The Ins and Outs of A Geopolitical Mess

Regional Disorder: The South China Sea Disputes
By Sarah Raine & Christian Le Miére
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Reviewed by Stein Tønnesson

THIS IS THE BOOK we have been missing on the South China Sea, written with a profound understanding of geopolitics — including military affairs — as well as international law. It is the most authoritative, up-to-date and detached analysis existing of the complex disputes that have marred China’s relationship with the Association of Southeast Asian Nations (ASEAN) and added friction to its relations with the United States, India and Japan.

It starts with a wonderfully pedagogical map. Maps are essential for understanding maritime disputes. There is an abundance of misleading South China Sea maps, conveying false impressions of the Chinese U-shaped line. That line does not and cannot represent a Chinese claim to all the waters within it. It is a signal used by China to indicate its claim to sovereignty over all islands within it and their maritime zones. While ASEAN countries now tend to agree that the small Spratlys islands can have only a 12-nautical-mile Exclusive Economic Zone (EEZ) and continental shelf. The very first map in the book under review correctly reproduces the U-shaped line — with nine separate dashes — and depicts the 200-nautical-mile zones that may be derived from the main coasts surrounding the South China Sea. Then it adds to our understanding by showing the maximum possible extent of EEZs around the Spratlys and Paracels. This is useful since it shows the zones that China most likely will claim once it decides to clarify its claims.

The map does not, however, show what China will get if a comprehensive solution is found. This is for two reasons. First, China’s claim to sovereignty over the Paracels and Spratlys is contested. Vietnam also claims the China-controlled Paracels, and those Spratlys big enough possibly to generate an EEZ are occupied by Taiwan, Vietnam, the Philippines and Malaysia — not China. Second, there are big overlaps between the possible EEZs around the Paracels and Spratlys and those measured from the main coasts of the Philippines, Brunei, Malaysia and Vietnam. The map uses equidistance to resolve the overlaps, while in fact the equidistant line will have to be substantially modified in any equitable solution, taking the length of the relevant coasts into consideration.

The book has other good maps too, showing hydrocarbon concessions, names and locations for the Spratlys and Paracels, with indications of who occupies each feature, and national naval strengths.

Then comes the text. The book is not a legal treatise, focused on what should be the case, but a political examination of “what is going on,” says the introduction. What distinguishes Raine and Le Miére, however, is that they also understand what goes on in the field of law.

After the introduction comes a superb 25-page history of the disputes (the reviewer is a South China Sea historian). Then the contemporary analysis begins with China, which “sets the tone,” say the authors. They speak of China’s unclarified claims, shifting diplomacy towards ASEAN, military advances, deployment of modern surveillance ships, use of economic leverage, quest for hydrocarbons and fish, and systematic build-up of its sovereignty claims to islands through setting up administrative structures.

The authors claim that control over the Spratlys will be a prerequisite for ensuring safe transit of China’s new aircraft carrier to the Indian Ocean. I beg to disagree. The Philippines, Malaysia and Vietnam will not deploy anti-ship missiles in the Spratlys, partly because this would invite China to destroy the installations, and partly because missiles, aircraft and submarines operated from bases on the Vietnamese or East Malaysian mainland would threaten Chinese ships more effectively. I argue elsewhere in this issue of Global Asia that for a strategic viewpoint it is advantageous for China not to waste resources on occupying the tiny and scattered Spratlys. A symbolic presence on a few reefs — with Taiwan occupying Itu Aba, the largest island, “on behalf of China” — serves sufficiently as demonstration of the Chinese sovereignty claim.

The South China Sea: A Chinese Perspective?

This inverted satellite image of the South China Sea shows China in the foreground and stretches south to Indonesia’s Java island on the horizon. Beijing is just off the map at the center of the bottom edge.
maintaining party control of the People’s Liberation Army (PLA). Raine and Le Mière see a trend towards a more assertive military in Chinese decision-making. They also discuss the CCP’s attempt to walk a tightrope between cultivating and controlling popular nationalism and being overtaken or threatened by it.

After rightly devoting considerable attention to the Chinese approaches, the authors deal with the Southeast Asian states, which “matter too,” as they say. They say that Vietnam and the Philippines “lead the charge,” while Malaysia and Brunei have taken a more cautious approach. Indonesia, Singapore and Thailand react “anxiously,” while Cambodia, Laos and Myanmar are “disinterested.” I wonder if Thailand should be in the latter category. The two that try their best to keep ASEAN unity in demanding respect for the law of the sea, while maintaining close ties with China, are Indonesia and Singapore. One does it publicly, the other more discretely. Thailand has strong maritime interests but not focused on the South China Sea as such. It has moved close to China and is less concerned than Singapore and Indonesia to maintain freedom of navigation and a regional power balance.

The Southeast Asia chapter includes one page on the “peculiar position” of Taiwan. It should have had a chapter of its own, or been discussed at some length in the China chapter. As the authors show in the history chapter, the Republic of China (ROC) under Chiang Kai-shek created the basis for China’s claims in the South China Sea, including drawing the map with the nine-dashed line. Even today the ROC (Taiwan) upholds virtually the same claims in the South China Sea as the PRC. This makes it difficult for Beijing to clarify its precise claims without active co-ordination with Taipei. The authors’ analysis of the Taiwan factor is adequate, but its wider implications are not grasped.

The chapter on the US describes the transition from the neglect of Southeast Asia by the administration of US President George W. Bush to the intense diplomacy surrounding President Barack Obama’s “rebalancing” to Asia in 2010-11. The authors make the point that the “rebalancing” of US military forces is just as much internal to East Asia as between world regions. Troops are moved from Okinawa to elsewhere in the region. The US shift of emphasis from Northeast to Southeast Asia, with an upgrade of the role of ASEAN, has been somewhat offset, however, by the recent crises on the Korean peninsula and in the East China Sea.

The book then moves on to delineating four future scenarios: Wary Sino-US stability through voluntary restraint; Pax Sinica (or reassertion of Pax Americana); managed mistrust; open conflict by design or by accident. The authors see the third as most pragmatic and realistic, and come up with several interesting proposals for how to prevent conflict and move pragmatically forward. The first proposal is for all parties concerned, notably China, to clarify their maritime zone claims, and for multilateral working groups to be established to determine which islands might satisfy the conditions for generating more than a 12-nautical-mile territorial sea.

The book includes a legal appendix, which “sadly” concludes that the United Nations Law of the Sea Convention “is unlikely to be the legal panacea to dispute resolution ... as some hope.” While this may be true, it is more certain that no other solution is possible than one grounded in the law of the sea. If international law is not applied, then there will be no solution. No single country can impose a solution to maritime boundary disputes by force. It is also clear that if China wants to establish a Pax Sinica (scenario 2), then the best way it to realize this goal is to resolve the boundary disputes with its neighbors on the basis of the law of the sea. Then those countries may no longer see much need to keep a strong US presence in the region. As Raine and Le Mière affirm, it is not what US officials say that will decide the future commitment of US forces to the region, but “the region’s opinions.”

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