**The Spratlys: From Dangerous Ground to Apple of Discord**

**BRANTLY WOMACK**

The South China Sea, and the Spratly Islands in particular, have become the focus of tension between the uncertain limits of China’s rise and the discomfort of its Southeast Asian neighbours at the prospect of becoming China’s backyard. The regional concerns of Southeast Asia overlap with the global concerns of the United States. The tension has been reframed by the global crisis of economic uncertainty that began in 2008 and sharpened by rhetorical confrontations in 2010. Because of the limited utility and adverse consequences of decisive unilateral action by any party, the dispute is likely to continue as a symbol of discord until it is defused by multilateral guidelines.

**Keywords:** Spratly Islands, South China Sea, China, Southeast Asia, asymmetry.

The Spratly Islands were long known to mariners as “Dangerous Ground” because of their many uncharted reefs. The South China Sea — where the Spratlys are among the many disputed islands — has proven to be hazardous to diplomatic navigation as well. Because of conflicting sovereignty claims, the South China Sea has become the fulcrum of concerns between the People’s Republic of China (PRC) and Southeast Asia. The United States joined the dispute when Secretary of State Hillary Clinton expressed an American “national interest” in the area during her speech to the ASEAN Regional Forum (ARF) July 2010 in Hanoi.

But the South China Sea — and the Spratlys in particular — are an unlikely centre of attention. The reason that there are overlapping

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claims is that there has never been an indigenous population and there are no significant above-ground resources to which historical claims might be attached. The possibility of oil and gas is tempting but remains to be proven, and in any case it would be a major technological and logistical challenge to produce and transport petroleum there. If any state, including China, attempted to seize the Spratlys by force, they would find development difficult, supply lines vulnerable and the costs in regional relationships excessive. If any state used territorial claims in the South China Sea to obstruct innocent passage of international commerce they would be violating international law to which all are parties. The only reasonable approach to dispute management is the one outlined in the ASEAN-China 2002 Declaration on Conduct of Parties in the South China Sea (DoC): peaceful cooperation.³

Why, then, has the South China Sea dispute between China and its neighbours become more acute since 2008, and why the increase in American interest in the controversy? The answer does not lie in the details of conflict, but in changes to the big picture of regional and global relations since the beginning of the global financial crisis in 2008. China’s “peaceful rise” was already quite strong by 2008, but with the crisis China’s economy made a “peaceful leap forward”. The PRC’s GDP growth went down to 8.7 per cent in 2009, but this was a much better performance than any other economy in the crisis, and its large cash reserves made possible both a massive domestic stimulus package and large-scale purchases of natural resources abroad. Moreover, the prospects for continued growth remain better for China than for any other major economy.

The South China Sea played no role either in China’s prosperity or in the difficulties faced by other countries. However, China’s peaceful leap forward has had two effects. First, it has increased the economic distance between China and its Southeast Asian neighbours, making them feel more exposed and vulnerable to China. Second, at the same time it has decreased the economic distance between China and the United States, prompting Washington to worry more about China as a potential rival and challenger. These two changes in China’s relative economic position have strong implications for China’s political and military relationships as well.

The difference between Southeast Asia’s interests and those of China is symbolized by the South China Sea and its disputed atolls. The sea is a common space claimed by China, and the People Liberation Army Navy’s (PLAN) new submarine base on Hainan Island gives China the military reach to support its claim.⁴
The Paracel and Spratly Islands are disputed, and every claimant, China included, uses the rhetoric of sacred territory to describe its claim and declares that any other claim is totally unfounded. The nationalist rhetoric precludes compromise in principle and implies a willingness to resort to force despite the DoC. China’s reluctance to move beyond the DoC into more binding guidelines strengthens the suspicions generated by its rhetoric. With China becoming relatively more powerful day by day, the South China Sea is easily imagined to be a flashpoint of conflict, even if there is little to be gained by conflict and there has been no military bloodshed since 1988 when the PLAN attacked Vietnamese forces at Johnson Reef in the Spratlys.

The United States does not have a claim in the South China Sea nor has it ever supported one claim against another. Why, then, did Secretary Clinton express a renewed interest? The major reason is that China’s capabilities are getting too close for comfort to the United States. China is not able to challenge America’s role as superpower, but it is becoming powerful enough such that the superpower cannot simply do what it wants in Asia. The military dimension is most obvious. New submarines and new missiles make US intervention too costly in the Taiwan Straits, and the Hainan base extends these capabilities to the South China Sea. There are also the dimensions of debt and trade. The United States will be forced to treat China with respect or else it will make unhappy discoveries about the limits of its own power.

The obvious solution to the South China Sea problem is a multilateral agreement for the joint development and management of its resources. However, its status as a symbol of tension and the rhetorical utility of the conflict for domestic audiences make resolution more difficult. Nevertheless, both China and Southeast Asia have strong traditions of asymmetric cooperation. In Asia, and more generally in an uncertain, multipolar world, the task of neutralizing touchpoints of conflict is likely to grow in importance.

The issues in the South China Sea can be divided into the maritime issues of the sea itself and issues of island ownership, and the latter can be subdivided into the Paracels, disputed only by China and Vietnam and occupied only by the PRC, and the Spratlys, which involve overlapping claims and island occupations by China, Vietnam, the Philippines, Malaysia and the Republic of China (ROC, or Taiwan), and the exclusive economic zone (EEZ) interests of Brunei. This paper concentrates on the Spratlys because of the multiple claims and the importance of land features for the maritime
disputes. China’s maritime claim beyond the islands is ambiguous, and there are no competing occupations in the Paracels.

The Spratlys in Perspective

The oldest (and more appropriate) name for the thousand kilometre-long Spratly area of reefs and low islands in the South China Sea is “Dangerous Ground”, and danger was its defining feature until the prospect of petroleum raised interest in the dispute in the late 1960s. Traditional Asian trade avoided the central areas of the South China Sea and clung to coastal routes along Vietnam or along the western Philippines and the Sulu Sea. Both of these routes were active and the coasts were well mapped, but in the middle was the Bermuda Triangle of uncharted danger. Early Western merchants followed suit, but the desirability of a direct blue water route between India and China led to the exploration of the blank spaces on the map. The British Admiralty published its first general mapping of the area in 1821, but the complex topography required a century of further exploration to pin down the various reefs and low-lying islands. The first mapping of safe transits through Dangerous Ground was made only in 1935–37. There was no indigenous population, no fresh water and little dry land. As in the Paracels, the most prominent features of some islands and reefs were the remains of shipwrecks. It is still an area to be avoided. According to the US Defense Mapping Agency in 1994, “Avoidance of Dangerous Ground is the mariner’s only guarantee of safety.”

Conflicting jurisdictional claims began to emerge in the twentieth century, and they became especially complicated after optimistic estimates of offshore oil possibilities were made in 1968. Utilizing Greg Austin’s dissection of the claims, it could be said that China (combining the claims and activities of the ROC and the PRC) has a stronger claim to the whole of the Spratlys than Vietnam, the other whole claimant. However, the partial claims and occupations of China (ROC sustained occupation from 1956), Vietnam (1973), Malaysia (1983), and the Philippines (1971) raise the issue of whether lawful possession should be determined as a whole or in piecemeal. It should be noted that claims to land features are distinct from claims to EEZs, which opens up a vast new terrain of conflicting claims.

The method of establishing territorial claims in international law has the pernicious effect of maximizing confrontation and hostility. Each state claims more than it occupies, and, given the absence
of population (and often of dry land), unchallenged occupation is nine-tenths of the law. Thus each has an incentive to increase its presence and to protest or oppose occupation by others, and all parties to the dispute have done both repeatedly over the past forty years. As experts have noted, “The expansion of hydrocarbon concessions in disputed ocean areas is a common but provocative way for claimant states to exercise jurisdiction.” To take a typical example, on 4 March 2011, the Philippines claimed that Chinese patrol boats harassed a Filipino oil exploration vessel in waters off Reed Bank near Palawan Island. The Philippines scrambled military aircraft, but no violence occurred. To China this appeared to be Philippine trespassing, and to the Philippines it appeared to be China flexing its muscle, but in fact the actions of both were dictated by their claims. If the Philippines never acted as if its territorial claims were genuine, their claims would be dismissed as hollow. If China did not challenge Philippine oil exploration, that could be taken as an implicit admission of the Philippine claim and abandonment of its own. Fisheries have the additional complications of conservation and large-scale employment, but the basic problem is the same. As put by Ta Quang Ngoc, former fisheries minister of Vietnam, “In our waters, where our fishermen are, [sic] there our sovereignty is represented, confirmed and defended.” And if that sovereignty is disputed, there it must be challenged. Law, not ambition, drives the petty crises.

The desire for territorial aggrandizement is driven to a fever pitch by the prospect of oil. Although there are as yet no proven reserves in the Spratlys, the total proven reserves of the rest of the South China Sea are 7.5 billion barrels of oil, about half that of the North Sea. The potential for natural gas is larger. The royalty revenues of offshore energy are painless government windfalls. But besides energy, the economic prospects of the region depend upon reliable access to the South China Sea, and the dreams of each state are set by the prospect of controlling what they presently claim. Vietnam hopes to earn over half of its GNP from maritime activities by 2020.

Occupation, however, is done simply for the sake of staking claims. The occupiers are uniformed Robinson Crusoes, not prospering colonists or native islanders. No state has or can foresee a commercial advantage in the establishment by force of its claims. If China (or Vietnam) attempted a unilateral expulsion of other claimants it would incur immediate and severe costs to its current regional and
extra-regional relationships. In an environment of regional hostility it would be difficult to develop whatever oil or especially natural gas resources there might be.\textsuperscript{18} To put it simply, there is no threshold of military superiority that would make it beneficial for China to establish its control over all the Spratlys at the cost of strategic hostility with Southeast Asia. Therefore, ironically, all parties can persist in their contention without fear of a major international conflict since the costs of decisive victory exceeds the benefits even for the strongest contender, and the prospect of oil wealth makes each anxious to expand claims and reluctant to yield. The DoC, signed by China and ASEAN in Phnom Penh in 2002, has reduced the likelihood of even minor military-to-military confrontations, but it has left the contending claims frozen in place.

The Spratlys as Synecdoche of Tension

The above picture of thin and tangled claims growing from a shallow historical bed matches neither the nationalist rhetoric of the contenders nor the global impression of the dispute. The talk of defending every inch of sacred territory held since time immemorial rings hollow against the reality that the few stray fishermen and merchants who struggled ashore there considered it a great misfortune to have done so. Had Britain sustained its nineteenth century presence, when Dangerous Ground was in fact a \textit{terra nullius}, then it would have the only unimpeachable claim under international law. As it is, the vitality of each claim must be maintained by elbowing the others and protesting when others do the elbowing.

Similarly, the concerns expressed by US Secretary of State Hillary Clinton about freedom of the seas are irrelevant to the Spratlys conflict. No normal sea lanes pass through the Spratlys, nor do they pass within twelve nautical miles of any claimed feature. Even if the Spratlys qualified for a 200 mile EEZ, innocent passage by foreign ships would neither require permission nor could it be lawfully prohibited. China’s disputes with the US over aerial and naval intelligence activities in China’s EEZ concern the definition of innocent passage, not the rights of innocent passage.\textsuperscript{19}

What, then, is going on when states magnify the importance of the Spratly controversy? The Spratlys, and more generally the South China Sea, provide a synecdoche\textsuperscript{20} of the tension between a rising China and a vulnerable Southeast Asia; between an established
global power and a regional power sufficiently strong to challenge its reach.

Territorial disputes are a particularly sensitive area for diplomacy because there must be at least a rhetorical claim to rightful exclusive control of the area in dispute. Moreover, the claim annexes the territory to the body of the imagined community of the nation. While diplomats might desire a tradeoff in order to lessen the costs of confrontation and the risks of war, splitting the difference can easily appear to each side to be an amputation. In an asymmetric relationship the smaller side is especially sensitive to its boundaries because it is more vulnerable. Unfortunately in the case of the Spratlys, the largest power is making the largest claim, and the claim reaches deep into the body of Southeast Asia.

The Spratlys dispute has a different kind of significance for the United States. The global power is concerned about global order rather than about a specific claim. Indeed, its interest is not in the resolution of the conflict but rather in preserving at minimum cost a local order that is deferential to its power. The role of global peace-keeping is more one of peace-holding than of peace-making. The looming presence of the global power is frustrating to regional powers that might otherwise be able to get their way. By the same token the global presence is reassuring to weaker claimants, but for its own sake the global power must be careful not to be drawn into a conflict by an adventurous weak claimant. Until 2008 the United States was in the ideal position in the South China Sea of being the acknowledged decisive power that did not have to be involved.21

Besides the innate difficulties of the Spratly issue in regional and global contexts, there are also domestic interests in each state which makes the apple of discord taste sweet. Clearly the existence of a standing conflict involving sovereignty adds to the budgetary justifications of each military, and for China the distance helps justify long-range air and naval power. It also provides an attractive topic for domestic political rhetoric since it involves the national body and yet there is little risk of serious crisis. Despite the rhetoric on sovereignty, relations among ASEAN states and between Southeast Asia and China have progressed over the past forty years. Vietnam is a special case in this regard since the official press must be careful about offending China, but this hesitation creates an opportunity for nationalism for overseas Vietnamese groups. In China the nationalist sentiments of the netizens constrain
the leadership. Thus the international contention is well rooted in domestic interests.

China's Peaceful Leap Forward and Southeast Asia

The role of the territorial controversies in the South China Sea as a symbol of regional and global tensions has been highlighted since 2008. Without any military crises, the temperature of conflict began to rise, peaking in rhetorical confrontations in 2010. The era of global financial uncertainty has made all states more cautious, and China's relatively solid performance has increased its disparity with its neighbours while drawing closer in economic solidity to the United States. Moreover, the central role of the US in causing the 2008 crisis and the uncertain future of its debt-led recovery has shaken the global political context of Southeast Asia. Economically, the prospects of its major markets have darkened and currency volatility undermines transactions. Politically, while the United States has shown increased attention to Southeast Asia, its future capacities as a global power are uncertain.

It is important to recall that the territorial controversies in the South China Sea were a rather easily bracketed exception to the generally positive pattern of regional relationships until 2008. China's rise had significant positive effects on Southeast Asian economies, but it did not dominate their markets. To be sure, China's rise also created problems as its products displaced local industries and it became a competitor for FDI. However, Southeast Asia and China were both vulnerable to the global economy, and their cooperation helped buffer their mutual vulnerability.²² The best example of China's role as a regional friend was the stability of its currency, the Renminbi, through the Asian Financial Crisis of 1997, and the symbol of enhanced ASEAN-China integration is the China-ASEAN Free Trade Area (CAFTA) announced in 2002 and formally launched in January 2010. Each year brought more contact, more trade — and a bigger China.

China's peaceful rise has been in tandem with Southeast Asian growth, but faster. In 1990 Southeast Asia's total trade was 265 per cent of China's, but by 2004 China had surpassed the entire region. In 2009 ASEAN's total trade was only 70 per cent of China's. China's share of ASEAN trade is roughly comparable to the United States, Europe and Japan, but for some countries, especially Vietnam, their large and chronic trade deficit with China is a major burden on
their balance of payments. China’s foreign direct investment (FDI) in Southeast Asia is still a small percentage of the total, but overall ASEAN FDI slipped 20 per cent in 2009 while China continues to invest. As in the rest of the world, there is sensitivity to large Chinese investments in natural resource development.

Clearly the disparity in economic capacity has direct implications for security, and the link was highlighted by the revelation of a large new submarine base on Hainan Island in 2008. Given China’s restricted blue water access, the base is related to its Pacific strategy, but since it is in the South China Sea and directly across from central Vietnam it represents a major change in the region’s balance of military forces. Vietnam has responded by ordering, at considerable expense, sophisticated attack submarines from the Soviet Union. But over time the military budgets of the region, and in particular those of individual states, could not possibly keep pace with China’s military modernization.

The general picture is more important than the details. China’s continued growth since 2008 of around 10 per cent with manageable inflation implies that the disparity in economic and military capabilities between itself and the region as a whole will continue to grow. Meanwhile the economies of individual Chinese provinces are already the equal of every Southeast Asian country. Although China’s policies remain the same and its growth still benefits its partners, Southeast Asia is increasingly concerned about its exposure to China. Is the region moving from a fraternal and neighbourly relationship to becoming a cluster of insignificant states in China’s backyard? Will China become an arrogant and demanding hegemon? Will the United States be able to continue its role as guarantor of global order?

In 2010 Southeast Asia’s concerns were sharpened by two Chinese assertions. The first, that the South China Sea was a “core interest” (核心利益) of China, has a complicated history. It was reportedly made by State Councillor Dai Bingguo at a private meeting in Washington in March, but from Michael Swaine’s investigations it was probably a misattribution by the American side. No Chinese leader has repeated the claim in public. However, there has been no repudiation, and the term is discussed in the media and by Chinese specialists on Southeast Asia. The second was the issuing of a “nine-dash line” delineating China’s claim in the South China Sea. The line, which originally appeared on ROC maps in 1947, comes very close to the coasts of all China’s neighbours. However, here too the story is complicated. On 6 May
2010 Vietnam and Malaysia made a joint preliminary submission to the UN Commission on the Limits of the Continental Shelf (CLCS) extending their continental shelf EEZs from 200 nautical miles to 350 nautical miles. These claims would include the waters of most of the Spratlys. If no objections were filed, then the claims would fall under the purview of the Commission, so not surprisingly China and the Philippines filed objections, pointing out that the claims included disputed territories. China’s *note verbale* filed on 7 May included the map as an attachment. The content of the claim is vague. China is almost certainly claiming 12 nautical mile territorial waters for the islands and probably EEZs for the major features, but despite its ambiguities the note could be brought into line with the UN Convention on Law of the Sea (UNCLOS). Nevertheless, despite their origins and perhaps because of their lack of clarity, these two assertions highlighted the uncertain horizons of China’s aims and thus aroused acute concerns.

At this point the strategic worries of Southeast Asia overlap with quite different concerns of the United States.

**The United States and the South China Sea**

From the time of the Gulf of Tonkin Incident in 1964 until 2008, US naval superiority in the South China Sea was unquestioned. The major high seas event of the 1960s was not a battle, but the collision of an Australian aircraft carrier and an American destroyer. The closure of the Subic Bay Naval Base in 1992 was the outcome of increasing pressure from the Philippines, but both Manila and Washington assumed that closure would not affect US regional military superiority.

The primary military concern with regards to China since 1979 has been the ambiguous American commitment to defend Taiwan if attacked. The commitment was confirmed by the dispatch of two carrier battle groups during the cross-straits crisis of 1996, but the US was not eager to become involved militarily. The US was increasingly critical of Taiwanese brinksmanship during the presidency of Chen Shuibian (2000–08).

The watershed year of 2008 has special significance for cross-straits relations and indirectly for American interest in South China Sea issues. First, the election of Ma Ying-jeou put into place a leadership whose domestic support would be weakened rather than strengthened by crises with the Mainland. The cross-straits question for Taiwan has shifted from the lightening rod of independence to
the less tense and more practical problem of how to manage the relationship. Second, China’s military modernization reached the point of putting into question the US military defence of Taiwan. China’s increasing arsenal of quiet submarines, cruise missiles and accurate medium range ballistic missiles was augmented by the successful test of an anti-satellite missile in 2007. Reported progress in developing an anti-ship ballistic missile potentially puts aircraft carriers at risk, and in January 2011 China tested its first stealth fighter as US Defense Secretary Robert Gates was visiting. China’s new military capacities now cast grave doubt on whether the US could successfully defend Taiwan at an acceptable cost and in a framework short of total war, though they do not challenge US military superiority beyond China’s neighbourhood, nor do they protect China from retaliation or escalation. Essentially America and China are facing a situation of strategic stalemate along China’s maritime perimeter.

These two quite different trends of cross-straits détente and military stalemate have profound consequences for the US strategic attitude towards the South China Sea. On the one hand, the likelihood of a militarized cross-straits crisis has been much reduced, freeing strategists to consider other scenarios for Sino-US confrontation. On the other, ultimate American military superiority in the South China Sea is now in question. If the US can be kept away from Taiwan, it can be kept away from the rest of China’s coast, including Hainan.

These strategic reasons for greater attention were heightened by the Chinese challenge to American aerial reconnaissance in 2001 and to naval reconnaissance in 2009. The key legal question is whether or not reconnaissance activities in another state’s EEZ should be considered the “innocent passage” guaranteed to all ships. In any case, the dispute over intelligence activities provides a venue for conflict within a general situation of ambiguity concerning relative localized strength.

The banner of freedom of navigation has thus become the symbol of new US concerns about China’s military strength, and even though it is not identical to Southeast Asian concerns, China is the common focus and they each desire the other’s support. Both have broader interests in engaging and cooperating with China. Even in naval matters there is a long list of ongoing and possible areas of cooperation between the United States and China. But both America and Southeast Asia are concerned with China’s capacity to become a regional hegemon beyond the reach of global intervention.
The United States does not want to be a global power minus one region, and Southeast Asia does not want to be alone in China’s backyard.

Despite the overlap in US and Southeast Asian concerns about China, there are significant differences. Southeast Asia is more deeply involved with China, and in any case cannot leave the neighbourhood. The United States is concerned about China as a challenger to its global power, and the focal point of the perceived challenge has broadened from Taiwan to include the South China Sea. For Southeast Asia, the worst case scenario would be for the region to again become a battleground for major powers. For the United States, that is only the second-worst case scenario; the worst would be to finally confront a strengthened hostile China on its own doorstep. While containment might seem a strategy of keeping China at arm’s reach for the United States, it would make Southeast Asia the front line.

Beyond 2010

All three parties — China, Southeast Asia, and the United States — have been softening the edges of their confrontation since Hillary Clinton’s July 2010 visit to Hanoi. At the inaugural meeting of the expanded ASEAN Defence Minister’s Meeting Plus (ADMM-Plus) in Hanoi in October 2010, the topic of the South China Sea was officially avoided and the concluding photo of the meeting showed all the defence ministers — including those of China and the United States — joining hands. While the picture is undoubtedly optimistic, there are inherent limits to possible conflict regarding the Spratlys and the South China Sea.

The process of maintaining territorial claims in the Spratlys creates a high friction situation because the claims are formulated as absolute and the means of confirmation is occupation. The most dramatic and bloody incident of this sort was the confrontation between China and Vietnam in March 1988 in which seventy-two Vietnamese sailors died in an attempt to plant flags on unoccupied areas. However, that incident did not escalate and over the past two decades relations between China and Southeast Asia have blossomed.

It is difficult to imagine a Spratly scenario in which a crisis would go beyond a specific incident and threaten the current overall pattern of mixed occupation. Accidents happen, so incidents...
cannot be ruled out, though the sustained confrontation of two or more militaries are increasingly unlikely. Accidental incidents are likely to lead to a blamestorm, but not to prolonged conflict or to escalation. A premeditated fait accompli against other claimants, as argued earlier, would not accomplish much. The victor (let us assume China) would have alienated the entire region and it would have alarmed the rest of its neighbours and international partners. International cooperation in resource development would be unlikely, and the logistics of transportation, supply and defence would be formidable. If China’s overall foreign policy made a radical change towards aggressive regional hegemony perhaps the Spratlys could become a battleground. But the ramp-up in aggressiveness would take time to develop, Spratly controversies would be derivative rather than the leading element, and there would no longer be a need for a synecdoche of anxiety. The currently foreseeable future is based on a quarter century of broad and peaceful development in which the Spratlys have been a grain of sand.

A militarized incident in the South China Sea between China and the United States is more likely, but it is not likely to originate in the Spratlys nor is it likely to escalate. The direct confrontation has been over the definition of innocent passage in the context of freedom of navigation in EEZs, and an incident in the Spratlys is unlikely to generate a restriction of general freedom of navigation since traffic goes around the islands rather than through them. Incidents such as those involving the EP-3 surveillance aircraft incident of April 2001 or the USNS Impeccable hydrographic ship in March 2009 are possible, but these do not relate specifically to the Spratlys and are only indirectly related to Southeast Asia. It would be surprising if Southeast Asian states would be happy with an American solution that would consider intelligence operations (by China as well as by the United States) legitimate up to a twelve mile limit. The reverberations from such incidents are likely to be restricted to tit-for-tat responses rather than general escalation. The days of the War of Jenkins’s Ear are long past.35

The Spratlys are unlikely, then, to be a militarily Dangerous Ground, but they do remain an apple of discord. Given the complexities of resolution, the low level of major risk, and the domestic utilities of maintaining current claims, it is not surprising that the many ideas for cooperation on the Spratlys put forward in the 1990s have not come to fruition.36 The idea of bracketing questions of sovereignty and proceeding with joint development
hits the snag that the share of rewards from development would be at least implicitly and partly contingent on conflicting claims. Bolder measures, such as a robust Spratly Management Authority, would require exactly what is missing in an apple of discord — mutual trust.

The most promising direction in the management of tensions in the South China Sea is that taken by the DoC. The Declaration skirts the issues of ownership and instead addresses the common interests of parties with conflicting claims in avoiding hostilities and surprise actions by other parties. It also underlines the individual commitments by all parties to UNCLOS and hence to freedom of navigation. Undoubtedly the DoC contributed to the last decade being considerably more tranquil than the previous. The controversies of 2010 evidently have prompted renewed interest by both China and ASEAN (led by Indonesia) in developing guidelines for implementation of the Declaration. Preliminary guidelines were announced by ASEAN and China in July 2011, but they were too vague to indicate substantive progress. Bilateral guidelines between China and Vietnam were announced in October, but they too indicated goodwill rather than a resolution of differences. While territorial disputes must be handled by the contending parties or by a mutually agreed-upon arbitrator, agreements on codes of conduct can be arranged on a broader basis, and ASEAN Plus One includes all disputants except for the Taiwan half of the China claim.

Conclusion: Beyond Win-Win

For the past twenty years China’s good neighbour policy has led to vastly improved relationships along its entire perimeter. In Central Asia, the formation of the Shanghai Five in 1996 and its expansion into the Shanghai Cooperation Organization in 2001 helped put China and Russia on good terms and prevented the emergence of a no-mans-land between them. In Northeast Asia, China has been a stabilizing factor in a difficult situation. And its most spectacular successes have been with Southeast Asia, thanks in part to the responsiveness of ASEAN and its member states. China was the most helpful partner of the region during the Asian Financial Crisis; it was the first outside state to sign ASEAN’s Treaty of Amity and Cooperation (TAC); and the CAFTA has progressed rather smoothly. However, relationships are never solved once and for all; they require constant management and adjustment.
The prospect of China rising to further global prestige looks quite different from the perspective of China and that of its neighbours. For China, its success since 2008 confirms the wisdom of its policies and is a return to a role resonant with its grand past. For its neighbours, the only near-certainties are that they will become more integrated with China, but with less relative weight. The Spratlys do not mark a venue of conflict, but rather the ambiguous frontier between China’s intentions and Southeast Asia’s interests.

China’s general slogan of “win-win” has been helpful in its regional relationships, but as the asymmetry grows between it and its neighbours, “win-win” is insufficiently reassuring. Proportionally, the weaker side is more exposed in an asymmetric relationship, and thus it needs guarantees not only that the current interaction is beneficial but that the overall development of the relationship will not endanger its vital interests. The tensions of 2010 are a perfect illustration of such nervousness: Southeast Asia thought it detected a shift in China’s vision. Better relations with the United States were welcome not in order to contain China but rather to buffer the increasing asymmetry.

In order to insure the continued development of mutually beneficial interactions, China will need to reassure its partners about the parameters of its behaviour. This does not involve sacrificing its own interests, and China’s claims to the Spratlys are as good if not better than those of other claimants. But it does involve increasing commitments to regimes of behaviour like the TAC and DoC. These provide a sleeve of mutual expectations and commitments within which differences of interest can be argued and reconciled.

NOTES

1 This paper was first presented at the International Studies Association 2011 Annual Conference in Montreal, and subsequently at the School of International Relations (国际关系学院), Xiamen University (厦门大学), and at the Asia Pacific Program, National Chengchi University (国立政治大学), Taipei. I would like to thank participants and also friends in China and Vietnam for their suggestions.


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8 Ibid.


11 The formal claims of China and Vietnam are to the entire archipelago, but they have also established presences that could be used to justify partial ownership.


18 A synecdoche is the use of a part to represent the whole. In the case of the Spratlys, they are an important instance of tension between China and South East Asia, but they also serve as a metaphor for the entire relationship.


A *note verbale* is an unsigned document written in the third person that is less formal than a note but more formal than an aide-memoire.


The battle groups were sent one after the other, the Independence arriving first and leaving before the arrival of the Nimitz, and they were no closer than 100 nautical miles from the ocean side of Taiwan.


According to a US naval analyst, “this intelligence collection activity is especially important and produces valuable results that would make US actions against the PLA, were it to attack Taiwan, more effective and decisive … the US Navy wants to collect acoustic signatures from the PLA Navy’s new submarines, and the PLA navy objects.” Eric McVadon, “Humanitarian Operations: A Window on US-China Maritime Cooperation”, in *China, the United States, and 21st Century Sea Power*, edited by Andrew Erickson, Lyle Goldstein, and Nan Li (Annapolis: Naval Institute Press, 2010), pp. 264–65.

Ibid.

The “War of Jenkin’s Ear” was a conflict between England and Spain in 1739–42. The merchant captain Robert Jenkins stirred up Parliament by exhibiting his severed ear that had been removed by Spanish officials who had boarded his ship.


39 Taiwan occupies only one island, though the largest one, Itu Aba, and with the longest continuous occupation.