

Prospects for peace in spratly islands dispute politics essay



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The South China Sea is characteristic of a semi-enclosed sea, with 90% of its boundaries closed in by the littoral states: China, Vietnam, Philippines, Malaysia, Brunei, Indonesia, Singapore, Cambodia and Thailand. Stretching from the Straits of Malacca and Singapore all the way to the Strait of Taiwan, the area includes more than 2000 tiny islands, reefs and rocks, some of which are partially submerged, while others are subject to the rise and fall of tidal levels. The South China Sea is rich in natural resources such as oil and natural gas, and the adoption of the 1982 UN Law of the Sea Convention has bestowed the islands great worth. Most, if not all the islands, reefs and cays in Spratlys are unsuitable for habitation but they are nevertheless important for strategic economic and political reasons. The respective claimants have also indicated that they would not hesitate the use of force in bid to defend their interests over these rocks and islets as evident from the past military clashes.

Sovereignty is the principle underpinning the international system – the ascertainment of a state's supreme authority over its territorial boundaries. As a result, states are unlikely to compromise, let alone surrender, on their interests where their sovereignty is concerned (Tonnesson). The question is highly pertinent, because the issue of sovereignty is the main cause behind the intractability of the South China Sea disputes. Closer examination of the Spratlys issue suggests that the contest for sovereignty is inter-twined with economic concerns, energy needs and geostrategic considerations (Emmers, 2008). Sovereignty over the islands is sought not as an end in itself but as a means to other tangible benefits and thus this paper argues that the prospects of peace in the South China Sea lie in side-stepping the

sovereignty issue to address the real interests and objectives of claimant states in the marine zone.

Given the fierce protection of a state's sovereignty and the sanctity of territory, it is unsurprising that the conflict in the South China Sea has shown a marked realist propensity for unilateral actions and military responses (Cossa, 1997), making it one of the region's most dangerous flashpoints. The constant military presence in Spratly Islands by the claimants states has created more opportunities for misfire, accidental incidences and potential for armed confrontation (Scholfield, 1994, Bateman, 2008))

In view of this argument, this paper will first consider the background to the South China Seas disputes, concentrating on how the United Nations Convention on the Law of the Seas (UNCLOS). Looking through the various developments in the Spratlys dispute, this paper will highlight the economic impetus behind this contest. Accepting that sovereignty may not be the main point of contention, this paper thus postulates the avenues for cooperation and negotiations. This paper will also look to the conditions necessary for such forms of cooperation and multilateralism to function, especially the role of great power politics. Finally, this paper concludes by assessing the prospects of peace in the South China Sea.

Contest for Space – UNCLOS, Sovereignty and Sovereignty Rights

The Spratly Islands dispute remains a complex issue that has not found a resolution yet and this issue demands understanding because of the numerous implications that it may entail. There are many imperatives

driving the different claimants to contest for sovereignty and control over the area. Spratly Islands is more than a territorial dispute over a collection of reefs and atolls.

In order to better understand the politics of the South China Sea, it is necessary to divide the waters into two zones: the areas immediately contiguous to the shorelines of the littoral states and the areas surrounding the island groups. Delimitation of maritime boundaries extending from the states' shorelines tends to be less contentious and could be resolved via bilateral or multilateral treaties as was the case in the Gulf of Thailand. The same cannot be said for the maritime disputes over the rights and jurisdiction over the waters adjacent to island groups, as the sovereignty over those islands is under dispute. The issues of boundaries delimitation and contestation of sovereignty over the islands are thus inextricably linked (Valero, 1994).

Sovereignty is an intangible notion that inspires passionate responses from states. It is the principle underpinning the international system, the ascertainment of a state's supreme authority over its territorial boundaries. As a result, states are unlikely to compromise, let alone surrender, on their interests when their sovereignty is concerned.

In the South China Sea, the protection of sovereignty has taken a rather peculiar trajectory. Tiny specks of landform in the middle of the ocean have become prized possessions that claimant states have been willing to go into armed conflict over: reefs that are submerged at high tide, rocks that are barren of life and hardly big enough even for a hut, islands that are unable to

sustain life independently of the mainland. Each contesting claimant state has gone to extraordinary means to mark their sovereignty on these seemingly worthless geographical features. China has posted soldiers in barely livable conditions to guard the Chinese flag and tablets that act as marks of sovereignty. Vietnam and Philippines have challenged the Chinese claims and have often sought to demolish these superficial markers of sovereignty, incurring China's displeasure (People's Republic of China MFA, 2000). Malaysia has reclaimed land around an atoll and even built a hotel to maintain a pretence of tourism. This promotion of tourism among their own citizens is mirrored by similar efforts by Philippines (Rosenberg, 2005). All the claimants, with the exception of Brunei, have shown a realist propensity to use military as their panaceas to safeguard their prized possessions – All have stationed military personnel on the islands or reefs they occupy and conduct periodic patrols and surveillance. Hence, the South China Sea dispute are seen by the claimant states as a matter of sovereignty and territorial integrity; and under the realist paradigm, the nature of the dispute renders the conflict intractable. Territory is usually important to a state because of its inherent value; the question then beckons: why do these littoral states guard their sovereignty over these rocks and bare islands so zealously?

The boundaries delimitation and these landforms are important to the strategic interests of states because of the position of the South China Sea. The sea-lanes of communications (SLOCs) running through South China Sea connect the Straits of Malacca and the Straits of Taiwan, and remains one of the busiest sea routes in the world. A substantial proportion of world trade in

goods and commodities travel on this SLOC linking the two Straits, and given the rapidly growing economy of China and Japan's continued economic influence, this proportion is likely to rise. Control of the islands allows the states some measure of influence over this SLOC, giving the states the power to either protect their own access or to deny the access to other states (Morgan and Valencia, 1985, Wang, 2001, Bateman, 2007).

The configuration of states' interests in the landforms is further exacerbated by the relatively new ocean regime created by UNCLOS. UNCLOS was a development from the Geneva Conventions on Territorial Seas and Contiguous Zone and on the High Seas, and came into effect in 1995. Apart from the delimitation of the territorial sea as covered in the Geneva Conventions, UNCLOS created the new regime of the Exclusive Economic Zone (EEZ) (UNCLOS VIII Art. 55-63, 73). States can promulgate a territorial sea extending to twelve nautical miles from the shoreline as well as an EEZ extending to 200 nautical miles. In the EEZ, the state has the exclusive, sovereign rights to both the living and non-living resources in the water column and in the sea-bed. Given that the regime of EEZ includes islands, any state, which controls the islands in the South China Sea, can make substantial economic gain (UNCLOS VIII Art. 121). A distinction must be made noted here: the state's jurisdiction is purely economic in the EEZ. A state cannot forbid the right of innocent passage nor threaten the freedom of navigation as the EEZ retains some features of the high seas. Sovereign rights to resources cannot therefore be equated to sovereignty (Gertz, 2003), Bateman, 2007). Nevertheless, the additional maritime boundary of

the EEZ creates more room for conflict, which is intensified by economic interests (Wang, 2001).

The nature of EEZs casts the long shadow over the true motivation behind the respective states' claims: sovereignty and territorial integrity or economic gain. As one scholar has commented " The disputes over the Spratly Islands are in fact a competition for resources- not much about the islands themselves but the resource-rich sea surrounding them." (Ji, 1992). The South China Sea is rich in fishery resources and the surrounding coastal countries, particularly China and Japan, are among the largest consumers of fish. Apart from the sizable market in fisheries in this region, the more important resource remains the minerals in the sea-bed, particularly oil (Buszynski & Sazlan, 2007). The discovery of hydrocarbons on the Spratly seabed is another factor that has pushed for resource and energy-poor countries to jostle for power over the region. The discovery of oil in the South China Sea coincided with the oil crisis in the 1970s and as noted by several commentators, it was in this same period that the sovereignty disputes became prominent (Haller-Trost, 1990, Ji, 1992). The disputants were given both an incentive and a convenient explanation for their interest in the islands as the regime of the EEZs was just beginning to pick up currency in the 1970s (Nathan, 1987). Although the oil potential in the region is likely to be overstated, the rapid economic development and rising energy consumption in this region means that any potential source cannot be overlooked. Besides oil, there is also the presence of natural gas, which is becoming a viable alternative. The link between economic interest in these resources and the sovereignty claims cannot have been clearer: many of the

areas with overlapping claims are either oilfields or natural gas wells (Kriel, 2002, Buszyski & Sazlan, 2007).

The strategic importance of the SLOCs, which increases with the volume of world trade, and the resource wealth of the areas around the islands, causes the sovereignty over these barren geographical features to take on greater political significance than it would have been otherwise (Akpan, 2003, Ma 2006). Coupled with these economic benefits are also geo-strategic and geopolitical concerns. Vietnam fears encirclement from China and regional communications between East and West Malaysia as well as the Philippine Islands are in danger of severance, should China get her way. In addition, Japan has fishing and trading interests in the region and a heavy dependence on the oil flow through the South China Sea from the Middle East. The United States, though, having no legal stake on the region is determined to ensure the freedom of navigation on the high seas because the region is an important sea-lane of communication (Ma, 2006). Therefore, it is evident that these economic, political and strategic reasons lend pivotal significance to the Spratly Islands.

The contest over sovereignty is thus merely a contest over the rights to resources and access to the SLOCs, more than the ownership of the landforms. The distinction between sovereignty as an end in itself and sovereignty as a tool is necessary when considering the prospects of peace. If sovereignty is an ends in itself, the disputes in the South China Sea are intractable. Sovereignty will remove any room for compromise, and the stakes would be too high for any state to willingly surrender their interest (Tonnesson, 2010). A peaceful solution would then be elusive. For the <https://assignbuster.com/prospects-for-peace-in-spratly-islands-dispute-politics-essay/>

longest time, this scenario seemed to fit the realities in the Spratly Islands; states refused to negotiate on any matter until the sovereignty issue could be settled.

Yet recent developments seem to suggest otherwise. There has been a marked change in relations between 2000 and the present, as no major military skirmish has taken place, and both China and the Association of Southeast Asian Nations (ASEAN) have actively sought a multilateral solution. As briefly alluded to earlier, a further examination of China's relations within these multilateral organizations is necessary in understanding the motives behind China's diplomatic courtship.

Despite China's adamant preference to approach the issue of the South China Sea through bilateral agreements, it has started joint exploration with the Philippines and Vietnam in August 2005. The agreement for the national oil companies to carry out marine scientific research on the sea-bed has been hailed as a major milestone in underpinning the Declaration on the Conduct of Parties in the South China Sea, as well as a major breakthrough in the conflict situation (Buszynski & Sazlan, 2007). The question then becomes: why was this cooperation possible? Exploring this issue would allow us to acknowledge that the sovereignty issue can be bypassed and postulate a plausible solution in sustaining this peaceful state of affairs in the maritime zone.

Pragmatic Need for Pace – Economic Development

In recent times, the rise of China has garnered considerable interest with many postulations abound regarding the implications of this phenomenon:

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the emergence of China as a prominent player in the region holds such critical importance in view of how different countries perceive the increasing clout of China. Divergent views consist of the current articulation of the ‘China Threat Thesis’ that posits the pernicious effects of China’s rise as well as a more benign outlook that dispels the ‘China Threat Thesis’ and portrays a peaceful rise of China. Against this backdrop, China has begun to display an increasing albeit ambivalent inclination towards multilateralism to mitigate the doubts of its rise (Ma, 2006).

Of particular concern is China’s role in the Asia Pacific region in light of its rise as a regional power and what this signifies for the security complex of the region. With the presence of a myriad of state actors interacting with one another and precarious flash points, the security environment of the region is often strewn with uncertainty and instability. As such, the rise of China will inevitably fall under great scrutiny as many security experts speculate about the impact of such a development on the region in which the US has been the traditional hegemon and benign power balancer (Goh, 2006).

The incentive behind peaceful cooperation in the South China Sea is the same impetus, which has led to the intensification of the conflict in the first place: economic development, in particular, China’s astounding economic growth in the last decade. Rapid industrialisation combined with inefficient machinery means that China’s energy needs has grown exponentially. Its consumption of energy outstrips its domestic production. A snapshot of China’s hunger for energy in 2004 has shown that its consumption has risen by 15% whereas the corresponding increase in production has been only 2% (Hurat, 2007).

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The heavy imports of primary resources such as coal and oil is slowing down its continued progress and thus China is understandably eager to explore all domestic options of oil production. Whereas China has previously taken military actions in the South China Sea in a bid to exert a stronger claim over the Spratlys, there are signs that China is beginning to realize that oil exploration and drilling are unlikely in the short term unless there is stability in the region (Ma, 2006). By 2004, China's oil hunger has begun to force accommodation in its foreign policy with the other claimants. Despite mounting a naval exercise earlier in April as a response to joint military exercises between Philippines and the US held two months earlier, China was remarkably restrained in its responses to Vietnam's proclaimed tourist flights to the Spratlys in 2004. The lack of response was taken as a positive sign of the cooling of the conflict (Boyd, 2004). By September 2004, China and Philippines had signed a pact to engage in joint exploration. In July 2005, China and Vietnam made a bilateral agreement in joint exploration.

The role of China in defining the conflict cannot be underestimated: it has the greatest military presence in the South China Sea and has a history of initiating armed confrontation and brinkmanship in the region. Its rapid economic development also brought about new considerations in the ASEAN states' configuration of interests. Vietnam's own economic development is highly dependent on the Chinese economy: China is not only the largest exporter to Vietnam but also its fourth largest importer and the economic interdependence is likely to deepen with the creation of an economic corridor between Lao Cai, Vietnam and Yunnan, China and the ASEAN-China free trade area (Asia Times, 2005). The volume of trade between Philippines

and China is also highly substantial and this bilateral trade is likely to increase in volume after the signing of 14 business deals between the two countries in 2005 (China Daily, 2005). Thus, both of China's fiercest competitors in the Spratly dispute cannot ignore their reliance of China's economic partnership and are thus more likely to compromise in practice if not in principle on the issue in the maritime area in return for mutual economic benefit.

The economic cooperation among the claimants is a reflection of the global trend. Economic interdependence is the norm and the resulting increase in the volume of world trade means that the security of the SLOCs is now more important than ever. Moreover, the shipment of oil and other forms of energy through the South China Sea is still of greater immediate consequence than the unexploited potential of oil in the sea beds of the contested region (Rosenberg, 2005). The common interest in ensuring that marine traffic and shipping remains uninterrupted creates another window for cooperation. The bellicosity of states is also likely to be tempered in view of their common dependence on the SLOCs.

Economic development and pragmatism can create the diplomatic room necessary to cool the conflict. This trend was aided by Track II diplomatic channels, which sought to encourage cooperation among the claimant states through confidence building measures. Hasjim Djalal, an Indonesian ambassador, launched the Workshops in Managing Potential Conflicts in the South China Sea on behalf of the Indonesian government as early as 1989.

The workshops were instrumental in moving the disputes from sovereignty of the islands to the more salient, tangible issues of, inter alia, resource

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exploitation, marine scientific research, ocean management, navigation (Ma, 2006). The various proposals for cooperation may become appropriated as models by the states in Track I initiatives: the joint exploratory projects, for instance, began from the cooperation among the epistemological community in marine scientific research (Beckman, 2005). In marked contrast to formal initiatives, the track two approach allows states to examine contentious issues without compromising their essential positions. Should informal talks breakdown, nothing has been lost. On the other hand, in the event that informal discussions prove fruitful the stage is set for further progress (Ma, 2006).

As such, there is some measure of peace and predictability in the South China Sea. However, the development does not equate to a peaceful settlement of the dispute and is unlikely to lead to a concrete resolution of the sovereignty or delimitation issue in the short run. It is notable that the current form of cooperation among Philippines, Vietnam and China is possible because no substantial oil deposits has been found yet. If each claimant has had a better idea of the actual oil potential in the disputed area, they are likely to be more reluctant to compromise on resources they believe they should have a sole right to. The joint exploration projects also cautiously exclude the actual drilling for oil, and thus it remains to be seen whether the partnership among the three major claimants will hold once a substantial deposit is found. It is likely that China will trade economic partnership in other areas for a larger proportion of the oil intake, but this scenario remains speculative. Yet, it is imperative to remember that the South China Sea is important not just because of its economic potential but

also its strategic location. This paper must thus turn to consider the strategic climate in South China Seas and China's strategic aims and their conduciveness to a peaceful solution.

Pursuit for Grace – Regional Power Play

The strategic climate in the South China Sea is likely to be an important catalyst in the push towards peaceful coexistence. Of immediate salience would be the military stalemate and the prevailing balance of power. After a series of skirmishes among the claimants in 1999, it became apparent that any unilateral attempt to change the status quo was unlikely to be successful. Every island that could possibly support troops had already been fortified by the occupying state and no claimant was, as yet, strong enough to forcibly expel the other claimants. The inability to unilaterally change the status quo combined with resource hunger is likely to have constrained China's options, suggesting a policy departure from aggressive naval aggression to military restraint. Although China has a substantial military advantage over the other claimants, any attempts to seize control over the South China Sea is likely to be met with armed opposition, leading to a protracted war. This war, in China's perceptions, is best avoided, not just because of the potential high human and political cost of the conflict but also because of its concerns over the extraregional powers, especially the US.

The importance of freedom of navigation through the SLOCs means that the dispute over the South China Sea is not a problem contained among the claimants alone. The US as a major naval power and with great vested economic interests in the sea lanes is unlikely to ignore the threat that a war in South China Sea can pose to the safety of navigation. Moreover US's <https://assignbuster.com/prospects-for-peace-in-spratly-islands-dispute-politics-essay/>

closest ally in Asia-Pacific, Japan, is highly vulnerable if China controls the South China Sea as such control will allow China to effectively isolate Japan from the trade routes, and especially from the oil supply.

The presence of the US thus paves the way for cooperation twofold. Firstly it forces China to consider alternatives to military action and secondly, it serves as a reassurance to the weaker ASEAN states. Any success of joint venture in the South China Sea depends on the confidence of the weaker parties that “ no party will re-assume the decision making authority at a later date.” (Odgaard, 1998). Given that the US is unlikely to allow the strategically crucial South China Sea to become a ‘ Chinese lake’, the ASEAN states are given the tacit reassurance that China cannot unilaterally dictate the terms of cooperation without some compromise.

According to Mosher, China’s intention in South China Sea area is to achieve hegemonic status to serve its long-term global strategy of a global power(2000). In order to build up its vision of hegemonic stability in the region, China is actively pursuing its “ charm offensive” regionally to make its practices accepted as the regional norms by other disputants. In China’s proposed regional order, China wishes to be respected as the nominal owner of the South China Sea territories. In response as a “ benevolent hegemon”, China will provide an agreement of joint exploitation of the South China Sea resources as public goods to the secondary states. China can also provide military support to keep the regional peace and prosperity. The envisaged endstate for the South China Sea is a sea of cooperation rather than a sea of conflicts. Thus internationalization of the issue of South China Sea works

against the Chinese wishes as bigger players will enter the picture. As such it
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remains more prudent for China to pursue a low level, non-aggressive policy with the smaller players like Vietnam and Philippines, over whom China has a clear advantage, without antagonizing their respective strategic partners of US, Japan and India.