

IN RETROSPECT OF CHINA'S POLICY TOWARD SOUTH CHINA SEA DISPUTES SINCE 2007

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In November 2002, in Phnom Penh, the ASEAN and China signed the Declaration on the Conduct of the Parties in the South China Sea¹, kindling new hopes about the conflict management, enhancing cooperation, and forming a new political and legal basis for peace maintenance and stability in the South China Sea in particular and in Southeast Asia in general. This declaration has basically helped defuse the tensions between the claimants after the dispute over the Mischief Reef, contributing to the stabilization of the South China Sea four years later. However, since mid-2007, the South China Sea disputes have become tenser with a number of skirmishes over the sovereignty protection and establishment, exploitation and conservation of marine resources and the wars of words at different regional diplomatic forums. The culmination of the tension was the tabling of the South China Sea disputes at the 17th ARF Meeting (Hanoi), at which eleven out of twenty eight member expressed concern about the new evolutions in the South China Sea, particularly about assertiveness of China. That the South China Sea disputes were discussed at the ARF is a historic event of this forum.

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¹ Vietnam refers to this maritime area as “Biển Đông” (East Sea).

Being the most powerful countries among the disputants, China constitutes the most crucial and decisive factor which sets the temperature of the disputes. During 2007-2008, China's moves have turned to be more aggressive. Have shifts in China's policy toward the South China Sea disputes caused newly-rising tension in this area? Has China's new pattern of behaviors derived from changes in Beijing's strategic thinking and foreign policies or has it just been temporary reaction to other countries' moves and changes in regional strategic environment? How have other states seen and reacted to China's behaviors in the South China Sea in recent years? This article will attempt to decode the tensions in the South China Sea as seen from the aspects of foreign policy and behaviors of China.

China's behaviors in South China Sea since 2007

From early 2007 to mid 2010, China carried out a number of measures to strengthen the legal basis of its claim, accelerating the propagation of sovereignty in the South China Sea, and criticizing the behaviors of other nations as contrasted to China's attitude and behaviors of so-called self-defense. After the Law on the Territorial Sea and the Contiguous Zone (1992)² and Law on the Exclusive Economic Zone and the Continental Shelf (1998)³, China took a step forward to set up an administrative body to govern the disputed islands. On July 3, 2007, the State Council of the People's Republic of China approved the establishment of the county-level city under the Hainan Province,

² This law defines a 12 nautical mile territorial seas applied to two archipelagos, Paracels (Hoang Sa) and Spratlys (Truong Sa).

³ This law stipulates that both Hoang Sa and Truong Sa are entitled to their own continental shelves and exclusive economic zones, which are called as “adjacent waters”.

Sansha, to directly manage three disputed archipelagos, namely Hoang Sa, Trung Sa and Truong Sa (known as Xisha, Zhongsha and Nansha in Chinese)⁴. This action triggered several anti-China demonstrations in Vietnam. Besides, China adopted a series of legal documents to strengthen the state management of disputed seas and islands, such as the Maritime Development Platform: Vision 2020 in June 2010, Planning of Guangxi Economic Development Zone and Island-Inhabitation Support Program (which implies the Spratlys and Paracels).

On the ground, China's authorities have aggressively taken a wide range of measures to assert its sovereignty and enforcing de facto control over a huge area of the South China Sea areas.

Firstly, China intensified pressures on international companies to withdraw from oil and gas exploration and exploitation projects although those projects were under the sovereignty, sovereign and jurisdictional right of Vietnam. Since mid 2007, China has repeatedly objected and exerted pressures on the gas pipeline construction project by BP Inc (UK). In June 2007, under the pressures from China, BP decided to stop an oil exploration project in the waters offshore near Vietnam (block 5.2 between the coast and the Spratly Islands of Vietnam, about 370 km offshore).⁵ In July 2008, Chinese diplomats in the U.S. repeatedly opposed Exxon Mobil and publicly threatened to make retaliations on the business of this company in mainland China if it continues to cooperate

⁴ "Việt Nam lên tiếng về Trường Sa" (Vietnam raised its voice on Spartlys), *BBC Vietnamese*, December 7, 2007, accessed at: http://www.bbc.co.uk/vietnamese/vietnam/story/2007/12/071203_viet_china_spratlys.shtml

⁵ "BP ngừng thăm dò ở Trường Sa" (BP stopped exploring at Spratlys), *BBC Vietnamese*, June 14, 2007, accessed at: http://www.bbc.co.uk/vietnamese/vietnam/story/2007/06/070614_bp_china.shtml

with Petro Vietnam in some oil and gas exploration and exploitation projects in offshore areas near the central and southern part of Vietnam.⁶ Meanwhile, on November 24, 2008, according to Bloomberg, China's National Oil Corporation (CNOOC) announced a \$30 billion project to drill to explore oil and gas reserves in the deep water areas in the South China Sea. From late May 2010, China has been using the survey vessel M / V Western Spirit and many escort ships to conduct seismic drill test in the region of Triton Island, Paracel Islands, at oil blocks 141, 142 and 143 on the continental shelf of Vietnam, about 90-116 nautical miles from Ly Son Island, Quang Ngai Province. Moreover, China also did the ground leveling and land expansion in Triton Island for the purposes of construction of structures on the island.⁷

Most recently, on May 26, 2011, just four day before the Shangri-La Dialogue, it was reported that three marine surveillance vessels slashed a cable of an oil and gas survey ship operated by PetroVietnam at Block 148 about 80 nautical miles off the Vietnamese coast.⁸ Not long after that, Vietnam's Ministry of Foreign Affairs said that a Chinese fishing boat escorted by Chinese patrol ships cut a seismic survey cable of the Viking II at Block 136/03 within the 200-nautical mile continental shelf of Vietnam.⁹ At the very same time, Chinese media reported that

⁶ Greg Torode, "Tussle for Oil in the South China Sea", *South China Morning Post*, 20 July 2008.

⁷ "Yêu cầu Trung Quốc chấm dứt khảo sát đảo Tri Tôn", *Báo Công an Thành phố Hồ Chí Minh*, August 5, 2010, see at: <http://www.congan.com.vn/?mod=detnew&catid=681&id=127115>

⁸ Vietnam says Chinese boats harassed oil exploration ship, Reuters, May 27, 2011, retrieved at: <http://af.reuters.com/article/energyOilNews/idAFL3E7GR1HL20110527>

⁹ Foreign Ministry Spokeswoman Nguyen Phuong Nga answers question from the media at the Press Conference on June 9th 2011 concerning the Viking II incident, retrieved at: http://www.mofa.gov.vn/en/tt_baochi/pbnfn/ns110610100618#fKzdCbeCpuUc.

Beijing plans to install an advanced oil rig in the South China Sea in July 2011.¹⁰ Manila also reported many intrusions of China-flagged vessels into its claimed waters and the constructions of structures on claimed Iroquois Reef-Amy Douglas Bank near Palawan in the vicinity of the Philippines.¹¹

Secondly, China continued to impose a unilateral ban on fishing in the East Sea at the peak of the fishing season. Between 2009 and 2010, China announced a three-month fishing ban, lasting from mid May to mid-August, the catching high season for Vietnamese fishermen. In a serious incident on July 9, 2007, Chinese naval vessels fired against several fishing boats of Vietnamese fishermen in waters near Vietnam's Truong Sa, about 350km to Ho Chi Minh City. In many cases, Chinese fishing and fishery patrol vessels intentionally collided directly to sink Vietnamese fishing boats, kidnapping fishermen and asking for ransoms.¹² In some other cases, Chinese forces arrested fishermen and their fishing boats with attempt to hide from the storms in the Paracel Islands, forcing them to sign on the minutes admitting violations of

Chinese sovereignty and bluntly asking families to pay fines.¹³ The Filipino and Malaysian fishermen also faced the same situation.¹⁴ Among the most serious incident was the reported firing of Chinese navy vessel in February 2011 to scare away Filipino fishermen from the Jackson Atoll, the Spratlys area claimed by Manila.¹⁵

Although the fishing ban was unilaterally imposed by China since 1999, it is observed that since 2007 its enforcement have become more threatening with a longer period, more frequent and aggressive patrol operations, more drastic seizure of damage to fishermen of involved countries. Gary Li, an expert in the People's Liberation Army of China (PLA) said that China's fishing ban truly created de facto control [de facto jurisdiction] and historical precedent to assert China's sovereignty over the related body of waters.¹⁶

Chinese officials stated that the purpose of the fishing ban was to protect to fish stocks, preventing illegal fishing and protect Chinese fishermen. However, there are three noticeable points with regards to the annual Chinese fishing ban. *First*, the ban includes a large body of waters within the infamous nine-dashed line which overlaps with the

¹⁰ Philippines says China violates accord on islands, *SunStar*, June 7, 2011, retrieved at: <http://www.sunstar.com.ph/breaking-news/2011/06/07/philippines-says-china-violates-accord-islands-159779> on June 10, 2011.

¹¹ Michaela P. del Callar and Mario J. Mallari, RP gov't protests China's planned oil rig, constructions in Reeds, Spratlys, *The Daily Tribune*, June 02, 2011, retrieved at: <http://www.tribuneonline.org/headlines/20110602hed4.html>, on June 30, 2011; and Jun Passaylo, China surveillance ships roam Phi waters, June 01, 2011. *PhilStar*, retrieved at: <http://www.philstar.com/nation/article.aspx?publicationSubCategoryId=63&articleId=691947>, on June 6, 2011.

¹² "Hanoi protests China fishing ban", *BBC*, June 8, 2009, see at: <http://news.bbc.co.uk/2/hi/asia-pacific/8089654.stm>; "Controversial Chinese Ban affects more Vietnamese Fishing Vessels", *Thanh Nien News* June 5, 2009, "Fishmen Intimidated and Harrassed by Chinese Patrol Boats", *Thanh Nien News*, June 8, 2009.

¹³ See: "Phản đối Trung Quốc bắt giữ ngư dân Việt Nam" [Protesting against China's seizure of Vietnamese fishermen], *Tuổi trẻ*, December 15, 2009, accessed at <http://tuoitre.vn/Chinh-tri-Xa-hoi/353329/Phan-doi-Trung-Quoc-bat-giu-ngu-dan-VN.html>, "Trung Quốc lại bắt giữ ngư dân Việt Nam" [China again capturing Vietnamese fishermen], *BBC Vietnamese*, March 28, 2010, xem tại: http://www.bbc.co.uk/vietnamese/vietnam/2010/03/100328_viet_fishermen.html, and "Ngư dân Việt Nam lại bị Trung Quốc bắt giữ" [China again capturing Vietnamese fishermen], *Vnexpress*, May 7, 2010, accessed at: <http://vnexpress.net/GL/Xa-hoi/2010/05/3BA1B97A/>

¹⁴ Greg Torode, "China ban on fishing as tension runs high", *South China Morning Post*, May 16, 2010, accessed at http://www.vietstudies.info/kinhte/china_ban_on_fishing_SCMP.htm

¹⁵ "Philippines says China violates accord on islands", *Ibid*.

¹⁶ Greg Torode, *ibid*.

continental shelf and exclusive economic zones of other littoral countries and including traditional fishing grounds of fishermen of Vietnam and other countries. *Second*, the duration of the fishing ban was unreasonably and unilaterally extended without the consultation to and agreement of from any other concerned countries. *Third*, China deployed a number of large-scale patrol ships which were renovated from warships to chase and collide to sink other countries' small fishing boats. Lyle Goldstein, a researcher at the United States Naval War College, pointed out that China is using civilian vessels in order to promote soft power, and also to enforce its spacious territorial waters claims. Professor Carlyle A. Thayer argued that "the use of fishing vessels is a great strategy because they are not warships, they were painted with white, not gray, but surely, they are extremely well-equipped from top to toe".¹⁷ Tran Truong Thuy pointed out that China is using the warships under civilian cover to enforce its claim in the South China Sea.¹⁸ The problem here is that such actions are completely contrary to China's commitments stated in the Declaration on the Conduct of the Parties in the South China Sea signed in 2002.

Thirdly, not only did China threaten, chase and arrest ships in other countries, but it also publicly defined its untouchable sphere of influence. Admiral Timothy Keating, the commander of the U.S. Navy in the Pacific, during a press conference on December 18, 2008 in Washington, cited China's intention to divide the Pacific into two, under which the United States Navy would limit its presence to the East of Hawaii and

the Chinese Navy will control the islands from West Hawaii.¹⁹ In March 2009, some of Chinese vessels clashed with the survey ship *Impeccable* of the U.S Navy in the waters that was about 75 nautical miles from the Hainan island. In June 2009, a Chinese submarine collided with the positioning device dragged by a US Navy's destroyer. America's reaction was quite moderate as it claimed the collision unintentional. However, China strongly reacted against this. The spokeswoman of the Chinese Foreign Ministry said after the event that all U.S. ships needed to obtain permission before entering the Exclusive Economic Zone of China.

On August 26, 2010, just after the visit to China by Lieutenant-General Nguyen Chi Vinh, Deputy Minister of Defense of Vietnam, Chinese authorities made announcement that they had used small manned driven submersibles to plant a Chinese flag on the seabed of the South China Sea at a depth of 3.759 meters.²⁰ Although China did not specify the location where the flag was planted and whether it is in the disputed area or not, such opaque action seemed to implicitly demonstrate the advancement of the Chinese Navy, and also reasserted China's sovereignty and jurisdiction rights over the waters. All concerned countries cannot accept such a move on the side of China.

Fourth, to support de facto control activities and to set a ground for the domination at the South China Sea in the future, China has gone to

¹⁷ Greg Torode, *Ibid.*

¹⁸ Tran Truong Thuy, Interview with Vnexpress, June 8, 2011, retrieved at: <http://vnexpress.net/gl/xa-hoi/2011/06/trung-quoc-dang-su-dung-vo-boc-ban-quan-su-tren-bien-dong/> on June 9, 2011.

¹⁹ Linh Huong, "Hải quân Trung Quốc và dự tính chia đôi Thái Bình Dương" (China Navy and its Intention of dividing the Pacific into two), *Vietnamnet Weekly*, February 28, 2009, accessed at: <http://www.tuanvietnam.net/hai-quan-trung-quoc-va-du-tinh chia-doi-thai-binh-duong>

²⁰ "Trung Quốc cắm cờ ở dưới đáy Biển Đông" (China planted flag on the East Sea bed), *Thanh Nien*, August 28, 2010, retrieved at: <http://www.thanhvien.com.vn/News/Pages/201035/20100828003929.aspx>, on October 11, 2010.

great length to modernize its navy and air force, developing and reinforcing its military and civilian bases in the coastal regions and on various islands in the Spratly and Paracels archipelagos. In 2008, a commercial satellite detected the construction of a naval base in Sanya on Hainan Island. The above satellite images were analyzed in the article titled "Disclosure of an underground Sanya base, the new nuclear submarine base of the China", published on April 15, 2008, by Jane's Intelligence Review, United Kingdom. According to the analyst Richard D. Junior Fisher, the author of the article, Sanya is an important base that can be used for China's 094 new generation nuclear-powered submarine, which is capable of carrying ballistic missiles with nuclear warheads. In December 2007, the Chinese Navy moved its first 094 submarine to this base. Aircraft carriers or other vessels capable of projection of operational combat powers can also put their headquarters in Sanya.²¹

Professor Carlyle A. Thayer said that the balance of forces in the South China Sea and Pacific Ocean is much likely to tip once Beijing completes this construction. With this base, China is enhancing its power to enforce their sovereignty claims in the South China Sea, protecting vital sea lanes through the strait of Malacca and developing the logistics capabilities of the naval forces deployed in the South China Sea. Meanwhile, China was also expanding the airport at Phu Lam Island in the Paracels, strengthening the military base in Fiery Cross Reef in the Spratly Islands with early warning radar system, and maintaining its

²¹ "Căn cứ hải quân Tam Á: Chủ bài trong chiến lược khống chế Biển Đông" [Submarine Base in Sanya: Trump Card of Strategy to Control the East Sea], *RFI*, September 15, 2008, accessed at: http://www.rfi.fr/actuvi/articles/101/article_34.asp, on September 1, 2010.

presence at Mischief Reef off the Western coast of Philippines.²² It should be noted that not only China but other countries in the disputed waters also reinforce their occupations.

More notably, when the Sanya naval base is completed, the strategic chessboard will have many important changes as this base will allow the Chinese military to project powers to the South China Sea and over to the Pacific. A part of this base was built underground, making it difficult to be monitored. Chinese nuclear submarines will then be able to go patrolling and launching attacks from untraceable positions deep under the surface off the coast of Hainan if Beijing succeeds in developing essential combat capabilities. At the moment, it is unclear about how many out of China's five nuclear submarines will be stationed at their Sanya headquarters. The current build-up activities show that Sanya will become a major military base which will exert significant impacts on the balance of forces across the region. China can store a significant part of deterrent nuclear missiles that can be launched from submarines.²³

Along with the submarine base at Sanya, China has set up a missile base in Guangdong, where Unit 96166 of the second missile force of People's Liberation Army of China (PLA) garrisoned. Military experts say that this base will be equipped with DF-21C ballistic missiles or CJ-10 long-range missiles. Both these types are capable of attacking precisely targets within 2000 km, covering the whole Taiwan as well as

²² Carlyle A. Thayer, "The United States and Chinese Assertiveness in the South China Sea", *Security Challenge*, Vol. 6, No. 2, 2010, p.73.

²³ "Căn cứ hải quân Tam Á: Chủ bài trong chiến lược khống chế Biển Đông" (Submarine Base in Sanya: Trump Card of Strategy to Control the East Sea), *RFI*, September 15, 2008, accessed at: http://www.rfi.fr/actuvi/articles/101/article_34.asp, on September 1, 2010.

the Spratly and Paracel Islands.²⁴ In addition, China announced they would soon operate an aircraft carrier in the South China Sea.

On the diplomatic front, China continues to oppose the claims of other countries and any efforts to internationalize the dispute. The United Nations' Commission on the Limits of the Continental Shelf (UNCLCS) designated May 13, 2009 as the deadline for countries to register their limits of continental shelf. On May 6, 2009, Malaysia and Vietnam submitted a joint report and on the following day, Vietnam submitted its own report.²⁵ Immediately, China objected these reports without submitting official documents. Under the provisions of the Commission, the rejected reports could not be adopted. China documented its claims with an attached nine-dashed line map (or the dotted line) which forms the U-shaped line surrounding the entire South China Sea. This is the first time that China has published this dotted-line claim. It should be noted that there were not any maps attached to its important related documents, such as Declaration on the Territorial Sea (1958), Declaration on the Territorial Sea and Contiguous Zone (1992), Declaration on the Baseline of the Territorial Sea, and the Law on the Exclusive Economic Zone and the Continental Shelf (1998) of the People's Republic of China.²⁶

²⁴ Minnie Chan and Greg Torode, "PLA opens Guangdong missile base; South China Sea in range", *South China Morning Post*, August 7, 2010 Saturday, accessed at: http://www.viet-studies.info/kinhte/pla_opens_guangdong_missile_base.htm

²⁵ See more at http://www.un.org/Depts/los/clcs_new/submissions_files/submission_mysvm_33_2009.htm and http://www.un.org/Depts/los/clcs_new/submissions_files/submission_vnm_37_2009.htm, Accessed on September 9, 2010.

²⁶ Carlyle A. Thayer, "Những diễn biến gần đây ở Biển Đông : Hệ lụy đối với hòa bình, ổn định và phát triển ở khu vực" (Recent developments in the East Sea: Implications on peace, stability, and development in the region) in: Đặng Đình Quý (Ed), *Biển Đông : Hợp tác vì An ninh và Phát triển trong Khu vực [South China Sea: Cooperation for Security and Development in the region]*, Nxb. Thế Giới [World Publisher], Hà Nội, 2010, p. 160.

China has persistently defended its position that all the disputes should be resolved bilaterally between China and each ASEAN member and does not want one country to share information about its South China Sea disputes negotiations with others.²⁷ China has introduced the concept "core interests" which defines undisputable sovereignty and its territorial integrity when it comes to Taiwan and Tibet. In a strategic dialogue between the two countries, Beijing officials told U.S. officials that they regarded the South China Sea their "core interest" - a move that tends to escalated concerns over the motivation of China after the recent worrisome developments.

At the 17th ARF meeting in Hanoi in July 2010, seemingly surprised by the announcement of the U.S. State Secretary Clinton that the U.S. has national interests in the South China Sea,²⁸ Chinese Foreign Minister Yang Jiechi raised a strong voice protesting against involvement of external powers and asserted that bilateral dialogue is the only effective way to resolve the dispute. After the meeting, a statement was posted on China's Foreign Ministry on 26th July, Chinese Foreign Minister Yang Jiechi saying: "What will happen if this issue is made into an international or multilateral one? It will only make the matter worse and the resolution more difficult... International practices show that the best way to resolve such disputes is for concerned countries to have direct bilateral negotiations". Besides, Chinese media campaigned a

²⁷ "Foreign Minister warns South China Sea issue", http://www.chinadaily.com.cn/china/2010-07/26/content_11046544.htm, accessed on September 10, 2010.

²⁸ On July 23, 2010, at the ASEAN Regional Forum Meeting held in Hanoi, US Secretary of State H. Clinton asserted that US has "a national interest in freedom of navigation, open access to Asia's maritime commons, and respect for international law in the South China Sea." She further claimed that Washington is supporting a "collaborative diplomatic process" by all claimants for resolving the various territorial disputes, opposing the use or threat of force by any claimant.

strong critique on Vietnam and the US' "connivance" to internationalize the South China Sea disputes. In fact, many newspapers also alleged that Vietnam had attempted to seek alliance with the United States to limit Chinese influence.²⁹ According to analysts, the US' willingness of involvement and the policy to multilateralise and internationalise the South China Sea profile have gone against China's policy to solve the problem bilaterally to mount pressures on smaller and weaker disputants and avoid international watch.³⁰

Changes in China's approach to the South China Sea Disputes

It is not difficult to realize that the statements and actions of China toward South China Sea disputes since 2007 were a continuation of its policies in the earlier period. The inheritance comprised using Foreign Ministry's spokespersons' statements which have repeatedly claimed China's sovereignty within the U-shaped line, deploying exploration activities, advocating resolutions of disputes through bilateral talks and avoiding internationalization of the disputes. While actively exploring oil and gas fields in the South China Sea, China has obstructed the exploration and exploitation activities carried out by other countries within the nine-dashed line, unilaterally imposed bans on fishing, preventing and detaining fishing vessels and fishermen of other countries operating in the waters, and carried out activities to consolidate the civil

²⁹ "Giới phân tích Bắc Kinh coi tập trận Mỹ-Việt là chống lại Trung Quốc" [Beijing's Analysts see Vietnam-US drill as anti-Chinese], *RFI*, August 12, 2010, retrieved at <http://www.viet.rfi.fr/viet-nam/20100812-gioi-phan-tich-bac-kinh-coi-tap-tran-my-viet-la-chong-lai-trung-quoc>, on September 19, 2010.

³⁰ "Trung Quốc chống quốc tế hóa tranh chấp Biển Đông" (China opposes to internationalization of East Sea disputes), *RFI*, July 25, 2010, retrieved at <http://www.viet.rfi.fr/chau-a/20100725-trung-quoc-chong-viec-quoc-te-hoa-tranh-chap-bien-dong>, on September 19, 2010.

and military works of China in occupied islands. Officials and scholars of China continued to call for supports from other disputants for bilateral negotiations and the line of "shelving the disputes and pursuing joint developments" in the waters which overlap the other countries' continental shelves and exclusive economic zones.

According to Joshua Kurlantzick, in the early years of the past decade, China openly played down its claims to the South China Sea as it embarked on its soft-power charm offensive to build closer economic, diplomatic, and even security ties to countries in Southeast Asia. But over the past years this softer approach seems to have been largely abandoned.³¹ In addition to continuous debates on sovereignty and active bilateral negotiations, Beijing has simultaneously accelerated the building of naval warfare, seizing every opportunity to demonstrate its power, ignoring the implementation of the DOC and deploying measures possible to control the waters that China claimed sovereignty in a more official, assertive and challenging manner. It is noted that China's actions have become more active and confident. On the one hand, it has tried to prevent the involvement of external powers. On the other hand, China used the "steel fist in a velvet glove" to intimidate other disputants. China has transformed a number of military ships into civilian patrol vessels and sent them to the South China Sea.³² China's increased presence in the South China Sea meant that the fishing and surveys vessels of other littoral countries operating in the South China Sea are more likely to clash with the larger and better-equipped ships of the

³¹ Joshua Kurlantzick, "Avoiding a Tempest in the South China Sea", *Expert Brief*, Council on Foreign Relations, September 2, 2010, retrieved at: <http://www.cfr.org/china/avoiding-tempest-south-china-sea/p22858>

³² Yuzheng 311, 303 start escort in South China Sea, *Sina English*, 26 November 2009, retrieved at: <http://english.sina.com/china/p/2009/1126/288553.html>

Chinese, including the 311 Fishing Control Vessel (Yuzheng 311).³³ In fact, China's huge ships are not afraid of collisions and clashes at sea. Besides, the strong and unprecedented scale performance of the Chinese Navy shows that it is always ready to battle, which underpins concerns among other countries.³⁴

It is notable that since 2007, all South China Sea disputants have also been enhancing their infrastructure consolidation and boosting propaganda campaign about their sovereignty and jurisdiction, stepping up patrols and reconnaissance at sea. These include Taiwan's completion of a runway on the island of Ba Binh (Itu Aba in English), the visit of former Taiwan leader Chen Shui-bian to the island and his mention to the "Nansha Initiative". In 2008, Philippines has gradually completed internal procedures in order to pass the Bill on the new baseline. And on October 3, 2009, the Filipino President signed the Law on new baseline of Philippines (RA9522) that claims all islands of the Spratlys of Vietnam to be within its territory. Malaysia asserted its claims to part of the Spratly Islands by the visit of Deputy Prime Minister and Defense Minister on August 12, 2008 and that of its Prime Minister to the Hoa Lau Island on March 05, 2009.

Those facts raise a question: whether the tough attitude, confident and decisive acts of China in the South China Sea since 2007 are the result of (i) the calculated adjustments in the Chinese maritime strategy and policy toward on the South China Sea disputes? (ii) Or are they China's normal reactions to the behaviors of other countries in disputes?

³³ Peter Brown, Calculated ambiguity in the South China Sea, *Asia Times*, 8 December 2009, retrieved at: http://www.atimes.com/atimes/Southeast_Asia/KL08Ae01.html

³⁴ See "Bước phát triển mới của Hải quân Trung Quốc", *BBC Vietnamese*, May 12, 2010, retrieved at: http://www.bbc.co.uk/vietnamese/world/2010/05/100512_china_navy_strategy.shtml

(iii) Or are they just an act of testing the reactions of other disputants?
(iv) Or are they merely uncontrolled acts by the Chinese navy and marine patrolling forces? Notably, in recent seminars with Vietnam scholars, Chinese experts held that China's policy toward neighboring countries in general and the South China Sea disputes in particular has not changed and that there was some misunderstandings due to manipulations of the Western press.

The development which supports the second argument was China's publication of the nine-dashed line map attached to a diplomatic note to protest reports on the outer limits of the continental shelves of Vietnam and Malaysia (2009). However, it is difficult to find causal relationships between the actions of other countries and the abnormal assertiveness and aggression of China since 2007. The forth possibility remained an open question since there is an absence of insights into their policy-making procedures and processes and their internal politics. In his presentation at the 2nd International Workshop on South China Sea held in Ho Chi Minh City in November 2010, Leszek Buszynski expressed his concerns about the opaque in decision-making process in the internal politics of China, the dominance of military fractions in politics in Beijing, and the influence of extreme nationalism.³⁵ Third possibility can be ruled out because China's actions seemed more decisive and assertive in the face of oppositions and concerns voiced by the international community and other littoral countries in the region.

It can be inferred from analysis on activities of China in the South China Sea from 2007 that the first possibility (i) is far more justified. The

³⁵ Leszek Buszynski, "Rising Tensions in the South China and Implications for Regional Security", Paper at the 2nd International Workshop on South China Sea held in Ho Chi Minh City in November 2010.

reasons simply lie in China's abnormally intensified and aggressive measures that were taken in a closely coordinated manner by different branches and forces and were well and timely reported on the mass media. Nguyen Phuong Nga, spokesperson of Vietnam's Ministry of Foreign Affairs, said that China attacks against oil-exploration vessels in late May and early June 2011 were "premeditated and carefully calculated".³⁶ What is more, a number of signs showed that with the rapidly-rising economic and military strength, China has been striving to become a global power that has regarded the South China Sea as an important link in the naval defenses strategy and its vital sphere of influence of China, and as a strategic gateway out to the world also. In addition, China's assertiveness in the South China Sea occur simultaneously with the aggressive attitude and actions by China in the East China Sea and the operation of the Chinese navy in the Eden Sea.

The most obvious evidence was that the political elites of China implicitly implied to upgrade the South China Sea region as "core interests"³⁷ of China.³⁸ According to international news coverage, Chinese leaders claimed South China Sea as its "core interests" for the first time during the visit to China by U.S. Deputy Secretary of State James B. Steinberg in March 2010. Although, since then, Chinese leaders have not stated this publicly and openly so and Chinese scholars participating the 2nd International Workshop on South China Sea refused

³⁶ Ian Timberlake, "Vietnam complains to China as sea tensions rise", *AFP*, June 9, 2011.

³⁷ A term is usually used only for Taiwan, Tibet, and Xinjiang.

³⁸ Cary Huang, "A bolder China asserts 'core' interests - but will it act?", *South China Morning Post*, August 12, 2010, retrieved at: http://www.viet-studies.info/kinhte/china_asserts_core_interest.htm

the allegation,³⁹ there have been no disclaimers or corrections from the official source when the press both inside and outside China headlined the news.⁴⁰ Does that imply that leadership and political elites of China discretely supported such a concept?

The Chinese official's opaque circulation of such concept may imply that Beijing would not allow any discussion over or question of their policies and would try to prevent the presence of other powers within the waters Beijing claims. In recent years, Beijing has also warned US oil companies of not taking parts in joint exploration agreements in the South China Sea with Vietnam. It also said that China dissuaded the Southeast Asian countries to discuss with each other on the South China Sea related issues.⁴¹

China's maintenance of a vague concept of core interests has frightened other disputants that Beijing has created a room for the application of double standards. On one hand, China may ask other powers to respect its continental shelf and 200 nautical mile exclusive economic zone. On the other hand, it continued its nine-dotted line claim against direct disputants. Besides, the doctrine of "core interests" implies the use of force to protect them, or a threat to force other claimants to "shelve the disputes and jointly develop" on China's terms.

³⁹ Prof. Su Hao made it clear at the 2nd International Workshop on South China Sea in Ho Chi Minh City November 2011 that China has never used the term: "core interests" in the official documents.

⁴⁰ China Daily, Global Times, and a number of news agencies all had articles of Chinese scholars discussing South China Sea as China's core interest.

⁴¹ Joshua Kurlantzick, "Avoiding a Tempest in the South China Sea", *Expert Brief on Council on Foreign Relations Website*, September 2, 2010, retrieved on October 10, 2010 at http://www.cfr.org/publication/22858/avoiding_a_tempest_in_the_south_china_sea.html

China has undeniably had many important tangible benefits in the South China Sea, such as: (i) important sea lanes of communication which supplies 70% of imported oil out to satisfy 50% of domestic demand; (ii) the marine resources, of which most importantly oil and gas and seafood are to serve economic development. However, attitudes and actions of China in the South China Sea since 2007 shows that the Chinese political and military elites have mainly seen the South China Sea from the geopolitical and geostrategic perspectives. Accordingly, the South China Sea constitutes a vital interest space, a gateway to dominate Southeast Asia and beyond to become a sea power. A series of actions recently could be interpreted as attempts by Beijing to put the entire South China Sea under the control of China, not only to secure hydrocarbon and marine protein reserves but also to gain strategic and military advantages and block the US' access and prevent its intervention in case of emergency in Taiwan.⁴²

China's desire to control the South China Sea, turning it into its "own lake" is becoming increasingly obvious through a number of aggressive claims and drastic measures to assert all legal rights as well as enforcing its jurisdiction on the ground. However, it should be noted that the Chinese ambition is not confined only to the South China Sea. In fact, the South China Sea is not only the vital sphere of influence but also a gate to the wider world. The harassment of the US surveillance ship, the seizure of foreign vessels, the proposal of dividing the Pacific, and the establishment of strategic submarine base in Sanya are the indication

⁴² Trọng Nghĩa, "Nhìn từ Nhật Bản: Phải buộc Trung Quốc đàm phán đa phương về Biển Đông" [A view from Japan: Need to push China to multilateral negotiation over the East Sea], *RFI*, October 11th, 2010, retrieved at: <http://www.viet.rfi.fr/tong-hop/20100827-nhin-tu-nhat-ban-phai-buoc-trung-quoc-dam-phan-da-phuong-ve-bien-dong>.

of the importance of the South China Sea in the Chinese dream of a global power.

The fundamental change in the Chinese approach to the South China Sea disputes is obviously the main reason for increasing tension in the sea. After five years of existence, the DOC has fallen short to maintain peace and stability in the region and preventing the eruption and escalation of conflicts. The South China Sea remains a dangerous ground where clashes could take place, threatening friendship among nations in the region. However, it seems that China has not been politically and militarily powerful enough to dominate the entire South China Sea and does not want to escalate tension into armed conflicts. This can be seen when the Chinese leaders always try to calm regional countries and rhetorically call for peace, stability, and cooperation. In a press conference held on January 6, 2010 in Hanoi, China Ambassador to Vietnam, Mr. Ton Quoc Tuong, claimed that China and Vietnam have established a channel for negotiation on maritime boundaries, realizing the common perception of the senior leaders, and facilitating bargaining. In order to resolve the disputes, it is better that two sides should first base on the general state of affairs, the fundamental interests of the two nations, and moving forward with "shelving disputes and jointly developing, without causing damages to normal and positive developments of the two countries."⁴³ The idea of "maintaining the general state of affairs" has been repeated in many seminars between Chinese and Vietnamese scholars. Additionally, China also argued that

⁴³ Ton Quoc Tuong, "Chờ điều kiện chín muồi để giải quyết tranh chấp Biển Đông" (Waiting for ripe time to resolve the South China Sea disputes), Interview with VNN reporter, September 11, 2010, accessed at <http://www.vietnamnet.vn/chinhtri/201001/Cho-dieu-kien-chin-muoi-giai-quyet-tranh-chap-bien-Dong-888092>

China found it hard to resolve the disputes at once as it was facing tremendous difficulties in socio-economic development at home.

Paradoxically, while China applies the idea of keeping the general state of affairs and rhetoric of peace⁴⁴ to calm down the small and medium powers in the region, it kept on with ambiguous maritime policies and employing different tactics to take an upper hand and enforcing de facto control along and inside the nine-dotted line. *First*, Carlyle A. Thayer argued that China is intentionally pursuing calculated ambiguity and delay to prevent the settlement of disagreeing sovereignty claims until the time it is deemed ripe.⁴⁵ *Second*, China is using salami tactic together with creeping assertiveness for two-pronged objective: (i) to enforce its control on the ground and (ii) to avoid aggressive responses from other claimants and international public opinion. Beijing has pursued flexible combination of hard and soft measures, being always open to negotiation and scrap jettison commitment if necessary. *Third*, China has persistently supported bilateral negotiation and rejected multilateral approaches and internationalization. As results, China can divide and rule, securing cutting edge against the opponents. It seems hard for China to join security cooperative mechanism where it has to accept the same footing with small states.

⁴⁴ During his first visit to the annual Shangri-La Strategic Dialogue in May 30, 2011 in Singapore, Chinese Defense Minister Liang Guanglie reiterated that "China unswervingly follows the path of peaceful development" and that it will "never seek hegemony or military expansion".

⁴⁵ Peter J. Brown, "Calculated ambiguity in the South China Sea", *Asian Times*, December 8, 2009, retrieved at: http://www.atimes.com/atimes/Southeast_Asia/KL08Ae01.html on October 10, 2010.

Behind China's recent heavy-handed approach toward South China Sea disputes

To understand the rationale behind the shift in China's behaviour pattern in the South China Sea, it is essential to analyze its policy toward the disputes in the new international context and in relations to China's domestic politics, especially Beijing's overall foreign and security strategy. It is observed that the changes in China's policy toward the South China Sea disputes has been in line with the shifts in its foreign and security strategy in the new domestic and international setting.

The fundamental change in international strategic environment is China's increased combined strength which has led to the bridging of the disparity between China's and the US' economic, military, and defence power, tilting power relations to the sake of China. China has overtaken Germany, and then Japan to become the world's second biggest powerhouse while US has declined relatively and has been entangled with many difficulties both from inside and outside after the global economic and financial crisis in 2008. Part of China's wealth has been transformed into military modernization, especially that of its naval force. Admiral Mike Mullen, Chief of Staff of the US joint forces was of the view that the intent of China's development of new capabilities is to spearhead to the US' naval forces and its military bases in this region and in the wider world.⁴⁶

The Chinese mighty economy, especially its huge currency reserve and its leading role in international trade allow Beijing to exert considerable influence over the world economy, which has helped

⁴⁶ Admiral Michael Mullen, "Remarks and Q&A at the Navy League Sea-Air-Space Exposition", Gaylor National Resort and Conference Center, National Harbour, Maryland, May 4, 2009.

transform its previous economic dependence on the American economy into interdependence.⁴⁷ That is the reason why China has become apparently arrogant, moving away from hiding strategy and displaying its feist, and confidently saying ‘No’ to the US’ requests in a number of cases. China has taken all opportunities to change the rules of the game, undermining the leadership of the US in the region. Currently, China is the global economic locomotive and a political power which holds the key to the resolution of a varieties of regional political problems. It seems that China is testing its military power at the regional level and trying to challenge US’ superpower status.

Taking advantage of the situation that US is bogging down in Afghanistan and Iraq, puzzling with nuclear programs of Democratic People’s Republic of Korea and Iran, occupying with the settlements of long-lasting Israelis and Palestinian conflicts, China has been trying to take over the US in Asia and the Pacific. From 2002 to 2007, China worked hard to exert its influence across the Southeast Asian nations through ASEAN+1, ASEAN+3, and East Asia Summit, to counterweigh the American hub-and-spoke security system. Besides, China has been ahead of the US in developing its bilateral ties with the ASEAN countries. In April 2005, China and Indonesia concluded the Declaration of the Strategic Partnership. In April 2006, China and Cambodia adopted Comprehensive Cooperation Partnership Program. Besides, China developed a number of bilateral security arrangements with Malaysia, Vietnam, Brunei, Singapore, Philippines and Laos. From 2002 to 2008, China and ten ASEAN countries exchanged 124 delegations of senior

⁴⁷ Ian Bremmer, “China vs American: Fight for the Century”, *Prospect*, March 22, 2010, accessed at: <http://www.prospectmagazine.co.uk/2010/03/china-vs-america-fight-of-the-century>.

leaders of defence within the framework of regular consultations.⁴⁸ Along that line, China has enhanced its regional role and prestige at the expense of the US’ and Japan’s roles and positions.

At domestic, Beijing has faced more challenges to pursue its two fundamental long-term objectives which are (i) the maintenance of political stability and economic growth momentum serving as basis of political legitimacy for the Communist Party of China; and (ii) the prevention of riots and separatist movements in the ethnic minorities in the border remote and mountainous areas. The economic reforms have taken place in the absence of political reforms making China’s pragmatic leaders resort to nationalism as a source of legitimacy for some reasons. First and foremost, the Chinese leaders proved themselves to be national leaders who have resolutely defended national independence, sovereignty, and territorial integrity of China, from Xinjiang, Tibet to Taiwan and to the South China Sea. Besides, nationalism is a tool which has been used quite effectively to counter foreign hostile forces. A case in point is China’s dealings with criticisms from the US and Western countries of its human rights protection record, democracy generally and its actions in Tibet, Xinjiang, and toward Taiwan. This was also utilized to safeguard China’s image at the Olympic 2008. Most recently, nationalism was played in the case its fishing ship was seized by Japan near Senkaku Island.⁴⁹ It is observed that Chinese media has had extensive coverage over the developments related to maritime disputes while has largely ignored land border dispute settlements. It is argued

⁴⁸ See more Carlyle A. Thayer, “Southeast Asia: Pattern of Security Cooperation”, *Australian Strategic Policy Institute - ASPI*, September 2010, pp. 49-51.

⁴⁹ See more Suishen Zhao, “Chinese Nationalism and Approaches toward East Asian Regional Cooperation”, *International Institutions and Global Governance Program, Japan Studies Program, Paper at Council on Foreign Relations*, December 2009.

that China tactically keep and feed some disputes to draw on its legitimacy when necessary. Second, the Communist Party's reign has been supported if it succeeds to maintain high pace of economic growth and help Chinese enterprises secure their access to strategic resources. Since the early twenty-first century, to feed a dramatically growing world factory, China needed a gigantic quantity of national resources. That was the reason why the communist government has made full use of its political and economic clouts to support Chinese groups to take control of strategic resource reserves from its neighbourhood to Latin America, Africa, and Middle East. Over the last decade, China took over the US and Western countries to secure resources exploitation contracts in many Latin American and African countries. In this context, the hydrocarbon reserves in the South China Sea (which has been inflated by Chinese estimates) were just too big to be ignored. Third, Beijing's foreign policy has been heavily influenced by competition among different ministries, local authorities, political factions and groups.

China's policy toward the South China Sea disputes should be analysed in the overall security and economic development strategies to become a global power. A scholar argued that China's expansion in the South China Sea was just part of its overall expansionary plan, including "hard expansion" to enlarge land and maritime territories, and "soft expansion" to exert its influence on and boost its presence in all areas which are considered strategic in terms of natural materials, energy reserve, and geo-political significance.⁵⁰

⁵⁰ Giap Van Duong, Việt Nam 2008: Mười hai bài toán lớn" [Vietnam 2008: Twelve major problems to solve], Paper at the Workshop "Retrospect Vietnam 2008", p. 13, accessed at: http://hoithao.viet-studies.info/2009_GVDuong.pdf on January 13, 2011.

China's ambition to grow into a global superpower dates back to the reign's Mao Zedong when China recognized itself as a leader of the Third World in the struggle against the influence of two superpowers and their blocks. Although this strategic vision could enhance China's status in the international arena, it did not provide China with capitals and technologies needed for economic development. Under the leadership of Deng Xiaoping, China shifted its strategic focus on four modernizations while pursuing the strategy of "bidding its time and hiding its capabilities". The global goals were refrained, concealed in the general line of striking for a multi-polar, democratic, and just international order. After nearly a quarter of decade of reforms, from a poor, backward country, China has grown up as a newly industrialized one, a global economic powerhouse which its gross domestic product ranked forth in 2006. It is anticipated that China will become the biggest economy in the mid 21st century. That prospect has made the US and many other countries concerned, but brought enough eagerness to make it reveal its ambition. A case in point is that although China's GDP per capita was still competitively low, it had invested heavily in an attempt, which was considered highly pompous but economically inefficient, to launch people to the space. In this period, China promoted the doctrine of "peaceful rise" to calm down the other countries' concerns. After some time, it was modified to "peaceful development". However good China played with wording, its global ambitions were just too big to hide.⁵¹

Since 2007, the strategies of bidding its time and hiding its capabilities and the doctrine "harmonious world" have been replaced by

⁵¹ Vu Hong Lam, "Thế giới đa cực: Cấu hình quyền lực thế giới đương đại" [Multi-polar World: Power Structure of the Contemporary World], Paper at the Seminar "Democracy and Development", Berkeley, California, July 28-29, 2006.

a more assertive, proactive, and drastic foreign and security strategy. In terms of security, this strategy focuses on naval modernization to take full control of critical waters and ensure that vital Sea Lines of Communication remain safe and secure.⁵² It was reported that China is developing a security rim of “string of pearls” which connected China-claimed islands in South China Sea up to those East China Sea and Japan Sea, and to China-controlled ports from Hainan to Middle East.⁵³ China tends to consider the waters within and nearby these South China Sea pearls its national security interests which are vital to take control of maritime communications in Asia and the Pacific...

Besides, China has also unveiled a blue-sea naval build-up plan and switched from near-sea defense strategy to the development of blue sea naval capabilities. China renovated an old aircraft carrier and plans to build its own versions to expand the scope of naval operation. Meanwhile, anti-access capabilities, especially anti-aircraft carrier missiles, have also been developed. In the meantime, China’s naval forces have extended its presence. In December 2008, the Chinese naval command dispatched three destroyers to the seas near Somalia to participate the efforts to escort vessels commuting through. Not long after, two survey ships of China made a surprise breakthrough to come near Japan-claimed Senkaku Island. China also worried its neighbors by an intensive program of naval exercises in 2009 and 2010.

Economically, China has made every effort to compete against other powers to secure access to energy reserves and other resources of strategic values. Additionally, Beijing has worked to diversification of its

⁵² See more at Carlyle A. Thayer, “The United States and Chinese Assertiveness in the South China Sea”, *Security Challenge*, Vol. 6, No. 2, 2010.

⁵³ “China builds up strategic sea lanes”, *Washington Times*, January 17, 2005.

energy supplies to feed its dramatically growing economy. That may be attributed to China’s assertive and aggressive behaviors in its hydrocarbon exploration, de facto control along the nine-dashed line, and prevention of other countries’ oil and gas exploration and exploitation, and fishing activities within its claimed body of waters.

International reactions and new security setting in South China Sea after ARF 17

In the second international workshop on South China Sea in Ho Chi Minh City in November 2010, some researchers argued that it is China’s assertiveness that helped internationalize the disputes and gave way to the US’ reengagement in Southeast Asia. Over the last decades while the US paid much attention to major players such as China, Japan, and South Korea, it had been criticized of ignoring Southeast Asia. It is China’s rapid military modernization and fierce exertion of influence in its neighborhood made the Obama administration redirect some of its resources to this region. Some researchers voiced concerns about Sino-US strategic rivalry will further complicate the disputes.⁵⁴

Recently, the US showed willingness to accept the rules and norms of international relations in the region at a time when China’s influence expanded all over the world. After quite a long time, China built up its diplomatic prestige and value by ‘charm offensive’ and on the basis of the policy of ‘co-existence’ and supports to the Southeast Asian nations. For China, any dispute or war of word with Southeast Asia at that time were considered a stain to image of Beijing as a friend to developing

⁵⁴ Mark Valencia, “The South China Sea: Back to the Future”, Paper presented at the 2nd International Workshop *South China Sea: Cooperation for security and development in the region*, held in Ho Chi Minh City, November 2010.

countries.⁵⁵ To catch up with China, the Obama Administration has tried to improve the US role in the region. The shift in the US policy resulted in the US signature of the Treaty of Amity and Cooperation in 2009 and dispatch of an ambassador besides the ASEAN.

The US has paid more attention to the South China Sea and considered the newly-arising tension as opportunities to restore its influence and leadership role in East Asia. On July 15, 2009, the United States Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs held a hearing on maritime territorial disputes and sovereignty issues in Asia. US Secretary of State Hillary Clinton declared at the 17th ARF meeting in Hanoi that the US has national interests in South China Sea and claimed that Washington was supporting a collaborative diplomatic process by all claimants for resolving the various territorial disputes. Going further than 1995 “no position” statement, she maintained: “legitimate claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features”. It represented a clear challenge to China’s nine-dashed line map.⁵⁶ Not long before, at the Shangri-La Dialogue, US Secretary of Defense Robert Gates called for all parties to work together to resolve differences through peaceful, multilateral efforts consistent with customary international law.⁵⁷ As tensions flared up since March 2011, US Sen. John McCain criticized China’s increasingly assertive actions to defend

the nine-dotted line. Addressing at a forum at Center for Strategic and International Studies, he pointed out that one of the main forces exacerbating tensions in the South China Sea ... is the behavior of China and the unsubstantiated territorial claims that it seeks to advance,⁵⁸ Some days later, the U.S. Senate passed a nonbinding resolution Monday deploring the Chinese actions.

Japan has also looked at China with a more suspicious eye than ever before. The Japan Defence Paper issued on September 10, 2010, highlighting the tense incidents that Chinese helicopters staged close fly-bys of Japanese warships and that Chinese submarines and destroyers sailed in international waters between far-southern Japanese islands, an unusual move that jittered Tokyo.⁵⁹ Having a further look back, in November 2004, we could recall the intrusion of the Chinese nuclear-powered submarine into the Japanese waters. In March 2010, China announced that it would increase 2010 military spending by 7.5% to 77.9 billion USD. However, the US Department of Defence estimated that the overall military expenditure of China had already exceeded 150 billion USD in 2009 as many informal expenses would have not been included. According to the Japan Ministry of Defence, it is the lack of transparency in China’s defence policy and its military operations that have worried the regional and international communities, including Japan.⁶⁰

⁵⁵ Trong Nghĩa, Mỹ sát cánh với ASEAN buộc Trung Quốc thay đổi luật chơi, (US works with ASEAN to force China to change the rules of game), RFI, August 26, 2010, retrieved at <http://www.viet.rfi.fr/tong-hop/20100826-my-sat-canh-voi-asean-buoc-trung-quoc-thay-doi-luat-choi>.

⁵⁶ Ian Storey, “The South China Sea: The Theater for Emerging Strategic Competition?”, *Paper presented at “Security Environment in the East Asian Seas”, Ocean Policy Research Foundation, Tokyo, 16-17 February 2011.*

⁵⁷ Robert Gate, Remark at the 9th IISS Asia Security Summit, The Shangri-La Dialogue, June 2010, accessed at: <http://www.iiss.org/conferences/the-shangri-la-dialogue/shangri-la-dialogue-2010/plenary-session-speeches/first-plenary-session/robert-gates>

⁵⁸ Fumiko Hedlund, “McCain warns of “Flashpoint” in the South China Sea”, *National Defense Magazine*, June 25, 2011.

⁵⁹ Staff Writers, Japan Defense paper points at China’s growing military reach, *Space War*, September 10, 2010, accessed at: http://www.spacewar.com/reports/Japan_defence_paper_points_at_Chinas_growing_military_reach_999.html

⁶⁰ Thanh Phương, Nhật lo ngại về phát triển quân sự của Trung Quốc, [Japan concerns about China’s military build-up], RFI, September 10, 2010, retrieved at <http://www.viet.rfi.fr/chau-a/20100910-nhat-lo-ngai-ve-phat-trien-quan-su-cua-trung-quoc>.

China's ambiguity, unilateral action, and assertiveness in the South China Sea have made other countries question Beijing's idea of peaceful development and foreign policy of harmony. Evan A. Feigenbaum predicted that South China Sea is going to be an arena that tests some important assumptions about China's rise.⁶¹ Many ASEAN countries see the security of the entire region and their national security have been harmed by the rapid military modernization and lack of transparency on the side of China.⁶² Security dilemma has been an evident in the region as the military spending in Southeast Asia surged. According to the Stockholm International Peace Research, "[arms] deliveries to South East Asia nearly doubled in 2005-2009 compared to 2000-2004. Deliveries to Malaysia increased by 722 percent in 2005-2009 compared to 2000-2004, for Singapore by 146 percent and for Indonesia by 84 percent".⁶³ It should be noted that ASEAN countries do not want to be put into a situation in which they have to choose to side with either China or the US or lean on external powers to protect the maritime territories to which they are entitled. What they need is a truly peacefully-rising and responsible China. However, given the recent developments in the South China Sea, it is understandable that ASEAN countries proactively reduced risks by seeking the insurance from external powers.

China's attitudes and behaviors have triggered tremendous concerns from regional states and reasonably got backlashes in the

⁶¹ Evan A. Feigenbaum, "China's rise and the Contested Commons", *CRF*, August 13, 2010, retrieved at: <http://blogs.cfr.org/asia/2010/08/13/chinas-rise-and-the-contested-commons>

⁶² Daljit Singh, "South China Sea tensions hurt Southeast Asian Security", *Strait Times*, 16 August 2010, retrieved at: http://www.viet-studies.info/kinhte/south_china_sea_tensions_hurt_security.htm

⁶³ Quoted from Carlyle A. Thayer, "Southeast Asia: Pattern of Security Cooperation", *ibid.*, pp. 8-10.

diplomatic forums. Since July 2010, the South China Sea situation has moved to a new stage that manifests the new security setting and new political maneuvers. Although these new substance took shape since 2009, they became visible at the 17th ARF meeting in Hanoi at which the US, and a number of other countries, claimed its national interest in the security and freedom of navigation in South China Sea and voiced their concerns about recent developments there. It can be said that this ARF meeting open a new chapter where the South China Sea file is opened to transparency, regionalization and internationalization. At the minimal, the South China Sea disputes have become a heated topic that has been discussed more frequently and drawn much attention from international communities. It is notable that that is the first time that security in the South China Sea had been openly debated in the ARF with participation of twenty-seven members out of which eleven representatives voiced their concerns.⁶⁴ It surprised Chinese Foreign Minister Yang Jiechi at the table so that he reckoned Clinton's comments as an "attack" on China.

Some ASEAN countries, even not directly involved in the disputes, have been particularly alerted. On July 8, 2010, the permanent diplomatic mission of Indonesia to the United Nations lodged a diplomatic note to protest against the note of the China mission sent on July 5, 2009 which claimed its indisputable sovereignty over the South China Sea Islands and their adjacent waters. China also asserted sovereign rights and jurisdiction over the 'relevant' waters in the South China Sea and attached the infamous nine-dashed line map to its

⁶⁴ "South China Sea: First test for regional body", *The Straits Times* (Singapore), August 10, 2010 Tuesday, retrieved at: http://www.viet-studies.info/kinhte/south_china_sea_StraitsTimes_editorial.htm and "ASEAN shows sudden revolve against Beijing", *South China Morning Post*, August 6, 2010, retrieved at: http://www.viet-studies.info/kinhte/asean_shows_sudden_resolve.htm

diplomatic note.⁶⁵ In the face of numerous incidents between China and Vietnam, Philippines recently, even Singapore, which has no territorial dispute with China, recently called on Beijing to “clarify its claims with more precision as the current ambiguity as to their extent has caused serious concerns in the international maritime community”.⁶⁶ The Philippines also ran to the UN to protest China’s nine-dashed line⁶⁷ and proposed to bring the disputes to a UN tribunal. Defying all protests, China has stubbornly stuck to ‘one-on-one negotiation’ and said ‘no’ to other ways of settlement.

After ARF-17, it is obvious that security in the South China Sea is a multi-level, multi-party and multi-issue complex. There exist bilateral maritime sovereignty and territories disputes, for example the Vietnam-China disputes over the Paracels and nearby waters. There also exist issues of international importance, for example maritime security and safety and freedom of navigation stipulated by the 1982 UNCLOS. In addition to sovereignty and maritime spaces disputes, there remained multilaterally-involved issues such as fishery, marine resources protection and preservation, oceanography, search and rescue, and dealings with other non-traditional security issues. These involve all littoral countries. It is observed that although the Declaration of Conduct of the Parties in the South China Sea was signed nearly a decade ago, it

⁶⁵ H.Giang, In-đô-nê-xi-a phản đối đường lưỡi bò của Trung Quốc [Indonesia protesting against China’s U-shaped line”, *Tuổi trẻ*, July 28, 2010, accessed at <http://tuoitre.vn/The-gioi/392404/Indonesia-phan-doi-duong-%E2%80%99Cluoi-bo%E2%80%9D-cua-Trung-Quoc.html>, on January 13, 2011.

⁶⁶ South China Sea Do-Si-Do, Wall Street Journal, June 30, 2011, retrieved at: http://online.wsj.com/article/SB10001424052702304447804576413193946912026.html?mod=googlenews_wsj

⁶⁷ Jerry E. Esplanada, Philippines runs to UN to protest China’s ‘9-dash line’ Spratly claim, *Philippine Daily Inquirer*, April 15, 2011.

has rarely been implemented so far. Under the pressures of regional and international public opinions, China had to agree to return to the negotiations on the DOC implementation clauses and promised to discuss a binding Code of Conduct with the ASEAN. Beyond the South China Sea, the assertiveness on the side of China seemed to have pushed Southeast Asian nations to other powers, especially the US, Japan, and India. The recent intensified military exchanges and cooperation between the US and some Southeast Asian nations may also be a byproduct of China’s unreasonable assertiveness.

In brief, the recent tension in the South China Sea should be scrutinized within the map of interests and strategic concerns of both directly and indirectly involved countries. Besides South China Sea, tension has also been heightened in the Korean peninsula with the sinking of the Cheonan, North Korea nuclear file, US arm sales to Taiwan, and other disagreements in the field of economy and climate change. To some extent, China should consider the possibility of being isolated by the world community if it works its own way, defying international laws. Its recent heavy-handedness has risked undermining a reasonably successful “charm offensive” in Southeast Asia and feeding forces that raise the possibility of undesired conflicts.⁶⁸ There have been a number of calls for China to be less arrogant, less unilateralist, and more responsible and cooperative. The whole world is looking at the South China Sea to see whether China is really developing peacefully or not.

It is obvious that the majority are inclined to cooperation and wish to maintain rule-based peace and stability in Asia and the Pacific in

⁶⁸ John D. Ciorciari, “Chinese Dilemmas in the South China Sea”, *CNN*, June 23, 2011.

general and in the South China Sea in particular. In today's flatter world, increased independence among states and emergence of many global challenges such as contagious economic crisis, climate change, sovereignty and maritime territories disputes, terrorism, and piracy, spare no place for unilateral and irresponsible actions. All the countries are now so much interdependent as they are not only connected by a wide range of cross-border flows of people, goods, services, and capitals, but also share a variety of global commons and risks. Therefore, integration and peaceful development of each nation should be based on the warranty of regional and international security, and vice versa. In such a world, sustainable solutions to inter-state disputes must be developed in a broader picture of regional peace and security, and based on relevant international laws, common rules and norms rather than coercive measures./.