

South China Sea : Taming the turbulence

Nazery Khalid

Bersatu kita teguh, bercerai kita roboh
United we stand, divided we fall
(Malay proverb)

Stormy sea

The South China Sea (SCS) (see **Diagram 1**) is an economically pivotal maritime area which is as vast as it is geopolitically and geostrategically complex. It provides passage to much of the intra-region trade and acts as a conduit linking East and West trade. It is also an area rich in hydrocarbon and fishery resources which are essential to the economies of its littoral states. The sea is also essential to their national interests and sovereignty, and their claims over territory and sovereign rights over maritime spaces have given rise to several disputes among them. SCS is also a theater of immense importance from a strategic and military context for regional states and external powers.

Diagram 1. *South China Sea : a sea of immense economic and strategic importance*



Source : http://www.usip.org/files/file/s_china_sea-nations.gif

Given these, it is unsurprising that SCS is a subject of intense public and media attention. The inter-dependency of nations on the SCS and the shipping lane it provides has put the issue of maintaining peace, security and stability in the sea on the international agenda. It

is therefore a cause of regional and international concern that of late, there has been increased tension in the sea that threatens peace and stability in the sea and may have adverse repercussions elsewhere.

The situation in SCS and the motives of the principal actors in the sea dominate contemporary literature on the subject. At the centre stage is the discourse on the growing military activities and presence of naval powers in the SCS in the name of safeguarding strategic interests, entrenching influence, projecting power and counterbalancing the presence of one another in the sea.

There are several factors and competing priorities that contribute to the current worrying situation in this crucial sea. As nations exert their presence and authority in the seas in the name of safeguarding their national interests, and as strategic powerplay among global powers convolutes the situation, there is serious concern that growing tension in SCS may turn it to a stage for military conflict.¹

Events of late in this crucial maritime area have given currency to concerns that tension is escalating in SCS. Despite platitudes by claimant states extolling the virtues of cooperation and respect towards international laws in settling their disputes in SCS, actions on the ground are anything but consistent with the pronouncements. They include the following incidents :

- Philippines claimed that between 21 to 24 March 2011, China offloaded construction materials on Amy Douglas Reef or Iroquois Reef, an unoccupied feature in SCS.²
- On 9 June 2011, a Chinese fishing vessel escorted by two fisher enforcement vessels cut the cables of a Vietnamese exploration vessel which was undertaking seismic survey within Vietnam's continental shelf in SCS.³
- On 15 June 2011, Philippines was reported to pull what it called 'foreign' markers from disputed waters in the sea, after accusing China of undermining peace in the sea by sending vessels near Reed Bank to intimidate rival claimant states.⁴
- This was swiftly followed by the deployment of Chinese battleships in disputed areas in SCS⁵ and the conduct of live fire naval exercises in SCS by Vietnamese

¹ For a succinct analysis on the military interests in the South China Sea, see Rosenberg, D. (April 13, 2005), Dire straits : Competing security priorities in the South China Sea. In *Japan Focus*. Retrieved November 12, 2009 from Japan Focus : <http://japanfocus.org/-David-Rosenberg/1773> See also *Military clashes in South China Seas (2009)*. GlobalSecurity.org :

<http://www.globalsecurity.org/military/world/war/spratly-clash.htm> for a list of military clashes in SCS.

² Uy, V. (June 9, 2011). *China : Spratlys claimants must get permission*. InterAksyon.com.

³ Anon. (June 9, 2011). *Chinese boats intrude Vietnam waters, cut cables again*. VietNam Net.

⁴ Anon. (June 16, 2011). *Philippines pulls markers from disputed waters*. AFP.

⁵ Anon. (July 4, 2011). *China deploys ships to disputed islands*. The Manila Times.

navy.⁶ Adding to the rising tension was the firebrand rhetoric from both sides accusing one another of aggression and undermining their sovereignty.

Several claimant nations have asserted their claims in SCS through legislation and available legal mechanism. For example, the Philippines declared in February 2009 that parts of South China Sea are its territory by passing a bill.⁷ Malaysia and Vietnam made a joint submission to the Commission on the Limits of Continental Shelf.⁸ China reacted to this joint submission by declaring indisputable sovereignty over almost the entire SCS area via what is now popularly known as the ‘nine dotted lines’ claim.

Disputes in SCS and the rising tension among nations with interests in parts of this vast sea have made the situation there increasingly dicey. Amid multiple claims and counterclaims; assertion of national and strategic interests; and complicated power-play in this critical maritime theater, there is growing concern that the tension in SCS may lead to military confrontations. This can be seen in the way China has indiscreetly sent warships to disputed waters, to the anxiety of Vietnam and Philippines which in turn cranked up a show of bravado. In June 2011, Vietnam conducted live-fire exercise in SCS and Philippines deployed its biggest battleship *BRP Rajah Humabon* in SCS to counter what they see as China’s aggression. Adding to the tension, and the US is seen to be bolstering its alliances with the likes of Vietnam and Philippines in an act that can be interpreted as sending a thinly-veiled message to China that Washington is watching closely developments in SCS.

Of the disputed areas in the SCS, none is as prickly and potentially explosive as the Spratlys Islands.⁹ Tension arising from overlapping claims by several nations over this cluster of islands and maritime features is said by several analysts to be among the most likely source that can trigger naval conflict in SCS.¹⁰ This is despite an uneasy truce that exists there among the claimant states which are committed to resolve disputes among them in a peaceful manner and exercise restraint with a view to creating a positive climate for eventual resolution.¹¹

⁶ Anon. (June 13, 2011). Vietnam in live-fire drill amid South China Sea row. BBC News Asia Pacific.

⁷ In 2009, the Philippines Government declared a bill 2009 claiming an area covering more than 50 islets, shoals and reefs known by China as Nansha Islands and known by the Philippines as Kalayaan Islands Group. The signing of the bill and the ensuing strong protestation by China presented a serious challenge for Manila and Beijing to adhere to the Declaration of the Conduct of Parties in the South China Sea signed by ASEAN and China in 2002.

⁸ Joint Submission to the Commission on the Limits of Continental Shelf pursuant to Article 76 of the United Nations Convention on the Law of the Sea 1982 in respect of the southern part of the South China Sea dated 6 May 2009 by Malaysia and the Socialist Republic of Vietnam.

⁹ For a comprehensive discussion of the Spratlys conflict, see Catley, R. 1997. *Spratlys: The dispute in the South China Sea*. Brookfield, US : Ashgate.

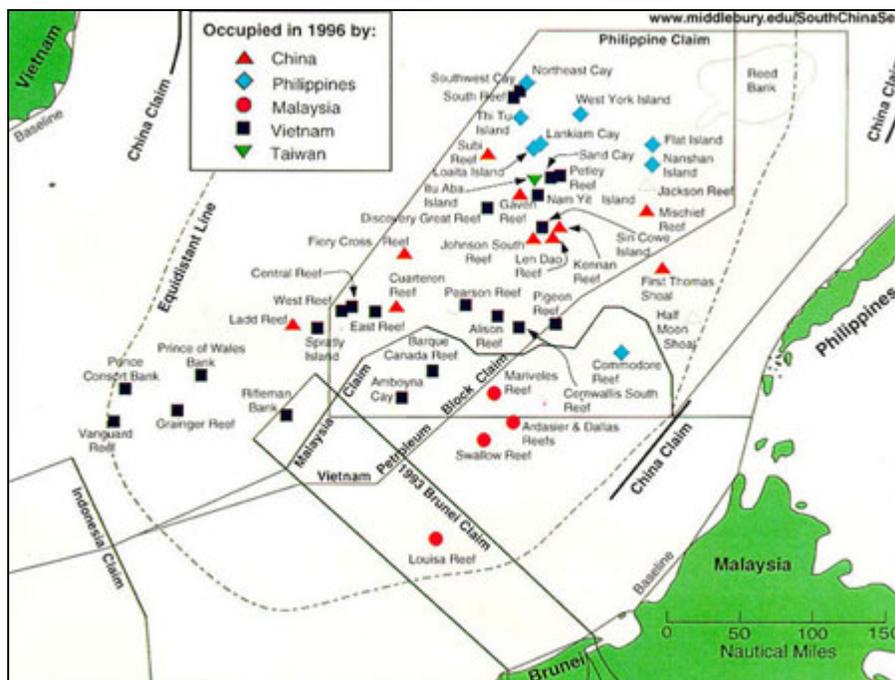
¹⁰ Burgess, P. (2003). The politics of the South China Sea : Territoriality and international law. *Security Dialogue* 34(1), March 2003.

¹¹ These commitments are stated in the 1992 ASEAN Declaration on SCS. In addition, the 1997 ASEAN-China statement on SCS reiterated their commitment to resolve disputes in SCS among them through negotiations and consultations in accordance with international laws including UNCLOS.

The Spratlys archipelago, also known as the South China Sea Islands, hosts most of the islands in the SCS. Despite the remoteness of its location and the largely uninhabitable features of its islands and reefs, Spratlys is a monumentally important area not only for its natural resources and biodiversity riches but for its location along one of the busiest shipping routes and its immense geo-political and geo-strategic value.

China, Philippines, Malaysia, Vietnam, Brunei and Taiwan PRC – all parties to UNCLOS - claim in whole or in part the features in Spratlys (see **Diagram 2**). To reinforce their claims, they have occupied the various maritime features in the Spratlys and built features such as airstrips resorts and living quarters. The existence of military garrisons put up by claimant states on the islands and maritime features which are in close proximity to one another creates a lot of tension in the area. The presence of naval vessels of the claimant nations in this contested area has seen it turn into a militarized zone which can become a potential lightning rod for conflicts among them.

Diagram 2. Claimants of Spratlys Islands



Source : <http://www.pcij.org/blog/wp-content/uploads/2008/03/spratlys-claims.jpg>

The (peaceful?) rise of the dragon

The rise of China as an economic and military power is reflected in its conduct in SCS and its assertiveness in defending its interests in the sea. The emergence of China as a powerbroker and its growing assertion to protect its interests in the SCS has gripped the attention of military and maritime analysts. Many among them have argued that China's

increasingly 'aggressive' conduct, if not checked, could lead to tensions and upset regional security balance in SCS.¹² This is despite continuous assurance by China that its rise is a peaceful one and that it will never seek hegemony or military expansion.¹³

On 11 April 2011, China submitted a note verbale to the United Nations that said it has given publicity several times to the geographical scope of Nansha or Kalayaan Islands and the names of its components since 1930s, hence stating that the islands are clearly defined. On 7 May 2009, China exerted its claims in SCS in a public fashion by releasing a statement that said it has 'indisputable sovereignty' over the islands in SCS and the 'adjacent waters'.¹⁴ The statement, made by China's Taiwan Affairs Office spokesperson, Yang Yi, also stated that Beijing 'enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof'. China claims that Nansha Islands are fully entitled to territorial sea, EEZ and continental shelf under UNCLOS and China's laws.

China's description of SCS as its 'core interest' has been interpreted as a hardening of its stand on SCS.¹⁵ The use of what is seen as a dramatic term seems to suggest that Beijing will go to no ends to defend its interests in the sea and its declaration of strong interest in the sea represents its response to recent developments in the sea that it felt were undermining its strategic interests. This seems to be a departure of China's policy towards SCS; where once it adopted an understated posture, it now does not back away from asserting its authority and flexing its muscles when the occasion calls for it.¹⁶ China's claim of sovereignty over SCS as defined by its 'nine dotted lines' principle,¹⁷ which has spurred anxiety among the littoral states of the sea, stands testimony to its growing assertiveness in protecting its interest in the sea.

The actions and intent of China in SCS has occupied the minds of many scholars and analysts. The country has emerged as a principal actor on the SCS theater, and it is playing an increasingly significant role in shaping the strategic landscape in sea and influencing the surrounding region's strategic architecture. However, China's conduct in

¹² See for example Thayer, C. (2010), *Strategy. Southeast Asia : Patterns of security cooperation*. September 2010. Barton : ASPI. See also Khalid, N. (2010). South China Sea : Platform for cooperation or arena of altercation? *The KMI Journal of Fishery and Maritime Affairs*. 1(2010). 1-22.

¹³ China's Defense Minister, Gen. Liang Guanglie stressed during the Shangri-La Dialogue in Singapore in June 2011 that his country adheres to a defensive defence policy but at the same time that anything related to its 'sovereignty, political stability and form of government' is considered a matter of 'core interest'. Analysts interpret this to mean that China would not hesitate to use force to confront any attempts to challenge areas which it deems to be integral parts of the country, including SCS.

¹⁴ Anon. (June 29, 2011). *China has indisputable ownership over South China Sea*. Xinhua Net.

¹⁵ England, V. (September 3, 2010). *Why are South China Sea tensions rising?* BBC News Asia Pacific.

¹⁶ For detailed insights on China's 'old policy' towards SCS, before its emergence as an economic and naval power, see Lo, C.K. 1989. *China's policy towards territorial disputes: The case of South China Sea*. New York : Routledge.

¹⁷ China first used the term 'nine dotted lines' in a map showing the extent of its claims in SCS released in reaction to the joint submission by Malaysia and Vietnam to the Commission on the Limits of Continental Shelf. China protested against the submission and countered it by declaring that it has territorial claims in a vast swathe of SCS which encroach into the EEZ of Malaysia and Vietnam.

SCS is seen by several analysts as lacking transparency and its military build-up can trigger, if it has not already done so, an arms race among claimant states in SCS.¹⁸

Several probing questions have been posed in various forums and dialogues on SCS in an attempt to ‘demystify’ China’s actions and understand its intentions in SCS.¹⁹ They include the following :

- Is China trying to establish hegemony in the region?
- Is China trying to make the sea its sanctuary for its naval fleet, as evident by the modernisation of its navy and the establishment of forward presence in SCS?
- Is China’s growing assertion in SCS fueled by domestic politics and public pressure for the government to ‘punch within its weight class’?
- Are the dynamics in SCS a testimony of the powerplay between the major powers and a manifestation of shifting regional and global strategic dynamics?
- Will China eventually provide a legal basis to validate its ‘nine dotted lines’ claim in SCS?

Exhaustive analysis and discussions have been carried out to unravel the motives and intent of its claims in SCS that do not have any legal basis.²⁰ Recent dialogues, seminars and conferences on SCS have devoted considerable time to discuss China’s motives in SCS and until China begins to explain its conduct and strategies in SCS in a more discreet and transparent manner, questions will continue to be asked of what are its intentions.

Equally intensely debated is China’s approach with ASEAN members who have claims in SCS on issues relating to the waterway. China has always preferred to discuss SCS on a bilateral basis with individual countries as it works to its advantage, being much stronger in comparison to those countries. Beijing has dismissed any attempts, for example by Vietnam during its chairmanship of ASEAN, to discuss issues and disputes in SCS on a multilateral platform, which it sees as an attempt to ‘internationalize’ the issue.

The 2002 Declaration of Conduct between ASEAN and China (DOC) reiterated their commitment to resolve their territorial disputes via peaceful means and to exercise self-restraint in the conduct of activities that would complicate or escalate disputes among them and affect peace and stability in SCS. However, the report that China was offloading construction materials in Amy Reef underscores that non-effectiveness of the DOC in ensuring adherence to the declaration.

¹⁸ Analysts on the subject had spoken about ‘arms race’ in SCS even back in the 1990s. See for example Schofield, C. (1994). An arms race in South China Sea? *IBRU Boundary and Security Bulletin*. July 1994. 39-49.

¹⁹ From the author’s own observations while attending conferences and dialogues on SCS in Hanoi in 2009, Ho Chi Minh City in 2010, and in Hong Kong and Singapore in 2011.

²⁰ See for example Feffer, J. 2006. China : What’s the big mystery? *Foreign Policy in Focus*. 4 December 2006 < <http://www.fpiif.org/fjiftxt/3752>>

The coming years will demand Chinese and ASEAN diplomats to assess the effectiveness of the current mechanism for dialogue on SCS, as developments that can increase tensions in the sea unravel. New approaches may have to be undertaken to ensure that dialogues between China and South East Asian nations continue to be undertaken in a cordial manner towards ensuring disputes and issues in SCS between them are addressed amicably.²¹ Efforts are being made between ASEAN and China to work towards a Code of Conduct in SCS to promote peace and stability in SCS, as affirmed in the DOC. It is suggested that more confidence building measures are promoted between them as a means to engage one another to iron out differences in SCS between them in a climate of mutual trust and confidence.²²

Despite being committed to the DOC and the efforts towards realizing the COC, claimant states among ASEAN see China's claims of large swathes of territories and features in SCS as being ambiguous. Despite China being a signatory to UNCLOS, and despite its frequent emphasis of its respect to UNCLOS principles, Beijing's claims in SCS have no basis under the convention. The basis for its 'nine dotted lines' claim is made on historical grounds (China claims its position in SCS has been unchanged for centuries) which is perceived by scholars as a weak one.²³

Littoral nations interpret China's claim as encompassing all the areas within the so-called 'nine dotted lines'. The claim has resulted in anxiety among them as to what extent would China defend its claims. Events of late involving China and the Philippines and Vietnam in SCS suggest Beijing's resolve in backing its claims and protecting its interests in SCS even if it has to take aggressive actions. Left unresolved, the situation could spiral out of control and lead to conflicts that seriously undermine peace and security in the region.

Stars and stripes in SCS

Equally captivating is the question of US involvement in SCS, which China sees as an interference of regional affairs. Even casual observers of strategic developments in this region would not have failed to notice that US has been re-engaging itself in the Asia-Pacific region, including SCS. As if countering China's declaration of SCS as its 'core interest', US insisted that it has what it termed as 'strategic interest' in seeing peaceful

²¹ See Ba, A.D. 2003. China and Asean : Renavigating relations for a 21st-century Asia. *Asian Survey* July/August 2003 43(4) : 622–647.

²² See Baker, J. & Wienczek, D. (eds.). 2002. *Cooperative monitoring in the South China Sea : Satellite imagery, confidence building measures and the Spratlys Islands disputes*. Santa Barbara, CA : Greenwood Publishing Group.

²³ China, for example, believes that the Spratlys form an integral part of its sovereign territory based on discovery made during the Han Dynasty in 2BC. For further reading on this subject, see, among others, Jianming, S. (1996). Territorial aspects of the South China Sea Island disputes. In Nordquist, M. H. & Moore, J.N. (eds.), *Security flashpoints : Oil, islands, sea access and military confrontation*, The Hague: Martinus Nijhoff Publishers, 1998. 139-218. See also Jianming, S. (2002). China's sovereignty over the South China Sea Islands : A historical perspective. *Chinese Journal of International Law*, 2002(1), 94-157.

resolution to disputes in the sea without taking a position on the disputes, as stressed by its State Secretary Hillary Clinton.²⁴

US has stressed repeatedly that key to its interest in SCS is to ensure freedom of the sea in the busy and critical shipping lanes in the sea, not only to facilitate trade but for strategic purposes. It is not hard to imagine Beijing being rankled by this and taking Washington's insistence that the sealanes should be kept open as an insinuation that China is not committed to doing so.

The recent strong intimation by the US in emphasising the importance of SCS to its strategic interests can be interpreted as a statement of its intent to be more involved in the region. Some have taken a view the US pronouncement as a major strategic declaration to counter China's growing presence and assertiveness in the sea. This lends currency to China's anxiety that US involvement in SCS as part of a 'containment' strategy, which has been denied by the US.²⁵

The pronouncement by US that it has 'strategic interest' in SCS seems directed at Beijing's growing boldness and assertiveness in SCS. The language coming out from the US is increasingly bolder and straightforward in stating that it is committed to continue making its presence felt in the region. The urging of a US Senator, Jim Webb that the Obama Administration had been 'weak-kneed' in addressing SCS disputes is a case in point and may be an indication of even stronger verbiage to come out of Washington on the issue.²⁶

The presence of these two naval powers in the seas, and their wariness of one another's motives and intentions, has inevitably resulted in face-to-face confrontation between them that has set temperatures rising in SCS. The world held their breath when Chinese 'fishing boats' squared off with US Navy ships *Impeccable* in SCS in 2009.²⁷ Although the incident did not result in any shots being fired in anger, it provided a reminder of how tense the situation in SCS is and how a face to face confrontation between the two powerful protagonists could lead to full exchange of blows between them.

Adding to the 'rising temperature' in SCS that reflects the rivalry between US and China is the recent strong statement by China's Vice Foreign Minister that US is 'playing with fire' in SCS. This was a reaction to the expression of commitment by the US to come to

²⁴ See Landler, M. (July 23, 2010). 'Offering to end talks, US chides China on disputed islands'. New York Times. See also Pomfret, J. (July 23, 2011). 'Clinton wading into South China Sea territorial dispute'. Washington Times.

²⁵ China has openly expressed its opposition to US urging of ASEAN to engage China on issues in SCS in a multilateral manner. China, which prefers to discuss SCS issues bilaterally with individual claimants states, sees US move as an interference and an effort to internationalize the SCS issues.

²⁶ Tandon, S. (June 16, 2011). 'Senator calls for US action on China sea disputes'. AFP.

²⁷ Depending on which side's version of the incident, the *Impeccable* either 'provoked' the incident or was 'harassed' by the Chinese vessel. See McDonald, M. (March 10, 2009). 'US Navy provoked South China Sea incident, says China'. New York Times. Retrieved November 11, 2009 from New York Times Online: <http://www.nytimes.com/2009/03/10/world/asia/10iht-navy.4.20740316.html> See also De Luce, D. (March 10, 2009). 'Chinese ships 'harassed' USNS Impeccable in South China Sea'. AFP. Retrieved November 11, 2009 from News.com.au : <http://www.news.com.au/story/0,27574,25164890-401,00.html>

the aid of Philippines, its treaty ally, which Beijing sees as a direct reference to the situation in SCS.

Several analysts have pointed out that while US has every right in insisting that the shipping lanes of SCS should be kept open, Washington's insistence of freedom of the sea rings a little hollow due to the fact that US has yet to ratify UNCLOS.²⁸ This makes US appears to lack credibility in its role as the 'freedom of the sea champion' in SCS, and lend credence to the belief that Washington's emphasis on SCS is just a manifestation of its wider strategy of establishing a unipolar regional security landscape with the US enjoying unchallenged hegemony.²⁹

Soothing the strain, taming the turbulence

There is no masking the tension in SCS and the potential for conflict therein. However, there is no reason for the claimant states to let the stress and strain prevent them from initiating cooperation in the sea.³⁰ There are various economic and non-economic activities in which they can be engaged to shift the attention away from all the tense blanketing the sea. The economic interdependence among the states demand that they work together towards the attainment of common goals and objectives, and should provide a strong deterrence for them not to engage in any acts of hostility that can undermine their close economic ties.³¹

Among the steps that can be taken to 'lower the temperature' and soothe frayed nerves in SCS and prevent an escalation of the tension therein are :

- **Stop all antagonizing actions and statements** that do nothing but increase anxiety and fear over the outbreak of conflict in SCS. Leaders and politicians from nations which are at loggerheads in SCS should cease making provocative remarks in the name of one-upmanship and sounding tough to score political points domestically. 'Trash talking' does not help create a conducive environment for disputed parties to engage in dialogues and seek amicable solutions to their disputes.
- **Align all claims to UNCLOS.** Since all the claimant states of SCS are parties to UNCLOS, they should always act in concert with its provisions and bring their national laws and practices in conformity with the convention. It is imperative

²⁸ This was raised during the recent 'CIL Conference on Joint Development and the South China Sea' held in Singapore on 6-7 June 2011 by several panelists and participants.

²⁹ For a succinct discussion on US unipolarity, see Layne, C. (2009). US hegemony in a unipolar world : Here to stay or siu transit gloria? *International Studies Review*, 11, 784-787.

³⁰ Among scholarly works promoting cooperation among the claimant states in SCS include Khalid, N. (2010) and Gao, Z. (2005). The South China Sea: From conflict to cooperation? *Ocean Development & International Law*, 25(3) :345 – 359.

³¹ For an example of such optimism, see Emmers, R. De-escalation of the Spratly dispute in Sino-Southeast Asian relations. *RSIS Working Papers*, 129/07. Singapore : RSIS.

that claimant states enter into negotiations to agree on where are the disputed areas and those not in dispute before they can work on initiatives such as joint development. In this regard, it would be most desirable for China to bring its claims in conformity with UNCLOS so that claimants can agree on areas not in dispute.

- **Elevate the DOC into a legally binding Code of Conduct (COC).** The recent tension between Philippines and China and between Vietnam and China demonstrated the need for restriction among ASEAN nations and China in facing situations arising from disputes in SCS. The DOC in its current form is not adequate to prevent tension from spilling over into full-blown conflict. Efforts are being undertaken by ASEAN and Chinese officials towards realizing the COC which is seen to hold the two parties to a higher degree of obligation to resolve disputes between them in SCS through peaceful, diplomatic means. However, it would be too ambitious to expect the COC to be a be-all, end-all solution to the SCS disputes between ASEAN and China; it is not expected that the COC to have a conflict prevention mechanism. While the COC would be a welcome addition to existing modalities to prevent conflict in SCS, such initiatives must be complemented by diplomatic efforts to ensure durable, long lasting peace and security in SCS.
- **Seek third party mechanism to settle disputes,** such as via the International Court of Justice and the Law of the Sea Tribunal. Referring disputes for mediation, arbitration or adjudication is the way to go for parties which cannot see eye to eye and cannot break the impasse in their negotiations. However, not all claimants are keen to seek arbitration for their disputes in SCS, for fear of having to pay high political cost of losing the case.
- **Explore joint development in SCS.** There are several areas which present ‘low hanging fruits’ that claimant nations can work on without having to clear daunting political hurdles. They include marine scientific research, joint survey, marine environment protection, navigation safety, and search and rescue, among others. These areas are relatively easy for the claimant states to cooperate in and work on as they do not involve complex negotiations and they represent areas in which the nations have common interests. There are successful joint development models that can be emulated, for example the Joint Development Authority between Malaysia and Thailand in the Gulf of Thailand to produce and extract gas. There are also success stories in technical cooperation among SCS littoral states that can be further expanded in other areas, for example joint development of fishery resources between China and Vietnam in the Gulf of Tonkin.
- **Promote more confidence building measures** on areas beyond economic cooperation. There have been such initiatives in various areas, for example training programs conducted by South East Asian Network of Training and Education (SEANET); monitoring of sea level rise and expedition on bio-

diversity in SCS; and agreement between Indonesia and Vietnam to delimit their respective continental shelves in the southern part of SCS.

- **Use available modalities to promote peace, security and stability in SCS** and the region. Various dialogue mechanisms such as Asian Regional Forum, ASEAN Defence Ministers Meeting, Shangri-La Dialogue and Conduct of Parties are in place to promote platforms for dialogue, cooperation, understanding and trust among the claimant states to ensure issues in SCS are discussed and addressed amicably. Such constructivist approach will go a long way towards ensuring peace and stability in SCS and its constituency.
- **Intensify dialogues at the track two levels** among think tanks, scholars and non-governmental institutions. Such dialogues foster better understanding among claimant states of one another's positions. This leads to the creation of a climate of trust which is key to promote cooperation and initiatives such as joint development and zones of cooperation among them. The no holds barred discussion at the track two level can yield ideas and insights that can be taken up at the track one level, namely by Government officials.
- **Desensitize the issue of sovereignty.** While it is acknowledged that territorial and sovereignty disputes among ASEAN members are best addressed via bilateral means or amongst the parties concerned, as stated in the Chair's Statement at the 18th ASEAN Summit held in Jakarta on 7-8 May 2011, nations must realize that regionalism is here to stay. Issues which were once seen as nation-centric have now become regional. By dropping the 'sovereignty' tag to trans-boundary issues such as environmental protection, smuggling and navigation safety, SCS littoral nations can promote regional cooperation and constructive engagement among them. This is in line with the communal spirit aspired by the ASEAN Community and creates a sense of belonging among nations involved in disputes in SCS.

All for one, one for all : Some concluding thoughts

The situation in SCS today is far from ideal. We see several nations with claims in the sea taking an increasingly hard stance in safeguarding their interests. Some think nothing of making pronouncements suggesting that they are willing to engage in military confrontations to back their claims and protect their turfs. The involvement of external powers makes things even more convoluted. The calm waters of SCS belie the fact that it is a potential landmine mired in a complex interplay of strategic dynamics and maneuvers that may result in full-blown confrontations among naval forces.

Ultimately, the actors in SCS need to take a deep breath and a sobering look at the situation in SCS and assess where the developments in the sea will lead to and how their conducts will affect peace, security and stability in the region. The claimant nations do have sovereign rights to protect, but if this is done in a way which disregards the 'greater good' for regional peace, security and stability, no one would stand to profit from it.

They should explore possibilities of cooperation in SCS without being prejudicial to one another's sovereignty and jurisdiction. More than ever, we need to seek wisdom in Ghandi's profound reminder. "*An eye for an eye makes the world go blind*".

To this end, the claimant nations and other stakeholders must close ranks and work towards attaining durable peace in SCS. They need to realize that being littoral nations to the sea, their collective destiny lies in its vast waters. They should therefore strive to cooperate and collaborate in initiatives and areas in which they have mutual interests and of common benefits, and set aside their difference and disputes. In other words, they have to attain what seems elusive for now in SCS, which is to agree to disagree and focus on commonalities instead of discrepancies.

In order to reap the so-called 'low hanging fruits' in SCS suggested in this paper, the claimant states would do well to develop a thorough understanding of the factors, limitations, opportunities and prospects involved. For example, as a prelude to undertaking joint development of oil and gas fields in SCS, they must show resolve in carrying out joint prospecting and exploration of the hydrocarbon fields. Joint surveys could be carried out to determine what and how much is available where. It would not be too far-fetched to posit that the 'belief' by several claimant states of the availability of oil and gas in certain areas provide them with the impetus to stake claim of those areas. By toning down speculations of the locations and content of oil and gas deposits in SCS, claimant nations might be able to make that all-important first step to establish the facts via seismic exploration before working together on more substantial efforts leading to the extraction of the hydrocarbon riches in the sea. The same step-by-step approach should apply to developing fisheries resources in SCS which is believed to contain a prolific amount of such resources.

As all claimant states are parties to UNCLOS, they are obligated to adhere to all the provisions of the convention. Under no circumstances should there be any inconsistencies between their domestic laws and UNCLOS when it comes to their claims in SCS. All their claims must have a legal basis and must be in conformity with the provisions of the convention. This is essential in order to eliminate any doubts over the legality of claims and to eradicate the climate of suspicion which has developed arising from unsubstantiated and ambiguous claims by a certain claimant state.

It would also be most helpful for leaders of all nations which profess interests in SCS to exercise utmost restraint and avoid making inflammatory statements that fan resentment, suspicion and animosity among them. In trying to gain political mileage domestically, several leaders have made fiery and provocative remarks that are not helpful at all towards promoting peace and stability in the sea and the surrounding region. One wonders at times to what extent are pronouncement on safeguarding their nation's interests in SCS made by senior military officials are in alignment with the diplomatic stance of their countries. It is understood that the Foreign Ministry of a particular claimant state is not in agreement with the rebel-rousing approach of its senior military officers who have used very strong language in defending their nation's claims in SCS.

The shifting balance of power on the regional and global stage has triggered new dynamics that need to be judiciously managed by the protagonists involved so as not to unleash forces that can undermine peace and stability in SCS. The so-called ‘arms race’ – often couched in media-friendly terms such as ‘military modernization’ and ‘asset upgrading’ - that is visible in the region has the potential to turn SCS into a militarized zone and stir the region into conflict. Doubters of whether there is such an ‘arms race’ being contested in the SCS region need only look at the proliferation of submarine purchases by claimant states which are essentially developing countries. China’s commissioning of its first aircraft carrier, the *Varyag*, is another development that could tilt the power and strategic balance in SCS that can dramatically alter the security landscape in the sea. The rising military might and options, and the newfound strategic advantage acquired through assets like submarines and aircraft carrier, may activate powerful new dynamics that can destabilize peace and security in SCS and its vicinity. Nations which are undertaking military build-ups should be more transparent with their intentions to allay the fears and assuage the suspicion of other nations as to the motives of their actions.

To foster understanding among the stakeholders involved in SCS, efforts must be made to undertake more dialogues among them. Although skeptics may dismiss dialogues as mere talk shops, especially at the Track Two level, such a platform does indeed contribute to the process of creating . By talking openly to one another, without undermining the views of others, a climate of understanding can be fostered. This is an essential building block to avoid conflict and promote cooperation among the many stakeholders in a geopolitically complex area such as SCS.

The voyage towards eliminating mistrust, suspicion and hostility in SCS is a long, challenging one. However, the claimant states and other stakeholders must not waver and not lose faith under these far from desirable circumstances. They must constantly tell themselves that it is in no one’s interest to have conflicts in this area in which their past, present and future intertwine. They must focus on areas of commonalities and convergence, not dissimilarities and divergence. In today’s globalized world, they have way too many common interests and are too economically dependent one on another to even think of entering into conflict in their common backyard. They must exhaust all channels to resolve their disputes and differences through various modalities and seek legal and diplomatic solutions to issues in SCS.

The principle actors of SCS owe it to themselves and future generations to preserve and promote cooperation, peace, security and stability in the sea and in the region. Enough rhetoric and platitudes have been heard on this; it is time for the stakeholders of SCS and leaders to show political will to turn mantras and ideas into action and results. It is apt to end this paper with another Malaya proverb, *bersatu kita teguh, bercerai kita roboh*, which simply means united we stand, divided we fall.

References

- Austin, G. (2003). Unwanted entanglement: The Philippines' Spratlys policy as a case study in conflict enhancement. *Security Dialogue*, 34(1), 41-54.
- Ba, A.D. (2003). China and Asean: Renavigating Relations for a 21st-century Asia. *Asian Survey*, July/August 2003, 43(4), 622-647.
- Baker, J. & Wienczek, D. (eds.) (2002). *Cooperative monitoring in the South China Sea : Satellite imagery, confidence building measures and the Spratlys Islands disputes*. Santa Barbara, CA : Greenwood Publishing Group.
- Burgess, P. (2003). The politics of the South China Sea : Territoriality and international law. *Security Dialogue*, 34(1), March 2003.
- Busse, N. (1999). Constructivism and Southeast Asian security. *The Pacific Review*. 12(1), 39-60.
- Catley, R. 1997. *Spratlys: The dispute in the South China Sea*. Brookfield, US : Ashgate.
- Djalal, H. (1998). South China Sea disputes. In Nordquist, M. & Moore, J. (eds). *Security flashpoints : Oil, islands, sea access and military confrontations*. 109-133. The Hague : Martinus Nijhoff.
- Dzure, D. J. (1996). *The Spratly Islands : Who's on first?* Durham : International Boundaries Research Unit.
- Emmers, R. (2007). De-escalation of the Spratly dispute in Sino-Southeast Asian relations. RSIS Working Papers. 129/07. Singapore : RSIS.
- Feffer, J. (2006). China : What's the big mystery? *Foreign Policy in Focus*. 4 December 2006 < <http://www.fpif.org/fjifxt/3752>>
- Gao, Z. (2005). The South China sea: From conflict to cooperation? *Ocean Development & International Law*. 25(3), 345-359.
- Jianming, S. (1998). Territorial aspects of the South China Sea Island disputes. In Nordquist, M. H. & Moore, J.N. (eds.). *Security flashpoints : Oil, islands, sea access and military confrontation*, 139-218. The Hague: Martinus Nijhoff Publishers.
- Jianming, S. (2002). China's sovereignty over the South China Sea Islands : A historical perspective. *Chinese Journal of International Law*, 2002(1), 94-157.

- Ji, G. (1998). China versus South China Sea Security. *Security Dialogue*, March 1998, 29, 101-112.
- Kivimaki, T. (2002). *War or peace in the South China Sea?* Copenhagen : NIIAS Press.
- Klare, M. (2001). The new geography of conflict. *Foreign Affairs*, 80(3), 49-61.
- Lo, C.K. (1989). *China's policy towards territorial disputes : The case of South China Sea*. New York : Routledge.
- Marlay, R. (?). China, the Philippines and the Spratlys Islands. *Asian Affairs: An American Review*, 23(4), 195-210.
- Odgaard, L. (?). Deterrence and co-operation in the South China Sea. *Contemporary Southeast Asia*, 23, 95-118.
- Prescott, V. & Schofield, C. (2005). *Maritime political boundaries of the world*. Leiden/Boston : Martinus Nijhoff Publishers.
- Roach, J. A. & Smith, W. W. (1996). *United States responses to excessive maritime claims*. Leiden/Boston : Martinus Nijhoff Publishers. 216-222.
- Rosenberg, D. (April 13, 2005). Dire straits : Competing security priorities in the South China Sea. In *Japan Focus* <<http://japanfocus.org/-David-Rosenberg/1773>>
- Sharpe, S. (2003). An ASEAN way to security cooperation in Southeast Asia? *The Pacific Review*, June 2003, 16(2), 231-250.
- Sokolsky, R, Rabasa, A. & Neu, C.R. (?). *The role of Southeast Asia in U.S. strategy toward China*. Santa Monica, CA : RAND.
- Schofield, C. (2009). Dangerous grounds : A geopolitical overview of the South China Sea. In Bateman, S. & Emmers, R. (eds). *The South China Sea : Towards a Cooperative Management Regime*. 7-25. London : Routledge.
- Song, Y. H. (1999). *Managing potential conflicts in the South China Seas : Taiwan's perspective*. Hackensack, NJ : World Scientific.
- Storey, I.J. (1999). Creeping assertiveness: China, the Philippines and the South China Sea dispute. *Contemporary Southeast Asia*, 21, 95-118.
- Studeman, M. (1998). Calculating China's advances in the South China Sea. *Naval War College Review*, Spring 1998, 51, 68-90.

- Thakur, R. (2007). Asia-Pacific challenges. *The Journal of Diplomacy and Foreign Relations*, 9(1), 47-70.
- Tien, H.M. & Cheng, T.J. (2000). *The security environment in the Asia-Pacific: Studies of the Institute for National Policy Research*. Armonk, NY : M.E. Sharpe
- To, L. L. (1995). ASEAN and the South China Sea conflicts. *The Pacific Review*, 8(3): 531-543.
- To, L. L. (2003). China, the USA and the South China Sea Conflicts. *Security Dialogue*, 34(1), 25-39.
- Valencia, M. J., Van Dyke, J. M. & Ludwig, N. A. (1997). *Sharing the resources of the South China Sea*. The Hague : Kluwer Law.