The Debate

China vs. the US: Asia’s Maritime Disputes

By Zhu Feng

Tensions in the South China Sea have more potential than anything else to set the two great powers against each other in a military arena. It is not inevitable, but ‘real diplomacy’ must prevail over ‘gunboat diplomacy’ and each side must make better efforts to see things from the other’s perspective.

By Anthony Cowden

China’s disputes in the East and South China Seas are very different in nature, but the US position on both is that the rule of law must be respected. For the sake of the future, it is time for the world’s only current superpower to lay down a marker on the side of international law.
Are China and the US Headed for Confrontation in the South China Sea?

By Zhu Feng

THE SOUTH CHINA SEA ISSUE has been surprisingly and notoriously at the center of regional insecurity in the Asia-Pacific. There is no single issue that might be more eminently dangerous than the South China Sea conflict to drive great-power conflict as Washington and Beijing edge closer to the use of military means to defend their claims. The USS Lassen, a guided missile destroyer, sailed into close waters off of Subi Reef on October 27 without regard to Beijing’s stern opposition. Despite China’s moderate reaction — protesting the US provocation and intimidation — no one knows what will happen next time as the US pledges to come back regularly to uphold “freedom of navigation.” Obviously, Beijing will not simply sit idly by if American warships continue to approach Chinese maritime assets. Future encounters between US and Chinese warships might not exclude the potential danger of accidental collisions or other risky moves that would likely escalate military tension and even cause some small scale military clash in the South China Sea. Unless Beijing and Washington can find some way to exit the current predicament, the South China Sea dispute will overshadow regional security. The problem is how China and the US can ease tensions in the South China Sea.

BEIJING’S ISLAND CONSTRUCTION AND ITS ESSENTIAL MOTIVES

China’s island reclaims and construction work on its maritime features in the Spratly Islands is the main source of deepened instability in the South China Sea. From the Chinese perspective, however, this work is seen as legitimate, civilian and reasonable. Beijing has repeatedly said that it is not China that first engaged in reclamation and construction on disputed maritime features, and that it is just following actions taken by other contending claimants — the Philippines, Vietnam and Malaysia. As for the building of airstrips on the reclaimed islands of Fiery Cross Reef, Subi Reef and Mischief Reef — moves that opened China up to criticism for militarizing those features — Beijing has responded by saying it is the last claimant to take such action in disputed waters. The Philippines, Vietnam, Malaysia and even Taiwan have built airstrips in the Spratly Islands. In short, Beijing has hit back strongly at international criticism by arguing that China will not give up its sovereign right to do the same as other claimant states do.

Nevertheless, what has stunned the international community is the speed and size of China’s island reclamation. Starting in November 2013, the island expansion project reached astonishing proportions by April 2015, with China completing almost 2,700 acres (around 12 square kilometers) of reclaimed land, as a Pentagon report stated. Given its size, the reclaimed territory could theoretically be militarized and used as a forward PLA base to significantly project China’s military presence in the southern part of the South China Sea. Perhaps strengthening its military presence is one of China’s motives for the reclamation work. Beijing has designated Sanya, its southernmost harbor city on Hainan Island, as its second nuclear-powered submarine base. Sanya has actually replaced Qingdao as China’s most important sea-based nuclear deterrent site. The South China Sea, given its average water depth and vast oceanic capacity, is much better suited to China’s nuclear submarine operations than the Yellow Sea or the East China Sea. As China’s Pearl Harbor in the South China Sea, Sanya will be of increasing significance to China’s national defense.

Chinese reclamation efforts are an integral part of its ongoing military buildup, and they illustrate China’s strategic intention to enhance its national defense in the face of America’s “rebalancing” announced in 2011. In the wake of the simmering regional security complexities, Beijing’s efforts to build up its defenses in the South China Sea are not groundless, and are even strategically necessary. The reclamation of islands is not aimed at changing the status quo, but rather at reinforcing China’s national defense. Furthermore, the reclamation is a signal of Beijing’s mounting frustration and anxiety over how to settle maritime disputes in the South China Sea. By focusing on reclamation and construction, China appears to be suggesting that it is more inclined to accept the status quo rather than to reverse it. Since early in the 1990s, Deng Xiaoping’s approach of insisting on Chinese ownership but “shelving disputes and turning to joint development” was once well received. But that approach has not worked. Beijing is starkly aware of the reality that other claimant states intend to secure their illegal occupation of reefs and rocks in the Spratly Islands with backup from the US, Japan and other major players, and that they show no sign of respecting China’s long-held claims. As a consequence, Beijing has had to switch course and seek an expanded presence in the disputed Spratly area to uphold its sovereign claims. China’s reclamation and construction efforts are the outcome of its mounting feeling of insecurity in being able to maintain its “historical assets” in the South China Sea. In this regard, Beijing is perhaps less concerned about the diplomatic consequences than on securing its place as a solid competitor in the contest for maritime sovereignty.

Yet, this does not mean that China has executed an “about-face” and is now pursuing a coercive approach. Beijing lost its chance to exercise coercion over claimed features in the South China Sea in the 1970s and 1980s, and that chance will never return, because the international climate and geopolitical situation have since changed enormously. Despite the nationalistic sentiments that appear in Chinese media, there is no possibility that China would risk its overall ties with Asian neighbors by forcibly or coercively taking back what it claims. No matter how forcefully China argues its claims over the Spratly Islands, Beijing seems convinced that it will have to live with the reality of shattered sovereignty claims in the disputed areas.

WHAT IS AT THE CENTER OF CHINA-US FRICIONS IN THE SOUTH CHINA SEA?

American concerns with China’s island reclamation and construction in the South China Sea are multiple. They are, in fact, about far more than “freedom of navigation.” The White House and Pentagon are very concerned about the military and diplomatic ramifications of China’s expanded presence in the South China Sea, and are afraid that China’s increased presence will incite and encourage Beijing’s coercion against other small claimants, and even enable Beijing to exert power over other regional states that cannot counter its capabilities. By insisting on safeguarding the principle of “freedom of navigation,” the US appears to be legally and eagerly employing its military predominance in...
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Beijing has clearly realized the growing stakes in this dispute, but without adjusting its plan. There is no prospect that China will “militarize” reclaimed islands in an extensive manner. A key difference so far lies in the definition of “militarization.” The US assumes that “no militarization” means no permanent island base, and airstrips constitute leading elements in measuring the permanence of island bases. But the Chinese definition of “no militarization” means small and limited military facilities that are simply for defensive purposes. It’s uncertain whether Beijing and Washington will narrow the gap between their respective definitions. As a result, tensions in the South China Sea will not abate soon.

IS THERE ANY WAY OUT FOR CHINA AND THE US?

Despite the current stormy nature of the South China Sea dispute, it is not inevitable that China and the US will slide into a military confrontation. Instead, the situation remains open and resilient for Beijing and Washington to negotiate over their frictions and find a way to de-escalate tensions. In fact, China and the US could easily find great commonality in proclaiming and upholding the principle of freedom of navigation. That principle is not a factor keeping the two sides apart, and instead could serve as a glue to bring them together over a “global common.”

China is the world’s No.1 trading power. Keeping sea-lanes safe serves its interests. Even with its striving to expand its maritime presence, Beijing can hardly develop its own means to defend the safety and security of its massive stretch of sea-lanes. In fact, the only way for China to secure global and regional maritime access is by co-operating with the US and searching for shared responsibility, even in the South China Sea. This would provide continuous benefits to the US-anchored liberal regional and world order. Otherwise, any maritime tension and possible confrontation would certainly do enormous damage to Chinese commercial interests and even stifle its access to global markets. Sooner or later, Beijing will ultimately recognize how “freedom of navigation” matters for its economic prosperity and regional standing. China does not in the foreseeable future need to develop maritime military access as does the US to secure its overseas power projection. But likewise, secured commercial access to global markets requires Beijing to exercise freedom of navigation.

Adherence to the principle of freedom of navigation requires strict obedience of maritime norms, largely enunciated and regulated by the UN Convention on the Law of Sea (UNCLOS) and other international legal instruments. The real test of China’s island reclamation and construction is not its military implications, but its normative aggregation. Unless China can fit its expanded maritime presence into international norms such as “freedom of navigation,” its legitimacy will ultimately erode. In other words, Beijing could elaborate on the legitimacy of its island reclamation and construction by arguing that they are for the sake of national defense and civilian use, but this is not to say that such a position can contradict or impede on international maritime norms. This will require re-adaptation and readjustment by China, but there is no alternative.

For their part, the current frictions between China and the US in the South China Sea are more legal and diplomatic than military. Neither side intends to escalate things and rush into a military clash. It seems unrealistic that the US along with Japan would incur great costs to force Beijing to suspend construction on the islands. Equally, it’s difficult for China to automatically give up that construction. Pressured by Washington and other players in the region, China has...
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proven receptive, and will not “militarize” its newly reclaimed territories in the Spratly Island area, as some expect. It would be wise if Beijing eventually set up only limited military facilities and equipment on the new islands rather than turn them into military bases. Beijing should keep its pledge that most of the reclaimed territories in the Spratly Islands would be for civilian use, and offer “regional commons” to facilitate maritime eco-system protection, fishing exploration, humanitarian search and rescue operations, and maritime scientific studies. This might lower tension with the US and also diminish security anxiety among China’s Asian neighbors.

More important, China should put things on the table and conduct serious negotiations with the US. This is to say, China will not use expanded islands to ask for limits to freedom of navigation, or pronounce “new norms” unilaterally that constrain international legal establishments. Instead, Beijing would welcome normal and legalized access to its constructed islands. Beijing, along with the US and other actors in the region, will be jointly and collaboratively upholding freedom of navigation. The irony is how China could reasonably demand its rights to take care of its huge investment, assets and human capacity in the reclaimed territories when it appears to be on such an unprecedented scale. The legal reasoning behind the notion of 12 miles of territorial waters comes from international recognition of the necessity to protect human lives and assets of coastal states. UNCLOS regulates the expansion of those low-tide elevation-based maritime features and they are not entitled to draw 12-mile territorial water, but to claim a 500-meter wide “safety line.” This regulation unfairly constrains the size and capacity of China’s expanded islands. Negotiation with the US might constructively raise attention to this issue, and both sides could productively explore the evolution of international maritime norms so that they would fit with the Chinese situation. But any unilateral constraint to legal access would be unwise and disturbing.

CONCLUSION

It is far from inevitable that there will be a maritime military clash between China and the US over freedom of navigation in the South China Sea. China’s island reclamation and construction might step on American toes, but it will never alter the military postures of both powers in the Asia-Pacific. Expanded islands, even “militarized” ones as defined by the US, will not be a serious threat to American military predominance in the region. It might complicate the military, diplomatic and strategic calculus in the eyes of American defense officials. But there is still a big space for “real diplomacy” rather than so-called “gunboat diplomacy” to ease tension and search how to narrow the gap between Beijing and Washington.

As China searches for a way to realize its dream of becoming a maritime power, “playing by the rules” should top its agenda and mindset.

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