decision makers in this multi-layered competition.

What does China pursue in the SCS? How are the disputes framed in China's political discourse? In 2011, China published a white book titled *China's Peaceful Development*, in which six core national interests were articulated, with "state sovereignty" coming first.<sup>14</sup> But for Beijing, the South China Sea disputes are not only about sovereignty; they also concern "territorial integrity" (the third core component) and relations with southern neighbors and Taiwan. Beijing views the SCS not only as a concern of the country's territorial integrity; its image is also on the line. It wants neighbors to respect its growing capabilities, as well as its historical interests. To

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'Tianjinghao' jiaofu shiyong" [Asia's Largest Self-propelled Cutter Suction Dredger "Tianjing" Ready for Use], *Xinhua*, January 19, 2010, accessed December 19, 2014, [http://www.tj.xinhuanet.com/2010-01/19/content\\_18809559.htm](http://www.tj.xinhuanet.com/2010-01/19/content_18809559.htm).

- 11 Victor Robert Lee, "South China Sea: China's Unprecedented Spratlys Building Program," *The Diplomat*, April 25, 2015, accessed January 2, 2016, <http://thediplomat.com/2015/04/south-china-sea-chinas-unprecedented-spratlys-building-program/>.
- 12 By February 2015, lighthouses had been erected on the Cuarteron and Johnson South reefs. The three reefs with airstrips built on them are the Fiery Cross, Mischieff, and Subi reefs. Fiery Cross Reef is known as *Yongshu Jiao* in Chinese, *Kagitingan* in Filipino, and *Đá Ch Thp* in Vietnamese. Mischieff Reef is known as *Meiji Jiao* in Chinese, *Panganiban* in Filipino, and *Đá Vành Khăn* in Vietnamese. Subi Reef is known as *Zhubi Jiao* in Chinese, *Zamora* in Filipino, and *Đá Xu Bi* in Vietnamese.
- 13 Beijing's reclaimed land is larger in acreage than all the other Spratlys claimants' natural territories combined. For more on Beijing's strategies, see Chunjuan Nancy Wei, "Beijing's Formidable Strategy in the South China Sea," *The Diplomat*, May 21, 2015, accessed January 9, 2016, <http://thediplomat.com/2015/05/beijings-formidable-strategy-in-the-south-china-sea/>.
- 14 These six "core interests" include the familiar "state sovereignty, national security, territorial integrity, and national unification (with Taiwan)." They also encompass the safety of China's political system and social stability, and conditions for sustainable economic and social development. For details, see Huang Huaguang and Luan Jianzhang, *The Roadmap of the 18<sup>th</sup> CPC National Congress and the Chinese Dream* (Beijing: Foreign Languages Press, 2013), 301-303.

safeguard these interests, Beijing advanced Lampton's three-pronged approach to enhance its comprehensive national power. The massive land reclamation project was a test of the shrewd effectiveness of this three-pronged strategy.

On a different level, China seems driven to expand because of perceived injustices related to the international settlement of its maritime territories at the San Francisco Peace Conference of 1951. In Beijing's perspective, China had fought the Japanese longer than any other state; they suffered the highest level of casualties and destruction compared to anywhere else in Asia, which left in its wake such tragedies as the Nanjing Massacre and Unit 731, the Imperial Japanese Army's horrible human experiment for biological weaponry.<sup>15</sup> Thanks to the Korean War, however, China—already divided into two hostile governments a year before the war started—was not invited to the post-WWII settlement dealing with legal matters concerning Japan's surrender, of which the SCS was a part. In fact, neither of the Chinese governments across the Taiwan Strait had been given an invitation; the Republic of China (ROC, then in Taipei) concluded a separate Treaty of Peace with Japan in 1952, implicitly returning Taiwan and Penghu, as well as the Spratlys and the Paracel Islands, to Taipei.<sup>16</sup> Western powers established the East Asian order in China's absence, a result that Beijing has refused to accept then and now. Designed by the United States, the San Francisco Peace Treaty purposefully left Asian frontier territories without owners, partially responsible for most of Asia's territorial disputes.<sup>17</sup> "It would be totally unfair to ask China to give up its legitimate rights and give in to the unjustifiable demands of certain parties,"<sup>18</sup> Chinese Ambassador Cui Tiankai said in a keynote speech at Washington. He warned against any "illusion" that a unilateral status quo could be imposed upon China. That statement does not mean that China wanted to go to war over the rocks. Rather, Beijing prefers disputes be handled directly by the countries involved

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15 To read more on the perceived unfairness of the Tokyo trial and its consequences, see Jerry Delaney, "Hiroshima, My Father, and the Lie of U.S. Innocence," *Foreign Policy*, May 9, 2016, accessed May 12, 2016, <http://foreignpolicy.com/2016/05/09/the-japanese-war-crime-trials-and-the-lie-of-u-s-innocence-hiroshima-bombing/>.

16 For details, see "Treaty of Peace between the Republic of China and Japan," signed at Taipei, April 28, 1952, accessed January 12, 2016, <http://www.taiwandocuments.org/taipei01.htm>.

17 Kimie Hara, *Cold War Frontiers in the Asia-Pacific* (Routledge, 2012); John Price, "A Just Peace? The 1951 San Francisco Peace Treaty in Historical Perspective," *JPRI Working Paper*, No. 78, June 2001, accessed January 2, 2016, <http://www.jpri.org/publications/workingpapers/wp78.html>.

18 "China's Activities in South China Sea Good for Maintaining Security, Navigation Freedom: Ambassador," *English.news.cn*, April 17, 2015, accessed January 8, 2016, [http://news.xinhuanet.com/english/2015-04/17/c\\_134160336.htm](http://news.xinhuanet.com/english/2015-04/17/c_134160336.htm).

without participation of extra-regional countries like the United States.

However, Beijing's claim and actions pitted it directly against several of its neighbors, including Brunei, the Philippines, Malaysia, Indonesia, and Vietnam. These messy claims have also dragged China into rows with several extra-regional powers that use the sea-lanes as international trading routes, including Japan, Australia, and the United States, who support a multilateral negotiation under the framework of the UNCLOS. Since America's pivot to Asia policy in 2011, a policy designed to counter Beijing's growing ambition in the region, these differences have proven an obstacle for China's efforts at foreign policy with not only the nations involved, but with the global community as well. The following sections will review Beijing's relations with each of its neighbors on a regional level. Analysis of the nuanced stances of both major and minor players will follow.

### **Regional Disputes: Divergent Responses to China's Assertiveness**

#### *Malaysia: Passive and Cooperative, to an Extent*

Malaysia is an island nation in the South China Sea, whose claim to the SCS came later than China's and is based on the UNCLOS, which came into effect in 1994. To China's distress and relief, Malaysia claims 11 features in the SCS, half of which Kuala Lumpur has physically occupied. Out of the rest, three remain unoccupied; Malaysia disputes with Beijing, Hanoi, and Manila on three additional reefs.<sup>19</sup> The existence of multiple claimants means that it is possible for China to maintain a non-zero-sum relationship with Malaysia.

Of the dozen features, the most valuable to Malaysia is the Swallow Reef (Pulau Layang Layang), being the eleventh largest natural feature among the Spratly Islands, where Kuala Lumpur conducted reclamations by shipping earth to build an airstrip, a hotel, and a scuba diving resort.<sup>20</sup> The main bones of contention between China and Malaysia are in two areas:

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19 The five features under Malaysian control include Ardasier (*Guangxingzai Jiao*), Dallas (*Guangxing*), Mariveles (*Nanhai*), Royal Charlotte, and Swallow (*Danwan*) reefs. The Erica, Investigator, and Luconia reefs are claimed by Malaysia but are unoccupied. The Commodore (Rizal) Reef is occupied by the Philippines but disputed by Malaysia and China. The Amboyna Cay (the thirteenth largest natural feature among the Spratly Islands, with a lighthouse built in 1995) and the Braque Canada Reefs are occupied by Vietnam but disputed by Malaysia, the Philippines, and China.

20 Ralf Emmers, *Geopolitics and Maritime Territorial Disputes in East Asia* (New York: Routledge, 2010), 74.

the James Shoal and the South Luconia Shoals, both important to Chinese nationalists. They were also included in the initial list of the SCS features published by Chiang Kai-shek's Republican government in 1935.<sup>21</sup> The Chinese textbooks in both Taiwan and Mainland China have identified the James Shoal (called *Zengmu Ansha* in Chinese), a submerged feature just north of the Malaysian coast, as China's southern-most point of "territory." The Chinese navy visited the shoal in May 1983 and again in 1994.<sup>22</sup> In recent years, it has conducted high-profile patrols and exercises off the James Shoal, one of the most prominent being in 2013.<sup>23</sup> The South Luconia Shoals (*Nankang Ansha*) have become important, because a mini-island of 30x8x3 meters has formed naturally in recent years. Strategically significant and unoccupied, the Luconia Breakers (Hempasan Bantin in Malaysian, and *Qiongtai Jiao* in Chinese) is about 100 kilometers north of the James Shoal and coveted by Chinese netizens, who viewed the islet as China's "southern-most territory" and called for effective occupation to establish a foothold in the region.<sup>24</sup> At the time of writing, Beijing has refrained from doing so, fearing the move could worsen its relations with Malaysia. A scholar noted that since January 2013, Beijing has maintained a near permanent presence in the region, which is extraordinary in the PRC's history of using maritime law enforcement ships to advance its claims.<sup>25</sup> Yet, it is precisely in this area that Kuala Lumpur has extensive economic and security interests: it runs active oil and gas operations, including the Central Luconia Gas Field.<sup>26</sup>

Unlike Hanoi and Manila who are vocal and aggressive in defending their claims, Kuala Lumpur has adopted "a more nuanced strategy, courting China while also preparing for the worst."<sup>27</sup> On one hand, China has been

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21 For a story on how the list was made and its relation to the dashed line of 1947, see Bill Hayton, *The South China Sea: The Struggle for Power in Asia* (New Haven: Yale University Press, 2014), 55-56.

22 Hayton, *The South China Sea*, 80.

23 Andrew Chubb, "Luconia Breakers: China's New 'Southernmost Territory' in the South China Sea," *South Sea Conversations Blog*, June 16, 2015, accessed February 2, 2016, <https://southseaconversations.wordpress.com/2015/06/16/luconia-breakers-chinas-new-southernmost-territory-in-the-south-china-sea/>.

24 Chubb, "Luconia Breakers."

25 "China's Navy Has Edge Over US Through Sheer Weight of Numbers in Dispute Over South China Sea, Say Analysts," *South China Morning Post*, October, 30, 2015, accessed March 10, 2016, <http://www.scmp.com/news/china/diplomacy-defence/article/1874043/chinas-navy-has-edge-over-us-through-sheer-weight>.

26 Chubb, "Luconia Breakers."

27 Phoebe De Padua, "Malaysia's New Engagement on the South China Sea," *cogitASIA*, December 18, 2013, accessed January 2, 2016, <http://cogitasia.com/malaysias-new-engagement-on-the-south-china-sea/>.

Malaysia's biggest trading partner since 2009. Two-way trade has exceeded \$100 billion annually, and Malaysia earns \$20 billion in trade surplus.<sup>28</sup> The Southeast Asian nation has signed onto Beijing's "Silk Road" initiatives and is a founding member of the Beijing-led Asian Infrastructure Investment Bank (AIIB).<sup>29</sup> Malaysians also view China most favorably compared to their other neighbors. In 2014, a Pew survey found that 74 percent of Malaysians and 66 percent of Indonesians viewed China favorably, while only 38 percent of Filipinos and 16 percent of Vietnamese did so.<sup>30</sup> Yet, with disputes over the Luconia Shoals heating up, and the deputy Prime Minister calling for a more aggressive response to China's maritime incursions, Malaysian businesses could grow suspicious of China's maritime intentions. In an attempt to lessen tensions, China has pledged to increase investment in Malaysia and has attempted to distract the latter from the issue by flaunting the benefits of the "Silk Road."<sup>31</sup>

In this multifaceted relationship, Malaysia has more than the SCS disputes to worry about in regards to its relationship with China. On the other hand, as stated above, Beijing is not Malaysia's only concern in the territorial disputes. Malaysia has other nations to worry about when it comes to the SCS disputes, because rivals like the Philippines and Vietnam also have disputes with Kuala Lumpur. As stated by Malaysia's defense minister at a meeting of ASEAN, "enough level of trust" existed between Beijing and Kuala Lumpur. The minister even warned other ASEAN ministers who tried to build a united front against China that "just because you have enemies doesn't mean your enemies are my enemies."<sup>32</sup> China and Malaysia held their first joint military exercises in 2014. The latter even allowed Beijing

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28 "China Retains as Malaysia's Largest Trading Partner in 2015," *Xinhua*, February 5, 2016, accessed May 11, 2016, [http://news.xinhuanet.com/english/2016-02/05/c\\_135078498.htm](http://news.xinhuanet.com/english/2016-02/05/c_135078498.htm); "Malaysia to Benefit from China's Maritime Silk Road," *The Star*, June 23, 2015, accessed May 11, 2016, <http://www.thestar.com.my/business/business-news/2015/06/23/malaysia-to-benefit-from-chinas-maritime-silk-road/>.

29 "Malaysia's Ambassador to China Signed the Articles of Agreement of the Asian Infrastructure Investment Bank (AIIB)," AIIB webpage, August 21, 2015, [http://www.aiib.org/html/2015/NEWS\\_0821/14.html](http://www.aiib.org/html/2015/NEWS_0821/14.html).

30 "Chapter 2: China's Image," *Pew Research Center*, July 14, 2014, accessed March 2, 2016, <http://www.pewglobal.org/2014/07/14/chapter-2-chinas-image/>.

31 "Malaysian Deputy PM: We Must Defend Sovereignty in South China Sea Dispute," *Newsweek*, November 14, 2015, accessed March 12, 2016, <http://www.newsweek.com/malaysian-deputy-pm-we-must-defend-sovereignty-south-china-sea-dispute-394421>.

32 Sharon Chen, "Malaysia Splits with ASEAN Claimants on China Sea Threat," *Bloomberg*, August 29, 2013, accessed March 18, 2016, <http://www.bloomberg.com/news/articles/2013-08-28/malaysia-splits-with-other-asean-claimants-over-china-sea-threat>.

to use one of its facilities at Kota Kinabalu.<sup>33</sup> Malaysia's low-key approach draws sharp contrast to that of its northeastern neighbor.

*Philippines: Weak, but Vocal and Aggressive*

While Malaysia has remained cooperative in regards to the disputed area, Beijing's relation with the Philippines seems far more tenuous. Since the 1970s, Manila has continuously occupied Thitu Island, on which it has built an airstrip, a military garrison, and a small thriving town, with hospitals, schools, and even a kindergarten.<sup>34</sup> Headquartered in the Thitu, the second largest natural island in the Spratlys, Manila named its holdings collectively as the Kalayaan Island Group (KIG).<sup>35</sup> Combined, it occupied the largest total area in the Spratlys (prior to China's massive reclamation). Upon losing the Mischief Reef (unoccupied then) to China in 1995, Manila occupied the neighboring Second Thomas Reef in 1999, completing its ninth holding in the region. Starting from 2011, it officially refers to the South China Sea as the "West Philippine Sea."

Today the Kalayaan is viewed by some as "the submerged Saudi Arabia of the Philippines," implying its richness in oil and gas potential.<sup>36</sup> Manila is actively defending its hold through a combination of military, diplomatic, and legal means. The Achilles heel to the Philippine strategy is its relatively weak military power vis-à-vis China, which can be seen from the Scarborough Shoal incident of 2012. With its newly acquired second-hand warship from the US Coast Guard, Manila had aimed to cement its control in the disputed "West Philippine Sea." Despite that, the country is militarily

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33 Prashanth Parameswaran, "Malaysia, China Begin First Joint Military Exercise," *The Diplomat*, December 24, 2014, accessed November 11, 2015, <http://thediplomat.com/2014/12/malaysia-china-begin-first-joint-military-exercise/>.

34 "China Wants PH to Vacate Pag-asa Island: Analyst," *ABS-CBN News*, May 07 2015, accessed May 10, 2016, <http://news.abs-cbn.com/nation/05/07/15/china-wants-ph-vacate-pag-asa-island-analyst>; Eric Campbell, "Reef Madness," *ABC* [Australian], May 20, 2014, accessed March 21, 2016, <http://www.abc.net.au/foreign/content/2014/s4008035.htm>.

35 In 1978, President Ferdinand Marcos annexed eight islands to create the Kalayaan (Freedomland) Municipality under the Province of Palawan. Thitu Island, known in the Philippines as Pag-asa, is outside its 200 nm exclusive economic zone (EEZ). However, the status of the Kalayaan is challenged by both China and Vietnam. A 2014 analysis published by the Center for Naval Analyses in Washington found that two islets in the KIG—Thitu (Philippine name: Pagasa) and Loaita (Philippine name: Kota)—were the legal property of Vietnam; Mark E. Rosen, "Philippine Claims in the South China Sea: A Legal Analysis," *CNA*, August 2014, [https://www.cna.org/CNA\\_files/PDF/IOP-2014-U-008435.pdf](https://www.cna.org/CNA_files/PDF/IOP-2014-U-008435.pdf).

36 Campbell, "Reef Madness."

unprepared. Funded by the Department of Energy rather than the National Defense, the BRP Gregorio del Pilar warship<sup>37</sup> was deployed and tasked to protect the country's fishing and oil interests. Yet, only a couple days into the standoff with Chinese maritime surveillance vessels in the Scarborough Shoal, the warship had to be withdrawn, possibly because of depletion of fuel.<sup>38</sup> There were also reports on misuse of military funding.<sup>39</sup> Eventually, Manila had to accept a humiliating retreat from the Scarborough Reef.

The other confrontation occurred in the Second Thomas Reef (Ayungin in the Philippines; *Ren'ai* in China). Strategically important, the Ayungin sits halfway along a vital supply route from Palawan to Thitu, and to the oil-rich Reed Bank. Unlike other KIG islands, the cash-strapped Manila has not built any structures on the reef, and a dozen soldiers guard the reef aboard a deliberately grounded former US cargo ship that serves as a base.<sup>40</sup> In 2013, Beijing sent fishing vessels and warships to the area to frustrate the Philippine effort to strengthen the rusting and sinking ship.<sup>41</sup>

Unlike Kuala Lumpur, however, Manila has been far more proactive in staring down China by legal means. Beijing's assertiveness emboldened Manila to seek adjudication on the nature of China's SCS claims from the Hague-based International Tribunal for the Law of the Sea (ITLOS).<sup>42</sup> Expressing its disinterest, China refused to join the arbitration case and warned that Manila's approach could backfire. Despite the limitation stated on its website that "the Tribunal has no means of enforcing its decisions,"<sup>43</sup> the ITLOS' willingness to hear the case constitutes a blow to China.<sup>44</sup> Beijing

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37 Named after its "Boy General" who died at the Battle of Tirad Pass during the Philippine Revolutionary War, the BRP Gregorio del Pilar warship was meant to be the vanguard in Manila's confrontation with other claimants in the region; Joel C. Atencio, "Introducing: PHL Navy's Cutter BRP 'Gregorio del Pilar'," *U.S. News*, May 16, 2011, accessed May 18, 2012, <http://www.usnewsasvegas.com/national/introducing-phl-navys-cutter-brp-gregorio-del-pilar/>.

38 "Philippines 'Withdraws Warship' amid China Stand-off," *BBC*, April 12, 2012, accessed May 11, 2016, <http://www.bbc.com/news/world-asia-17686107>; Rigoberto Tiglao, "Scarborough Fail: How Aquino Blew it," *The Inquirer*, May 3, 2012, accessed May 11, 2016, <http://opinion.inquirer.net/27985/scarborough-fail-how-aquino-blew-it>.

39 Atencio, "PHL Navy's Cutter BRP 'Gregorio del Pilar.'"

40 Campbell, "Reef Madness."

41 Jeff Himmelman, "A Game of Shark and Minnow," *New York Times*, October 27, 2013, accessed May 10, 2016, <http://www.nytimes.com/newsgraphics/2013/10/27/south-china-sea/>.

42 Haryo Budi Nugroho and Damos Dumoli Agusman, "Why South China Sea Arbitration Matters," *The Malaysian Insider*, December 6, 2015, accessed January 12, 2016, <http://www.themalaysianinsider.com/sideviews/article/why-south-china-sea-arbitration-matters-damos-dumoli-agusman-and-haryo-budi>.

43 "General Information," *International Tribunal for the Law of the Sea*, accessed March 14, 2016, <https://www.itlos.org/general-information/>.

44 Jane Perlez, "In Victory for Philippines, Hague Court to Hear Dispute Over South China

has often worked to solve such disputes bilaterally, so the Philippines' decision to forgo negotiations in favor of a legal approach stands practically as an insult to the Chinese government. The Philippines has even taken it a step further, and requested military aid from the United States, in order to strengthen its position in the SCS. Filipinos have requested that the US provide satellite data of the region and provide enough of a presence to discourage China from interfering in their naval operations.<sup>45</sup> Apparently, China has attempted to block Philippine ships during troop rotations in the past.<sup>46</sup> The dispute between the two sides has reached a point where neither Beijing nor Manila seems willing to negotiate further. With an ongoing legal case over the standing of islands both natural and manmade, as well as the Philippines seeking aid from military allies, Sino-Philippine relations have been drastically damaged. Chinese Foreign Minister Wang Yi has said that it would be up to the Philippines to fix the relations.<sup>47</sup>

### *Indonesia: Confused But Resolute*

Taking a more measured approach, Indonesia stands somewhere in between Malaysia and the Philippines in its response to China's claim. This stance is mostly due to confusion over whether or not Indonesians actually have a dispute with China. Indonesia controls the Natuna Islands, which do not fall into China's dashed line, but their waters could overlap with the range of China's claim. Indonesia requested Beijing to clarify its dash line claims. China responded that the Natuna Islands belong to Indonesia, and that its status is not under dispute.<sup>48</sup> This public statement was intended to

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Sea," *The New York Times*, October 30, 2015, accessed May 10, 2016, [http://www.nytimes.com/2015/10/31/world/asia/south-china-sea-philippines-hague.html?\\_r=0](http://www.nytimes.com/2015/10/31/world/asia/south-china-sea-philippines-hague.html?_r=0).

45 Franz-Stefan Gady, "Philippines Asks for US Military Assistance in South China Sea," *The Diplomat*, August 31, 2015, accessed November 11, 2015, <http://thediplomat.com/2015/08/philippines-asks-for-us-military-assistance-in-south-china-sea/>.

46 Ibid.

47 Sui-Lee Wee and Manuel Mogato, "China Says Philippines Must Heal Rift Over South China Sea as Indonesia Speaks Out," *Reuter*, November 11, 2015, accessed May 10, 2016, <http://www.reuters.com/article/us-southchinasea-china-philippines-idUSKCN0T007F20151111>; Hong Zhao, "Sino-Philippines Relations: Moving Beyond South China Sea Dispute?" *Journal of East Asian Affairs*, 2012, 57-76; Emma Kingdom, 2015, "A Case For Arbitration: The Philippines' Solution for the South China Sea Dispute," *Boston College International and Comparative Law Review*, 129-157.

48 In response to a question, Chinese foreign ministry spokesperson responded that "the Indonesian side has no territorial claim to China's Nansha [Spratly] Islands, and the Chinese side has no objection to Indonesia's sovereignty over the Natuna islands." See Zhu Xi, "China Holds No Objection to Indonesia's Sovereignty Over Natuna Islands," *People's Daily Online*, November 13,

clear all misperceptions between Beijing and Jakarta.

In the lead up to the clarification, Indonesia wanted to approach the issue from a point of strength. The first step Jakarta undertook was to increase naval patrols to the Natuna Islands, which served as a reminder to China that mistrust existed. Its next step was asking Beijing to make a clearer statement specific to the Natuna Islands. By asking for clarification, Indonesia prevented China from hiding behind ambiguous wording in regards to the dispute. If China stated clearly that the islands belong to Indonesia, then the problem would be easily resolved. If not, the following step, which Indonesia has already expressed a willingness to pursue, would have been to follow the Philippine example and use legal means to counter China's claim.<sup>49</sup> As with Manila, resorting to legal means would likely sour relations with China; however, if Beijing failed to provide a definitive answer, the relationship may have become more strained. With one case already coming before an international tribunal, China may not have wanted to risk a second. Letting a second dispute appear in court would greatly hurt China's image, especially if the Chinese refused to be part of it. Alienating a second neighbor in the region may be enough to turn others against Beijing. At the very least, it would likely push the two to work together to counter China's spreading influence.

If the Natuna Islands were not an issue, as verified by Beijing, and Indonesia and China appear to have a joint understanding of the situation, how could the two countries have locked into one of the most serious conflicts after a Chinese law enforcement ship rammed into an Indonesian vessel, causing a diplomatic crisis in March 2016? The answer is two-fold: the unclear maritime economic zone between the two countries coupled with Indonesia's vigorous policy of scuttling ships. The area where the conflict occurred was "traditional Chinese fishing ground," which is linked to China's controversial nine-dashed line claim. Under President Joko Widodo, all ships confiscated for illegal fishing were to be destroyed. It was believed that the Chinese Coast Guard rammed to prevent the vessel from being

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2015, <http://en.people.cn/n/2015/1113/c90000-8975641.html>; Miles Yu, "Et tu, Jakarta?" *Washington Times*, November 19, 2015, accessed January 2, 2016, <http://www.washingtontimes.com/news/2015/nov/19/inside-china-china-concedes-natuna-islands-to-indo/?page=all>; Steve Mollman, "Indonesia is the Next Challenger to Beijing in the South China Sea," *Quartz*, November 12, 2015, <http://qz.com/547796/indonesia-may-be-the-next-challenger-to-beijing-in-the-south-china-sea/>.

49 Sara Schonhardt and Ben Otto, "Indonesia Invokes International Tribunal in South China Sea Dispute," *The Wall Street Journal*, November 12, 2015, accessed January 2, 2016, <http://www.wsj.com/articles/indonesia-invokes-international-tribunal-in-south-china-sea-dispute-1447260065>.

confiscated and destroyed by Indonesian authorities.<sup>50</sup> Further, Indonesian buildup of a military presence in the Natuna Islands could also lead to future confrontations with China or other SCS neighbors.

*Brunei: Quiet and Peaceful*

Being the smallest and youngest, yet richest, nation among the SCS disputants, Brunei's geography renders its exclusive economic zone extremely important for its trade with the rest of the world.<sup>51</sup> Gaining independence from Great Britain in 1984, Brunei inherited the British-drawn boundaries in the SCS. Unlike other nations involved in the SCS disputes, Brunei has the smallest jurisdictional claim in the Spratlys and has been almost completely silent. Brunei claims jurisdiction over Louisa Reef (Chinese name *Nantong Jiao*), but it has not occupied the feature. The unclear status of Louisa Reef—whether it is an island, a rock, or a low tide elevation—could determine whether it has a valid claim with China. Louisa Reef was under Malaysian control, but in 2009 Brunei and Malaysia signed a treaty in which the latter dropped its claim.<sup>52</sup> However, China's dashed line overlaps with a large portion of Brunei's maritime boundary claim, and both nations claim the Louisa.<sup>53</sup> Brunei's claim overlaps with that of Vietnam and China, both nations having shown a willingness to use military means to defend their claims. Brunei has made no effort to resolve the dispute with either claimant. It is possible that any such efforts have taken place behind closed doors, hidden from the public and the media.

Perhaps Brunei sees the conflicting claims of those two nations as more pressing than its dispute with China and has chosen to ignore China for the time being. Similarly conceivable is that Brunei has chosen not to make a public outcry over the dispute because of its inability to defend itself should China or Vietnam resort to military means. Brunei has maintained close relations with foreign powers, including its former colonial master the

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50 Joe Cochrane, "China's Coast Guard Rams Fishing Boat to Free It From Indonesian Authorities," *New York Times*, March 21, 2016, [http://www.nytimes.com/2016/03/22/world/asia/indonesia-south-china-sea-fishing-boat.html?\\_r=0](http://www.nytimes.com/2016/03/22/world/asia/indonesia-south-china-sea-fishing-boat.html?_r=0).

51 Kallol Bhattacharjee, "India, Brunei Discuss South China Sea Dispute," *The Hindu*, February 3, 2016, accessed April 2, 2016, <http://www.thehindu.com/news/international/india-brunei-discuss-south-china-sea-dispute/article8185345.ece>.

52 J. Ashley Roach, "Malaysia and Brunei: An Analysis of their Claims in the South China Sea," *CNA Analysis & Solutions*, August 2014, accessed May 9, 2016, [https://www.cna.org/CNA\\_files/PDF/IOP-2014-U-008434.pdf](https://www.cna.org/CNA_files/PDF/IOP-2014-U-008434.pdf).

53 *Ibid.*

United Kingdom and the United States, the latter of which has provided Brunei with security in the region.<sup>54</sup> As long as China is weary of foreign involvement in the regional disputes, it likely will not attempt to force the issue with such a small nation, especially when other disputes in the region are more volatile.

### *Vietnam: Adamant and Armed*

Of all the claimants, China has the most to lose to Vietnam if the latter were to gain what it seeks. With both claiming the Paracel and Spratly groups, Beijing and Hanoi have engaged most violently by far. Two naval skirmishes in 1974 and 1988 concluded with the Vietnamese losing their foothold on six features in the Spratlys, in addition to the western half of the Paracels.<sup>55</sup> In May 2014, China moved an oil rig in the Paracels, which quickly led to small confrontations and deadly rioting in Vietnam.<sup>56</sup> The incident may have contributed to the heightened unfavorability of China to the Vietnamese, as captured by a Pew survey. As stated previously, the Vietnamese view the Chinese least favorably. In 2014, the same Pew research found that 71 percent of Vietnamese viewed China's growing economic might as a bad thing for their country, compared to 57 percent of Filipinos, 28 percent of Indonesians, and only 8 percent of Malaysians.<sup>57</sup>

In October 2015, Hanoi accused Beijing of sinking one of its fishing boats near the Paracel Islands. It was apparently the twentieth such incident that year, and while no one was killed, it was just one more instance of hostility between the two communist neighbors.<sup>58</sup> The fishing boat was sunk on September 29, 2015, before Hanoi's authorization of its Coast Guard to use live weapons to keep foreign incursions out of its self-designated

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54 "Brunei Maintains a Low Profile in Pressing Its South China Sea Claims," *World Politics Review*, January 28, 2016, accessed April 29, 2016, <http://www.worldpoliticsreview.com/trend-lines/17799/brunei-maintains-a-low-profile-in-pressing-its-south-china-sea-claims>.

55 Hayton, *The South China Sea*, 73-77; 82-84. For a YouTube video featuring the 1988 conflict, see "China vs Vietnam: Johnson South Reef Skirmish of 1988," published on June 1, 2012, accessed May 11, 2016, <https://www.youtube.com/watch?v=uq30CY9nWE8>.

56 Trung Nguyen, "Vietnam to Visiting Xi: Don't 'Militarize' South China Sea," *Voice of America*, November 15, 2015, accessed January 2, 2016, <http://www.voanews.com/content/chinese-president-n-mends-fences-in-vietnam/3037906.html>.

57 "Chapter 2: China's Image," *Pew Research Center*, July 14, 2014, accessed January 2, 2016, <http://www.pewglobal.org/2014/07/14/chapter-2-chinas-image/>.

58 Frances Martel, "Report: Chinese Ship Sinks Another Vietnamese Fishing Vessel in South China Sea," *Breitbart*, October 16, 2015, accessed April 9, 2016, <http://www.breitbart.com/national-security/2015/10/16/chinese-ship-sinks-another-vietnamese-fishing-vessel-in-south-china-sea/>.

borders went into effect on October 20.<sup>59</sup> After a year of being harassed, Vietnam stated its intent to respond with potentially lethal methods. The size difference between the two navies is drastic, but having fought the French and the Americans, Vietnam is famous for defying overwhelming odds. Now that geopolitics has brought the US and Vietnam together, and with US aid in terms of modern weapons and ships, such a battle could be devastating for the two communist states. In fact, with Vietnam's recent military purchases from the US and Russia, Hanoi does not expect the confrontations to end any time soon.

Unlike other nations involved in SCS disputes with China, Vietnam asked China "not to militarize"<sup>60</sup> the "East Sea," its preferred name for the SCS and authorized a military response toward further encroachments. The violent protests against China took place in Vietnam in the wake of Chinese ships hitting Vietnamese vessels and forcing the placement of an oil rig within the disputed waters. Violent disputes like these hurt China's image whether or not they end well. Losing to Vietnam would destroy Beijing's claims in the region. A devastating victory would ruin China's international reputation, painting it as nothing more than a violent bully in the eyes of the international community. A drawn out confrontation risks having others join Vietnam's side, further tarnishing China's chances in the disputes and its international standing.

Vietnam seems poised to force a violent confrontation over its dispute with China. The risk that such a confrontation could hurt China is quite high. The only real option is to work out a peaceful resolution and negotiate an outcome that prevents bloodshed. However, any such agreement will likely require conceding much of its claim to Vietnam, which would encourage other nations to push for similar agreements. This dispute, more than any other local disputes, has the potential to cause huge complications for Chinese foreign policy. The Chinese do not seem to have real good options. Giving in would weaken all of their claims elsewhere, going to war could ruin their efforts across the planet, and trying to ignore the problem risks playing into Vietnam's hands. Stuck in a very precarious position, China has to navigate its way carefully if it wants to achieve its stated goals.

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59 Steve Miller, 2015, "Asia News Weekly - Vietnam Authorized Weapons Use in the South China Sea and Other Regional News," *Japan Today*, September 18, accessed January 2, 2016, <http://www.japantoday.com/category/podcast/view/asia-news-weekly-vietnam-authorized-weapons-use-in-the-south-china-sea-and-other-regional-news>.

60 Nguyen, "Vietnam to Visiting Xi," 2015.

## Regional Organizations and Extra-Regional Powers

### *ASEAN: In Disarray*

The ASEAN, an economic and political association of ten Southeast Asian countries all trading with China, Japan, and the United States, includes all five previously analyzed nations. Of the ten-country group, Malaysia is China's largest trading partner.<sup>61</sup> Normally, when ASEAN meets, Southeast Asian defense officials meet as well, and a joint declaration is issued regarding regional security. Operated in the so-called "ASEAN way," the organization has survived nearly 50 years of integration, playing a leading role in politico-economic affairs, as well as in regional security. At a past meeting in October 2015, however, no such declaration was made, thanks entirely to disagreement among ASEAN members on whether to mention the SCS disputes in the declaration.<sup>62</sup> These disputes have marred what was otherwise meant to be a show of unity and peace. The fact that defense leaders found themselves unwilling to make a declaration speaks volumes about how important China's neighbors view the issue. China could try to blame the US and Japan for the missing declaration, and in fact was doing just that, but that does not take away from the fact that it was the ASEAN members who chose to stay silent rather than let the issue become highly visible.<sup>63</sup>

China hopes to turn the ancient Silk Road into modern-day prosperity trade routes that would run from Europe all the way to China, before branching off across the sea to numerous maritime neighbors. Evidently, the South China Sea spat has served to split Asia into pro-Washington and pro-Beijing camps becoming a roadblock for Beijing in improving its relationships with neighbors. It is no surprise that in the pro-US camp are all the Southeast

61 "China retains as Malaysia's largest trading partner in 2015," *Xinhua*, February 5, 2016, accessed May 11, 2016, [http://news.xinhuanet.com/english/2016-02/05/c\\_135078498.htm](http://news.xinhuanet.com/english/2016-02/05/c_135078498.htm).

62 Yeganeh Torbati and Trinna Leong, "ASEAN Defense Chiefs Fail to Agree on South China Sea Statement," *Reuters*, November 4, 2015, accessed January 2, 2016, <http://www.reuters.com/article/us-asean-malaysia-statement-idUSKCNOST07G20151104>.

63 Torbati and Leong, "ASEAN Defense Chiefs Fail to Agree on South China Sea Statement;" Prashanth Parameswaran, "China Blocked ASEAN Defense Meeting Pact amid South China Sea Fears: US Official," *The Diplomat*, November 4, 2015, accessed January 12, 2016, <http://thediplomat.com/2015/11/china-blocked-asia-defense-meeting-pact-amid-south-china-sea-fears-us-official/>; "ASEAN Talks End without Statement amid South China Sea Row," *BBC*, November 4, 2015, accessed January 2, 2016, <http://www.bbc.com/news/world-asia-34718196>.

Asian claimants in the SCS, along with Japan and Australia.<sup>64</sup> The row also provided an opportunity for Washington to host its first ever summit in California to draw the ASEAN members closer for its “pivot” to Asia, one of President Obama’s most ambitious geopolitical projects. It was meant to reproduce the relaxed “shirt-sleeves summit” Obama had with Chinese leader Xi Jinping in 2013, but the Sunnyland meeting with a divided ASEAN did not seem very successful.<sup>65</sup>

### *Japan and Australia: Firm with the United States*

Neither Japan nor Australia has territorial claims in the SCS; however, both have expressed belief in free travel through the region and rejected the legitimacy of China’s claims. China has faulted Japan for “hyping up” the SCS tensions, while Tokyo and Canberra both accused Beijing of attempting to impede freedom of navigation (FON).<sup>66</sup> Both nations have well-developed economies and established themselves in the regional and global systems via alliances with the United States. Unlike some of the nations who are directly in dispute with China, Tokyo and Canberra host US military on their land and will not simply be cowed in the face of Chinese aggression. In September 2015, Japan adopted a security bill allowing its military to fight in overseas missions. Tokyo is also pondering the deployment of a Terminal High Altitude Area Defense (THAAD) system on its soil.<sup>67</sup> In the same month, China’s military expert Colonel Li Jie complained about America’s forward

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64 Hiroyuki Akita, “Sea Spats Splitting Asia into Pro-US, Pro-China Camps,” *The Nikkei Asia Review*, November 25, 2015, accessed January 2, 2016, <http://asia.nikkei.com/Politics-Economy/International-Relations/Sea-spats-splitting-Asia-into-pro-US-pro-China-camps>.

65 Mark Landler, “An Asia Summit Meeting is Overshadowed by Scalia,” *New York Times*, February 15, 2016, [http://www.nytimes.com/2016/02/16/us/politics/an-asia-summit-meeting-is-overshadowed-by-scalia.html?\\_r=0](http://www.nytimes.com/2016/02/16/us/politics/an-asia-summit-meeting-is-overshadowed-by-scalia.html?_r=0); Marga Ortigas, “Questioning Obama’s ASEAN Rebalancing Act,” *Aljazeera*, February 21, 2016, accessed February 22, 2016, <http://www.aljazeera.com/blogs/asia/2016/02/questioning-obama-asean-rebalancing-act-160221053234368.html>.

66 Ian Storey, “Japan’s Maritime Security Interests in Southeast Asia and the South China Sea Dispute,” *Political Science*, 2013, 135–156; Shannon Tiezzi, “Can China Rebuild Its ‘Special Relationship’ With Malaysia?” *The Diplomat*, November 18, 2015, <http://thediplomat.com/2015/11/can-china-rebuild-its-special-relationship-with-malaysia/>; Brinda Banerjee, “South China Sea Raises Debates Between China, Australia,” *Value Walk*, December 5, 2015, accessed January 2, 2016, <http://www.valuewalk.com/2015/12/china-australia-hash-out-south-china-sea-concerns/>.

67 “Deployment of U.S. Missile Defense System could Reshape Security in East Asia,” *Japan Times*, February 8 2016, accessed May 11, 2016, <http://www.japantimes.co.jp/news/2016/02/08/asia-pacific/deployment-of-u-s-missile-defense-system-could-reshape-security-in-east-asia/#.VzPjX20wNSU>.

deployment in Darwin, Australia, for targeting China in the SCS. While warning that Australia should not “follow the United States blindly,” Li also said that the SCS was China’s “backyard, [in which it] can decide what vegetables or flowers [it] want[s] to grow.”<sup>68</sup>

The fact that China’s SCS claim has involved ASEAN members and American allies demonstrates that China is doomed to be alone and lonely. China has a history of setting aside certain disagreements during negotiations and focusing only on the topic at hand. This method may no longer work in the SCS. The disputes do not really involve Japan or Australia, but both have exhibited willingness to participate in talks and negotiations with China. The two nations are not willing to simply back down when faced with threats or hostility. This allows those directly involved to do the same, knowing that larger countries readily support their stance.<sup>69</sup> A recent example was when Washington, Tokyo, and Manila concluded military exercises near the China-controlled Scarborough Shoal.<sup>70</sup> Ironically, this would make it even more difficult for neighboring countries to sit on the negotiating tables with Beijing. If the most powerful country and its allies were willingly backing them up, who would have incentives to make concessions? The eventual contest in East Asia is between China and the United States: Will the two superpowers clash or cooperate in their competition for wealth and power?

### *United States: Beijing’s “Multiple Personalities”*

With the rise of China, East Asia’s existing alliance-based security order, molded by the United States in the 1950s, has been aggravated. Thanks to sequester at home and commitments in the Middle East, Washington’s “pivot” to Asia—involving renewed diplomatic activity and military redeployment—has not proceeded smoothly. Most recently, the US and China have collided

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68 Lisa Murray and John Kerin, “Beijing Warns Australia Over Disputed South China Sea Islands,” *Financial Review*, September 16 2015, accessed January 2, 2016, <http://www.afr.com/news/world/china-building-airstrip-on-3rd-artificial-island-images-show-20150916-gjnucb#ixzz40jOgMDkB>.

69 As explained on the Department of Defense website, “Activities conducted under the DoD FON Program are deliberately planned, legally reviewed, properly approved, and conducted with professionalism,” (US Department of Defense Freedom of Navigation Program, Fact Sheet, March 2015, accessed January 25, 2016, [http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20-%20Fact%20Sheet%20\(March%202015\).pdf](http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20-%20Fact%20Sheet%20(March%202015).pdf)).

70 Prashanth Parameswaran, “Japan, Philippines Hold First South China Sea Naval Exercises,” *The Diplomat*, May 13, 2015, <http://thediplomat.com/2015/05/japan-philippines-hold-first-south-china-sea-naval-exercises/>.

over Beijing's reclamation because Washington is suspicious that Beijing's land development bears profound security implications. In reply, Washington dispatched naval destroyers and bombers to sail and fly over artificial islands in the Spratlys and Paracels, the latest time being near the Fiery Cross Reef.<sup>71</sup> To the United States, it was simply embracing the right to freely transit through international waterways, meant as a reminder that the US does not recognize Beijing's territorial claims. To China, it was a measured insult and a violation of its sovereign rights. There is no more blatant display of tensions than that. As far as both sides are concerned, the deliberate challenges and resistance worked.<sup>72</sup> Washington achieved its objective of sending a strong signal; Beijing demonstrated its resolve by building radars, runways, and deploying missiles and fighter jets to the islands.

To further complicate matters, citizens in China are growing tired of this constant bickering. "Stop Boasting and Fight" scream Chinese netizens.<sup>73</sup> Though they do not constitute a powerful enough force to truly push for war, the fact that people in China are unsatisfied with Beijing's response is cause for alarm. Many have taken to mocking the government for what they perceive as a weak response to American aggression. Yet on maritime encounters between Chinese and American shipmates, there does not seem to be much tension. Reports from US vessels state that in previous passes through, they had perfectly friendly conversations and interactions with their counterparts on Chinese ships. When speaking of a past encounter, the Chinese shipmates apparently told them: "Hey, we're not going to be with you anymore. Wish you a pleasant voyage. Hope to see you again."<sup>74</sup> Such differing reactions across the Chinese populations can only complicate matters for decision makers.

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71 Michael Martina, Greg Torode, and Ben Blanchard, "China Scrambles Fighters as U.S. Sails Warship Near Chinese-claimed Reef," May 11, 2016, accessed May 12, 2016, <http://www.reuters.com/article/us-southchinasea-usa-china-idUSKCN0Y10DM>.

72 "Beijing's New South China Sea Airstrips a Potential Headache for Neighbors, U.S.," *The Japan Times*, December 7, 2015, accessed January 2, 2016, <http://www.japantimes.co.jp/news/2015/12/07/asia-pacific/beijings-new-south-china-sea-airstrips-potential-headache-neighbors-u-s/#.VmXRoPmDFBd>.

73 Bethany Allen-Ebrahimian and Fergus Ryan, "'Stop Boasting and Fight'," *Foreign Policy*, October 27, 2015, accessed January 2, 2016, <http://foreignpolicy.com/2015/10/27/china-south-china-sea-nationalism-united-states-navy-lassen/>.

74 Yeganeh Torbati, "'Hope to see you again': China warship to U.S. destroyer after South China Sea patrol," *Reuters*, November 6, 2015, accessed February 21, 2016, <http://www.reuters.com/article/us-southchinasea-usa-warship-idUSKCN0SV05420151106>; Mohd Aminul Karim, "The South China Sea Disputes: Is High Politics Overtaking?" *Pacific Focus*, 2013, 99–119.

But there are issues deeper than simple artificial islands. Speaking at the Tokyo-based CSIS/Nikkei Symposium,<sup>75</sup> Richard Armitage, former US Deputy Secretary of State, likened China's policies to "multiple personality disorder." In his view, China bears three "personalities," a syndrome making it difficult for the United States to approach. Firstly, Beijing behaves like "a nation state in the finest Westphalian traditions" that defends fiercely its sovereignty and independence. China's second personality is the pursuit of "the interconnected global economy," manifested in the Belt and Road Initiatives. The last personality disorder is that China still sees itself as "an empire" entitled with special rights, in which Armitage alluded to China's behaviors in the South China Sea. To find a common ground with China, he believes that Washington has to deal with the three "syndromes" simultaneously. From its own perspective, Washington erroneously believed that "as more Chinese people became prosperous, there would be a liberalization of the political sphere, and that this would make China behave in a benign way on the world stage."<sup>76</sup> Instead, China proposed to the United States "a new model of major-country relationship,"<sup>77</sup> seeking to have the existing superpower respect its "core national interest" in the South China Sea, where it had built artificial islands to undermine Washington's credibility in the region.

Except for China, every nation involved in these disputes has security ties to the United States, which has publicly provided support and aid in numerous instances. Vietnam has purchased American weapons and ships, and both Indonesia and the Philippines have requested US aid or have purchased US military hardware.<sup>78</sup> Brunei, like others, has its own security relying on the US, and prosperity on China.<sup>79</sup> The FON operations are conducted in the area of a major trade route for the US, and keeping it open is in their national interest. Like it or not, China has to accept that the US is involved. As long as the issue remains, the success of any future

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75 The symposium was organized by the Center for Strategic and International Studies, a Washington think tank where Armitage serves as a trustee, and Nikkei Inc.

76 Shotaro Tani, "China's 'Multiple Personalities' Giving US Headaches, Says Armitage," *The Nikkei Asia Review*, November 24, 2015, accessed January 2, 2016, <http://asia.nikkei.com/Politics-Economy/International-Relations/China-s-multiple-personalities-giving-US-headaches-says-Armitage>.

77 China first included the South China Sea as part of its "core interest" in 2010. For more about the new major power relation concept, see Xi Jinping, *The Governance of China* (Beijing: Foreign Languages Press, 2014), 306-08.

78 Cochrane, "China's Coast Guard Rams Fishing Boat to Free It from Indonesian Authorities."

79 "Brunei Maintains a Low Profile."

Chinese dealings with the US becomes questionable. The US is unlikely to end its military presence in the area because of its own interests in regional leadership. Furthermore, the US only has more reason to maintain a presence when its regional allies keep requesting it, further increasing the risk of a violent outcome. A war between China and the US would be disastrous for both, as well as for the region. Two nuclear superpowers battling each other would devastate the entire region and risk pulling the rest of the world into conflict. Given the many friction points present, a war with a rising China in its vicinity would be easy to start, but difficult to conclude.

## **Conclusion**

The overlapping claims to sovereignty in the South China Sea contribute to tensions involving a variety of stakeholders, with global political, military, and economic importance. As China's economic rise facilitates growing military capabilities, its neighbors are also experiencing their own rise in nationalism and military capability. Considering the complexity of the overlapping claims involved, increased use of the contested waters by China and its neighbors augment the risk that miscalculations by sea captains or political leaders could trigger an armed conflict in the region.

The United States no doubt finds the "expansionist" China a headache to deal with, given the "multiple personality disorder" syndrome articulated by Richard Armitage. Targeting China, President Obama declared at Sunnyland that his administration aimed at promoting a "shared vision of a regional order where rules and norms, including freedom of navigation, are upheld, and where disputes are resolved through peaceful, legal means."<sup>80</sup> So far the US has not been successful in achieving this goal.

The People's Republic seems to be playing games, with the apparent aim of reducing US presence in its neighborhood, while the US is trying to perpetuate the status quo. Violent conflicts benefit no players, and the new crop of ASEAN leaders have resisted becoming pawns in the game that the US and China are playing. China, a rising competitor with an arsenal of cash and guns, is ASEAN's largest trading partner, but Washington is able to exert a far superior sway in security-related issues over the ten-member bloc. The ground interactions in the SCS increasingly resemble a zero-sum geopolitical game between Beijing and Washington. The latter's security

alliances could draw the United States into an unwanted conflict. America's traditional dominance and alliance structures in the region have heightened its role in the disputes.

This paper updates the competitive engagements between Washington and Beijing, as well as between Beijing and its SCS rivals, over the South China Sea. The analysis of various attitudes in the SCS issues indicates that the ASEAN members, minus Vietnam and the Philippines, see no reason to jump on the anti-China wagon. For East Asia's security, prosperity, and dignity, it is high time that the policy community in various Asian capitals contemplates diplomatic solutions to prevent further escalation of the SCS disputes. **Y**