

Conflict in the 'SOUTH CHINA SEA'

Lessons from the Dene peoples and the Arctic Conflict?

By Dr. Jean-Paul Gagnon*

Foreword

*Before we engage this enthralling subject, I should like to point out an added detail to the **works cited** in this paper. This is obviously not an original development, but it is a new attempt in my research. As can be seen, the evidence has been divided under third order subheadings that categorize different types of publications. This is done to explicitly detail the 'weight' of evidence and allow the reader to gain a greater grasp of the evidentiary bias that is present herein. A portion of this effort is to try to include 'new media' (such as blogs) as part of the traditional media drawn upon.*

Introduction

The dispute in the 'South China Sea' is, as widely known, a multistate affair. Cook (2011), in an interview with Ian Storey, showed that tensions have been escalating in this area since around 2007 [1]. In majority, it is two sets of islands (atoll and reef chains), the Paracel's and Spratly's (including a number of submerged shallow islands) that are at the centre of this multinational dispute. Key players include China (the PRC mainland, Taiwan, Hong Kong, Macau), Vietnam, Philippines, Malaysia, and Brunei. Notable secondary actors include the USA, ASEAN, Indonesia, Thailand, the UN, EU and Singapore. These *key players* have, over the past 4 years, been escalating disputes over a number of key issues which are: a build-up of militarism and a lack of diplomacy by all except Brunei (especially in the Spratly's);

access to oil, natural gas and other minerals; access to lucrative fisheries; control over lucrative lanes of trade; defining national territorial waters versus identifying international waters; objections by China for the involvement of secondary actors in the dispute (Anonymous, 2010; Buckley, 2011); the Beijing Consensus being used against China and the Washington Consensus using war-games to flex its muscles; Taiwanese sovereignty; and overall mixed signals from each key player (the PRC, for example, expressed goodwill for the region yet also continued the development and deployment of blue water naval ships and the offloading of materiel in the Spratly's).

There is something of a stew of growing nationalism at present (such as the Philippines renaming the 'South China Sea' to the 'West Philippine Sea': see



Cheng 2011 for more). We see, in another example, Vietnam passing a conscription bill which is in many ways worrying. However, I feel that the likelihood to this dispute mounting to serious violence to be an exaggeration (an opinion that is widely shared in the extant literature). What this rise in nationalism will do, rather, is hinder regional cooperation and collective growth. Violence would do untold harm to China's efforts for global goodwill and South-South relations (i.e. trade, research and culture swaps) which it has been building over the past 20 years. Cheng (2011) adds to this reasoning as China has restated its commitment to a non-violent resolution to the conflict (see also Anonymous, 2011). We also have to consider the diplomatic efforts that have been making inroads through the Treaty of Amity of Cooperation, the Declaration of Conduct and the 'South China Sea' Workshop as barriers to violence.

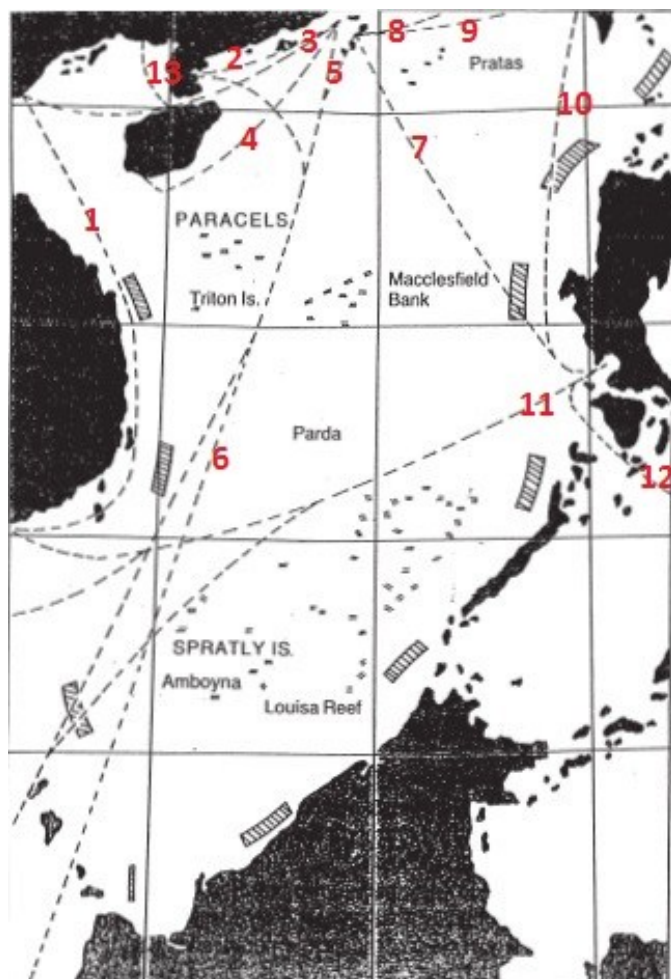
Overall, it comes down to what many commentators have been saying for some time: focus on diplomacy, do not play to nationalist currents at the expense of other citizenries and the ASEAN+3 region, and work on a friendly and cooperative strategy for the betterment of the region. This paper will try and provide a small prescriptive measure for realistic progress to be made in that direction.

Origins & Evolution

It would be a very difficult undertaking, although a greatly interesting one, to try and map the history of 'South China Sea' disputes between states bordering that Sea. The focus here is rather on the last ten years. What exactly happened that sparked this renewed escalation of militarism, nationalism and international belligerence? One analyst (Nordhaug, 2011), argued that part of the reason could stem from the Republic of China (ROC or Taiwan). The ROC could use this dispute to its diplomatic advantage by lining up its interests with non-PRC claimants to try to limit the PRC's influence in the Sea. Thus, by acting-up about the PRC's growing presence and trying to disrupt the PRC's 'sphere of influence' it might make matters easier for the ROC to increase its diplomatic recognition.

Li and Li (2003) demonstrate that we should also take into consideration the famous "9 dotted line map" (I counted 13 lines) created by the PRC in 1947 [2] (see **Map 1**). It is reasonable to agree with non-PRC positions that argue this map to have no legal relevance. It is obviously a map designed to maximize a freshly consolidated militaristic power and looks more like a map of empire than of a socialist democracy as the PRC supposedly considers itself to be. Nevertheless, this map could serve to raise the eyebrows of several non-PRC powers in the region. Should we go further and tie in the growth of the People's Liberation Army Navy (or PLAN) in the Sea, it is understandable why tensions have been escalating. With a map like this and the means to enforce it, counter-measures should be taken even if such a goal for the PRC would be preposterous [3].

Map 1 – China's '9 Dotted Line' Map



*From Li and Li (2003:228)

A speech by the Philippine Foreign Affairs Secretary sums up the situation better than I could have hoped to:

Excellencies,

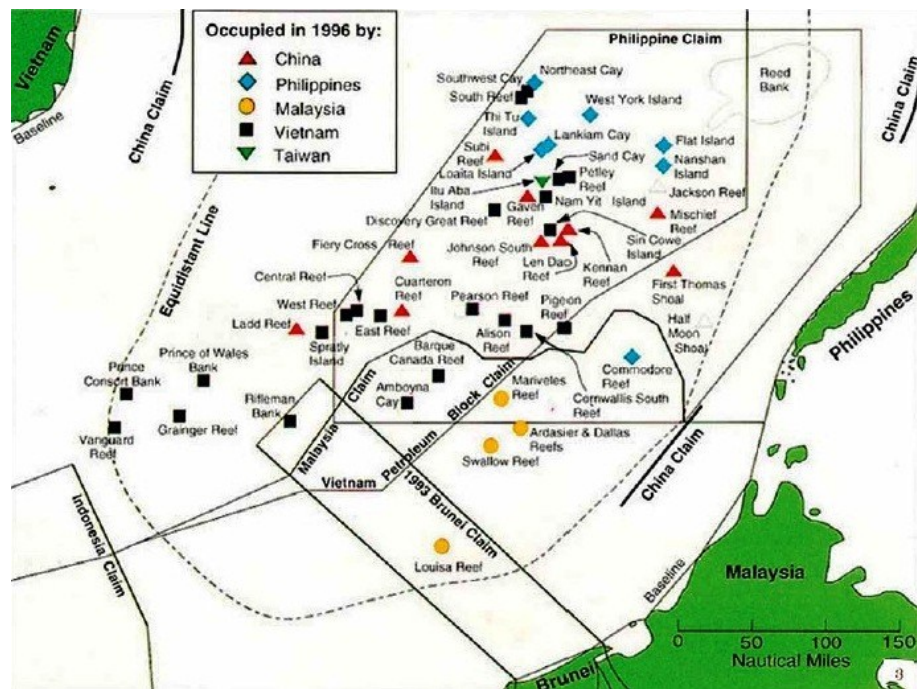
In the interest of utilizing preventive diplomacy measures as a means of averting the escalation of tensions into serious conflict, the Philippines would like to share our experience in the last five months in the West Philippine Sea, also known as the South China Sea. The Philippines have suffered at least seven (7) aggressive intrusions since late February into where we maintain we have sovereign rights. These intrusions happened within eighty-five nautical miles from the nearest Philippine island of Palawan and nearly six hundred nautical miles from the nearest coast of China.

When the Philippines protested these intrusions, the response was a denial that no such intrusions occurred because of China's 9-dash line claim over the entire South China Sea. The Philippines contends that the 9-dash claim of China has no validity under international law, specifically the United Nations Convention on the Law of the Sea or UNCLOS. If Philippine sovereign rights can be denigrated by this baseless claim, many countries should begin to contemplate the potential threat to freedom of navigation in the South China Sea.

The preventive diplomacy solution as advocated by ARF may be achieved in either of two ways: one, through a process of segregating the disputed features from the non-disputed waters which will have to be vetted by the ASEAN maritime legal experts scheduled to meet in September in Manila; two, in the alternative, the Parties may wish to consider subjecting the 9-dash line to validation in accordance with UNCLOS. The Philippines believes that a rules-based approach is the only legitimate way in addressing disputes in the South China Sea. (Rosario, 2011)

But, as Emmers (in a presentation associated with his 2009 monograph) convincingly argued, the PRC is not the only party to blame. In the following map (**Map 2**), we can gain a sense (as of 1996) as to what the situation was like in the Spratly's. [4] Because of these disputed zones, we saw ASEAN take a diplomatic lead and establish the aforementioned agreements to forge a path for a peaceful and perhaps even logical resolution to this dilemma. This is probably the most prevalent argument in the literature on the subject: that diplomacy is the key to successful resolution (Swanström, Joyner, and Snyder offer papers arguing similarly). Most, it appears, have however come to the conclusion that ASEAN must formulate stronger multilateral agreements with more robust recommendations that are capable of settling these disputes and allowing the region to move forward.

Map 2 – 1996 Dispute of the Spratly Islands



In June, 2011, we saw an interesting turn of political events between the Philippines and the USA (see Santolan, 2011, for more). The US Embassy in the Philippines stated that it would not take sides in regional disputes (despite the Mutual Aid Treaty) which prompted a response from President Benigno Aquino attempting to encourage the US to live up to its agreement. From this reading, it appears that the US is perhaps being unwantedly drawn into backing anti-



China positions. However, the US shortly thereafter stated its support for the Philippines which is perhaps why the Philippino government is pushing forward plans for oil extraction in the contested Spratly's (Kate, 2011).

Finally, Zeliger (2011) argues that the 'South China Sea' conflict has been ongoing for decades and that what is presently happening is not an entirely new affair. With the rise of China, countries with a stake in the sea are arguing that the PRC is trying to claim the entire Sea for itself (both an unpopular move at home as much as it is abroad). One voice in the Zeliger piece offered a good analogy. What China is supposedly trying to do is the same as if the USA claimed the entire Atlantic for itself.

Parallels with the Arctic

A natural geopolitical zone for comparison in this discussion is the Arctic Ocean and the dispute over minerals therein. Canada, Russia, the USA, Denmark (via Greenland), and Norway are all squabbling over who gets what under that ocean. Rather than elaborate on what, in many respects, are similar arguments between both international disputes, I should like to highlight an argument that came from a former indigenous politician in Canada's Northwest Territory. Stephen Kakfwi, in a presentation [5] with John Raulston Saul, argued that each country must come to view the Arctic as a zone of commonwealth. It belongs to all citizens and nations of the Arctic and should be approached in the same cooperative spirit. As will come to be seen below, this is the crux of the prescription I will make.

Prescriptions for Resolution & Conclusion

Most, through a cursory glance at the geographically disputed islands, would come to an easy conclusion that the PRC is stretching its claims thin for the Spratly Islands (see **Map 3**). If anything, these islands are fair game for the Philippines, Brunei, Malaysia and Vietnam. Where this cursory glance becomes useless is over the Paracel Islands (I include Pattle Island, Passu Keah and Woody Island under Paracel) [6]. These are within normative distances for territorial claims

(although these distances are not legitimate as they were not democratically ratified through inter-citizenry agreements at the international level). Perhaps a 'fairer' stake at national territorial waters in this geopolitical zone should concern shallow plateaus (as indicated on **Map 3**) where most visible sea-life is based. Of course, this enters this discussion into long-standing disputes over what exactly (and who exactly) designates 'national' territorial waters over 'international' waters (see the Convention on the Territorial and the Contiguous Zone, 1958, for more) which is beyond the scope of this article.

As can be seen on **Map 3**, these 'shallow' plateaus are given different colours: Red, for China's flag colour (there is no sub-meaning with this choice of a sanguine colour); yellow for other ASEAN countries; and green for a zone between the PRC and Vietnam which requires bi-lateral resolution. From **Map 4**, we can see distances from the PRC's Hainan province to the Paracel Islands. Similar measurements with Vietnam show that the distance is slightly greater which favours China's stake. However, these are measurements from the 'shallow' plateaus. Given that these islands (and other submerged elevations suitable for oil and mineral exploitation/exploration) are in 'blue waters', my argument is that China and Vietnam should have a mutual and shared stake concerning interests in and or around the Paracel islands. The same is argued about the Spratly's and the Philippines, Brunei, Malaysia and Vietnam.

Map 3 – Area of Conflict and Marked Shallow Plateaus



*Powered by Google Maps Earth Application



Kakfwi's example of various indigenous nations working together in the Northwest Territory through the use of logical and fair rules is an important one to transplant to the 'South China Sea'. Influence, and legitimate stake, of minerals and oil decreases from a country as the distance grows greater and increases as the distance grows nearer. Where, for example, there are areas that the distance is near for two parties (see for example the waters between Vietnam's Lai Tao and China's Qiziwán in Hainan), numbers should dictate the split. In other words, measure the distance from coast to coast to coast, and divide that number equitably. That way chance dictates who gets what and removes any use of violent conflict through the machines of war (the latter is an obscene stupidity in my opinion). Should China's sought after minerals fall into the hands of Vietnam (or vice versa), then trade for the bloody goods and increase the regions' comparative advantage. Naturally, I would prefer if this entire process took a strong democratic approach and involved the citizenries of the key players in dialogue and decision making. That is unfortunately unrealistic. One, nevertheless, can dream. **PR**

Notes:

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Map 4 – Distance from China Shallow Plateau to Parcel Islands



*Powered by Google Maps Earth Application & Freemaptools.com

- 1) The reader should, however, note that international tensions have, for decades if not centuries, been present in this geopolitical arena.
- 2) Some, however, date this map at 1951.
- 3) However, it appears that this map is being taken seriously by the PRC as it submitted the map to the UN on May 7, 2009 (Jamandre, 2011). The Philippines, Vietnam, Malaysia and Indonesia among others have all lodged formal protests within the UN due to this action.
- 4) Should it be of interest, Cossa (1998) elaborated on possible conflict triggers.
- 5) These two talks on aboriginal sovereignty in the Arctic were hosted by the Canadian International Council and delivered on January 13, 2011, at 6:30 pm (Vivian and David Campbell Conference Facility, University of Toronto).
- 6) Other islands to consider in this dispute are the "Macclesfield Bank" and "Pratas."

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