

The territorial disputes in the South and East China Sea: Developments and changes in 2013

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Hanoi, October 2013

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The following essay deals with the long lasting disputes over territory in the South and East China Sea¹. After giving a short introduction to the conflict, I am going to summarize the latest developments and changes in 2013 to finally give a prospect on possible outcomes in the conclusion.

1. Introduction

Since the 1950s disputes over territory in the South China Sea among the People´s Republic of China, the Republic of China (Taiwan), the Philippines, Malaysia, Brunei, Indonesia and Vietnam threaten political stability and peace in the region. With no precisely defined borders, territorial claims tend to encounter resistance. The deep interest expressed by all the involved actors derives primarily from economic and security-related reasons although striving for power can clearly be identified as an underlying motif. Particularly China´s clear ambition to expand its political influence and gain regional domination increases the risk of conflicts and advance rearmament plans within the region.²

Although being mostly uninhabitable most attention is paid to the Spratly, Paracel and Senkaku islands. The large fishing grounds surrounding the archipelagos providing a valuable source of seafood as well as the potential richness in oil and natural gas deposits (estimates about quantity vary considerably) are fiercely targeted by the involved states in order to satisfy increasing demands due to the fast economic development in the region. Also the islands' strategically favorable positions are a great point of interest as they ensure the control of important shipping lanes within one of the world's most important trade routes.

The 1982 passed "United Nations Convention on the Law of the Sea" which has been ratified by all states involved, constitutes the legal basis for the dispute.³ It states that every nation is entitled to an exclusive economic zone which extends out to 200 nautical miles from the baseline. According to this, China for example is authorized to claim only a small part of the area which it has been demanding for so far. However, Chinese decision makers have refused to acknowledge this convention until now and instead ground their claims on historical facts by affirming that China "had already discovered the islands in the South China Sea before any other country"⁴. Based on this, China lays claim to 80% of the South China Sea although the concept of historical laws is unknown within international maritime laws.⁵

Vietnam and the Philippines feel threatened by China´s aspirations yet are unlikely to retreat from their positions as their increasing demands for energy due to the fast economic development, qualify the disputed island to be of high geostrategic importance for them.⁶ To counterbalance China´s superiority, the Philippines and Vietnam as a former enemy, have entered into cooperation with the United States which has traditionally been an important actor in this region since World War II.

¹ The term South China Sea is the most common and dominant term used in English for this disputed area. The name in most European languages is equivalent to the English origin. However, in neighboring countries this area is sometimes called by different names. Among researchers and scholars the term has also become the most common one and is therefore used in research papers or essays. However, the suffix "China" does not refer to any possessiveness. The most known other terms are "East Sea" (as called in Vietnam), Luzon Sea (as called in the Philippines) and nowadays also "West Philippine Sea" (as called in the Philippines). There also other names in the native language of the neighboring countries.

² http://www.imi-online.de/download/9_2012_seifert_web.pdf, accessed on 29-10-2013

³ http://www.kas.de/wf/doc/kas_29139-1522-1-30.pdf?121019050131, accessed on 29-10-2013

⁴ Columbus, Frank H. (1998): Asian Economic and Political Issues; Nova Publishers, p. 3

⁵ <http://www.handelsblatt.com/meinung/gastbeitraege/gastbeitrag-zankapfel-suedchinesisches-meer/8051798.html>, accessed on 29-10-2013

⁶ http://www.kas.de/wf/doc/kas_35030-1522-1-30.pdf?130719131847, accessed on 29-10-2013

ASEAN by contrast has been a rather weak actor in this conflict. Its underlying principle of non-interference in internal affairs and decision-making by consensus as well as Cambodia's dependency on China in terms of development aid, qualify it at most as a forum for discussion which has often been criticized for its passivity and inability to act⁷.

Cambodia is even blamed to be responsible for the failure to come to a common position concerning the territorial disputes during the 2012 ASEAN summit in Phnom Penh by pushing China's interests and thereby spoiling the other member states' efforts. Especially the Philippines made clear that they were not willing to resign their position by objecting Cambodia's demand "not to internationalize the South China Sea from now on" but declared instead: "For the record, this was not our understanding. The ASEAN route is not the only route for us. As a sovereign state, it is our right to defend our national interests".⁸ It was the first time in history the ministers were unable to deliver a joint statement at the end of the summit.⁹

2. Developments and changes in 2013

The Philippines take a legal step

In January 2013 the Philippines took a legal step after having exhausted all diplomatic means in according to the foreign secretary Albert Del Rosario. By bringing China before the International Tribunal for the Law of the Sea (ITLOS) based in Hamburg, Germany, the Philippines sought to dismiss China's claims by international law. Not only claiming almost all of the South China Sea as its own but also stepping up naval activities and examining gas and oil resources within the Philippines' exclusive economic zone, the Philippines hoped China's claims will be declared "illegal and invalid" under the U.N. Convention on the Law of Sea.¹⁰ However, it is presumed that the real intentions were to raise global awareness to put pressure on China as well as to obtain international solidarity with the Philippines. The European Union as well as the United States have already expressed their support with the U.S. even passing a resolution which "condemn[s] the use of coercion, threats, or force by naval, maritime security, or fishing vessels and military or civilian aircraft in the South China Sea and the East China Sea to assert disputed maritime or territorial claims or alter the status quo".¹¹

The U.S.'s strong backing not only derives from their historically close ties with the Philippines but also from the pursuit of its own interests in this area. Already in 2010, U.S. Secretary of State Hilary Clinton declared that the U.S. had a "national interest" in securing "freedom of navigation" through the South China Sea and offered their support to ASEAN members. Critics claim the U.S. aim to drive a wedge between China and its neighbor states to thereby undermine China's influence in Asia.¹²

Attacks on fishing boats

In March, a Vietnamese fishing boat was attacked by a Chinese boat near the Paracel islands which are claimed by both nations. Reports about the incident differed significantly with the Vietnamese crew reporting being chased by the Chinese boat and fired at 4 or 5 times while China insisted that only flares were shot and that fire damage to the

⁷ http://www.kas.de/wf/doc/kas_29139-1522-1-30.pdf?121019050131, accessed on 29-10-2013

⁸ <http://www.wsws.org/en/articles/2012/11/asia-n21.html>, accessed on 29-10-2013

⁹ <http://www.globalsecurity.org/military/world/war/south-china-sea.htm>, accessed on 29-10-2013

¹⁰ <http://www.japantimes.co.jp/opinion/2013/08/14/editorials/conduct-in-territorial-disputes/#.UjgXx39mNlw>, accessed on 29-10-2013

¹¹ http://www.atimes.com/atimes/Southeast_Asia/SEA-01-200813.html, accessed on 29-10-2013

¹² <http://www.wsws.org/en/articles/2012/11/asia-n21.html>, accessed on 29-10-2013

fishing boat were a “sheer fabrication”.¹³ Tensions between China and Vietnam which had been following a rather careful approach in the conflict earlier this year, with President Truong Tan Sang “skillfully undertaking delicate, high-profile visits to Beijing and Washington in recent months, primarily to dampen tensions with the former, while deepening support from the latter”¹⁴, have increased since that incident.

Another incident involving the attack on a fishing boat happened in May this year in waters off the northern Philippines which are claimed by the Philippines and Taiwan. A video taken by a Filipino crew member shows Filipino coastguard officers firing at a Taiwanese vessel which is trying to escape and thereby killing a 65-year-old Taiwanese fisherman. This occurrence affected the diplomatic and economic relationships between the two countries with Taiwan recalling his representatives from the Philippines and freezing the hiring of Filipino workers. However, after laying charge on the Filipino crew members and an official apology to the victim’s family, Taiwan was “eager to restore relations as soon as possible, because, prior to this event, relations were quite friendly”, Taiwan’s president Ma stated.¹⁵

Europe’s role in the conflict

On 14-15 May, the ASEAN-EU Senior Officials’ Meeting was held in Ho Chi Minh City to exchange views on various regional and international issues¹⁶ including the territorial disputes in the South China Sea. During this, EU-officials clearly assured their support to “the peaceful settlement of disputes in the South China Sea in accordance with international law, including the United Nations Convention on the Law of the Sea (UNCLOS).”¹⁷ With regard to the strong economic ties between the EU and Asia and the importance of the trading routes through the China Sea, awareness that peace and security in this region are of fundamental interest to EU states is on the rise.¹⁸ However, given its military insignificance in the China Sea - except for arms exports - the EU has played a minor role in the conflict so far. In fact, it steps up as a rather neutral actor applying a “softer” approach compared to the US’ military expansion in the China Sea. This particular position might potentially prove to be an advantage for the EU making it suitable for the role as a mediator. Furthermore, the lessons Europe has learned on its way to political and economic integration could serve as a basis for discussion with Asian countries. Experiencing increasing nationalism within society and asymmetrical power constellations, Asia is facing the challenges, which have led to two world wars and several other conflicts in Europe in the past. As for the disputes in the China Sea, a supranational resource management of energy and fish as established in the EU could surely alleviate the problem disputes over expected resources in the disputed territories.¹⁹ However, European approaches cannot be easily conveyed to Asia as there is no equivalent supranational frame providing common values and mechanisms to ensure peace and stability. But given the strong economic ties the two regions maintain, it can be taken for certain that the EU has a strong interest to promote peace and security within the region which requires a forum for political dialogue and a vital exchange on approaches.²⁰

¹³ http://articles.washingtonpost.com/2013-03-27/world/38053726_1_chinese-waters-spratlys-china-and-vietnam, accessed on 29-10-2013

¹⁴ http://www.atimes.com/atimes/Southeast_Asia/SEA-01-200813.html, accessed on 29-10-2013

¹⁵ <http://www.bloomberg.com/news/2013-08-07/philippines-may-charge-coast-guards-with-homicide-in-taiwan-case.html>, accessed on 29-10-2013

¹⁶ <http://www.asean.org/news/asean-secretariat-news/item/co-chairs-press-release-asean-eu-senior-officials-meeting>, accessed on 29-10-2013

¹⁷ <http://www.aseanbriefing.com/news/2013/05/24/eu-lends-its-support-to-asean-over-south-china-sea-disputes.html>, accessed on 29-10-2013

¹⁸ www.zeit.de/2013/20/aufreueung-militaer-asien-europa, accessed on 29-10-2013

¹⁹ <http://www.tagesspiegel.de/meinung/andere-meinung/zankapfel-suedchinesisches-meer-europaeische-union-koennte-zur-konfliktloesung-beitragen/8050776.html>, accessed on 29-10-2013

²⁰ <http://www.zeit.de/2013/20/aufreueung-militaer-asien-europa>, accessed on 29-10-2013

Preparations for ASEAN-China summit

To further strengthen cooperation between ASEAN members and in preparation for this year's ASEAN-China Summit to be held in Brunei Darussalam in October, the ASEAN-China Foreign Ministers held a meeting on 30 June. One important point on the agenda was the question how to create and maintain peace and stability in the South China Sea. Already in 2002, ASEAN members and China signed a declaration of the conduct of parties in the South China Sea in which all states agreed to refrain from the threat or use of force. But having no binding power, it has been violated on many occasions since then. With China's massive presence of military in the South China Sea, ASEAN Foreign Ministers "stressed the importance of full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DoC) and the need to steadily move towards the conclusion of a code of conduct (CoC) in the South China Sea on the basis of consensus".²¹ However, China has not been very enthusiastic about a legally binding code as it would restrict its activities in the South China Sea. Its reservations towards an establishment of a CoC were clearly revealed by Foreign Minister Wang Yi saying "China believes that there should be no rush. Certain countries are hoping that the CoC can be agreed on overnight. These countries are having unrealistic expectations. The CoC concerns the interests of various parties and its formulation demands a heavy load of coordination work ... No individual countries should impose their will on others".²²

Tensions between China and the U.S.

In July China lodged a formal complaint with the United States because of a resolution on disputes in the East and South China Sea the U.S. had passed. To warn the U.S. to not interfere in these affairs, Wang Guanzhong, a senior officer of China's People's Liberation Army (PLA), stated that "these issues should not become a problem between China and the United States, and China hopes that the United States does not become a third party in these issues"²³. China urged the relevant U.S. senators to review the resolution and correct mistakes whereas the U.S. argued that "treaty obligations" with some of the countries involved oblige their commitment. The security treaty between the U.S. and Japan for example, ensures U.S. support for Japan if it was to be attacked which is why numerous American troops are stationed in Japan.²⁴ The Philippines seek to collaborate more closely with the U.S. and Japan by offering them greater access to its military bases.²⁵ In reaction to this, Fan Changlong, one of China's three most senior military officers, called to "speed up various preparations for sea battles" and "improve maritime deterrence and combat capabilities" which only reveals the vicious circle the parties find themselves trapped in.

A difficult arbitration process

Almost simultaneously, a United Nations arbitration tribunal convened in The Hague looked into the complaint the Philippines had lodged against China in January this year. During the first meeting on 11 July, the five-member tribunal under the UN Convention on the Law of the Sea approved a set of rules to look into the legal challenge which questions China's massive territorial claims. On 15 July, the Philippine Foreign Ministry released an eight-point statement which says that China's hard-line position makes it impossible to continue bilateral discussions, the reason the Philippines saw no other option but to turn to international arbitration.²⁶ It is believed that China signed the Convention on the Law of the Sea only because it was assuming that this mode of dispute settlement could be avoided by bilateral negotiations where it could use its advantage of sheer size and influence to settle any dispute to its favor. As this former assumption had proven to be wrong, China simply refused to participate in the arbitration

²¹ <http://www.fmprc.gov.cn/eng/wjdt/2649/t1056037.shtml>, accessed on 29-10-2013

²² http://www.atimes.com/atimes/Southeast_Asia/SEA-01-200813.html, accessed on 29-10-2013

²³ http://zeenews.india.com/news/world/china-warns-us-to-stay-out-of-island-disputes_876383.html, accessed on 29-10-2013

²⁴ <http://globalnation.inquirer.net/85595/stay-out-of-sea-disputes-china-warns-us>, accessed on 29-10-2013

²⁵ http://zeenews.india.com/news/world/china-warns-us-to-stay-out-of-island-disputes_876383.html, accessed on 29-10-2013

²⁶ <http://www.globalsecurity.org/military/world/war/south-china-sea.htm>, accessed on 29-10-2013

process which usually requires agreements of both parties. Nevertheless the process continues, likely to take years with little or no outcome as the panel finds itself in a difficult position with seemingly every decision leading to a deadlock. First of all, the arbitration panel needs to decide whether it has jurisdiction to hear the case. Critics argue that the charge is based on various errors concerning boundary limitation and historical facts. Additionally, they claim that the Philippines did not discharge its duty to negotiate the issue bilaterally which is established in the Declaration on Conduct of the Parties in the South China Sea, stating that “parties concerned undertake to resolve their territorial and jurisdictional disputes through negotiations by sovereign states directly concerned”²⁷ whereas the Philippines argue the opposite. Whatever the panel’s decision might be, further complications are to be expected: If the panel decides it does not have jurisdiction, it will confirm the assumption that politics, especially when it comes to powerful nations like China, have authority over international law. ASEAN states and especially the Philippines would find themselves in a position where they have to ensure their safety and assert their claims by their own means probably leading to stronger political and also military measures. In case the panel decides that it does have jurisdiction, China will most likely refuse to abide by it. This in turn would “weaken the reputation and authority of the tribunal and international law in general” and simultaneously emphasize and increase China’s power.²⁸

Senkaku or Diaoyu islands?

China’s claims are not limited to the South China Sea. The Senkaku islands, also known as the Diaoyu islands to the Chinese, have been under Japanese administration since World War II but based on historical circumstances, China and Taiwan lay claim on these supposedly oil-rich islands as well. Especially after Japan bought three of the five islands from the private owner last year, tensions between China and Japan have been growing steadily.²⁹ Since September last year, Chinese vessels had made regular visits to Japanese-administered waters never lasting more than a few hours though. In early August however, three Chinese vessels remained in the waters off the Senkaku islands for more than 28 hours which led to a formal protest against China as these intrusions were seen as threats of force. According to experts, these visits can be seen as a long-term strategy to make Japan give up on its claims.³⁰

Another incident just followed shortly: China launched four days of live-fire naval exercises in the East China Sea just after the anniversary of Japan’s defeat in World War II on 15 August with the visit of two Japanese cabinet ministers to Tokyo’s most controversial war shrine presumed to be the trigger. The Yasukuni shrine being dedicated to Japanese citizens including several war criminals, who died during World War II and other conflicts, is seen as a symbol of Japan’s imperialist past by Japan’s former wartime enemies.³¹ Chinese Foreign Ministry condemned the visit by accusing the politicians to “fundamentally attempt to deny and gloss over Japan’s history of invasion” as China heavily suffered under Japan’s invasion in the 1930s and 40s.³² This event clearly evidenced that the conflict is heavily fueled by the countries’ common past.

In response to these intrusions, Japan plans to monitor China’s maritime activities more closely by giving newly built patrol vessels to the Philippines and assigning Japanese coastguards to train Filipino and Vietnamese personnel as announced publicly in late August. Even though Japan and the two Southeast Asian countries Vietnam and the

²⁷ www.japantimes.co.jp/opinion/2013/08/15/commentary/a-political-maelstrom-in-the-south-china-sea/#.UjvHS1NmNlx, accessed on 29-10-2013

²⁸ www.japantimes.co.jp/opinion/2013/08/15/commentary/a-political-maelstrom-in-the-south-china-sea/#.UjvHS1NmNlx, accessed on 29-10-2013

²⁹ <http://www.foreignaffairs.com/articles/136227/michael-t-klare/the-united-states-heads-to-the-south-china-sea>, accessed on 29-10-2013

³⁰ www.nytimes.com/2013/08/09/world/asia/japan-protests-after-chinese-ships-linger-in-disputed-waters.html?ref=territorialdisputes&r=1&, accessed on 29-10-2013

³¹ <http://rt.com/news/china-drills-east-sea-566/>, accessed on 29-10-2013

³² <http://www.abc.net.au/news/2013-08-15/japanese-ministers-visit-controversial-war-shrine/4888886>, accessed on 29-10-2013

Philippines are engaged in separate conflicts with China relating to different parts of the China Sea, Japan called for stronger ties in order to help ensure regional peace according to Japanese Foreign Minister Fumio Kishida.³³

Vietnam's balancing act

Vietnam does not seem to have a firm stance towards China as its “back and forth” approach suggests. In early August Vietnam and China agreed to settle the dispute without the use of military or diplomatic force and even released a common statement after an official visit by Chinese Foreign Minister Wang Yi in Hanoi on 5 August. But just a few weeks later, Vietnamese efforts headed in an opposite direction, which was believed to be in response to China’s repeated refusal to negotiate with the 10 ASEAN members and instead insisting on individual talks with the small countries. So in order to strengthen its maritime presence and power in the South China Sea, Vietnam has taken several measures within a short period of time: Firstly, three patrol vessels were added to the coast guard increasing its capacity. Then, the maritime police agency was renamed to the Vietnam Coast Guard which indicates a shift of scope of duties and responsibilities towards defense-related tasks. And finally, funds and training for the staff were increased.

However, being a comparably small country, Vietnam’s efforts are unlikely to measure up to China’s power. For that reason Vietnam is in need of international support. Thus, Vietnamese Defense Minister Phung Quang Thanh seized the opportunity at this year’s ASEAN defense minister’s meeting to approach U.S. Defense Secretary Chuck Hagel to discuss on measures to deepen military ties between the two countries. Mr. Thanh also visited the Philippines to further strengthen cooperation as both countries are traditionally close allies when it comes to asserting sovereign rights against China. By contrast, the defense minister’s recent visit to Russia, Poland, Bulgaria and the Netherlands to buy weapons and intensify military ties³⁴ depicted a comparably rare turn to European countries other than Russia in matters of security.

Nationalism on the rise in China and Japan

As for the Japanese-Chinese relationship, September was a particularly tight-drawn month. The collision of two anniversaries, the 82nd anniversary of Japan’s invasion of northern China on 18 September and the first anniversary of the nationalization of some disputed island in the East China Sea by the Japanese government on 11 September, have increased tensions significantly.³⁵ On 9 September, an aircraft believed to be a drone circled around the Senkaku islands. As it flew through the air defense identification zone, it was obliged to identify itself and provide information about its flight routes. Defaulting this as well as lacking a national flag, its nationality could not be identified but as the aircraft left for Chinese mainland, not much doubt was left about its origin. Despite the aircraft did not violate Japanese airspace, Japanese fighter jets were scrambled for the second day in a row as only one day before this incident, two Chinese H-6 bombers had overflown the East China Sea putting the authorities into high alert.³⁶ Chinese Foreign Minister spokesman Hong Lei claimed to not be aware of the situation, however emphasizing “that the Diaoyu Islands are an integral part of Chinese territory” at a press conference.³⁷ Likewise Shinzo Abe, the Japanese Prime Minister, kept a firm stance by even refusing to acknowledge that the islands are disputed and therefore opposing negotiations. Having been under Japanese administration for decades, Japan argued that China

³³ <http://www.scmp.com/news/china/article/1147876/japan-give-patrol-boats-manila-amid-china-tensions>, accessed on 29-10-2013

³⁴ <http://blogs.wsj.com/searealtime/2013/09/01/vietnam-strengthens-coast-guard-amid-south-china-sea-tensions/>, accessed on 29-10-2013

³⁵ <http://world.time.com/2013/09/18/angry-skies-japanese-jets-scramble-as-tensions-with-china-escalate/>, accessed on 29-10-2013

³⁶ <http://www.japantimes.co.jp/news/2013/09/10/national/china-urged-to-stop-drone-flights-near-senkaku-islands/#.Um9qAXBn6So>, accessed on 29-10-2013

³⁷ <http://www.japantimes.co.jp/news/2013/09/09/national/chinese-bombers-prompt-japan-to-scramble-fighter-jets/#.Ukox-INmNlw>, accessed on 29-10-2013

only expressed interest in the islands after possible gas and oil deposits in the seabed have been reported. To step up China's sovereignty claims and as a measure against Chinese patrol vessels constantly entering the waters off the islands, Japan is considering the option to place government officials on the islands. However, it is expected that this would further aggravate the conflict.³⁸

Nationalism is clearly on the rise in both countries and it seems that China and Japan ascribe a geopolitical importance to the dispute over the Diaoyu/Senkaku islands which considerably exceeding their real value.³⁹ Mr. Abe has boosted the nation's military capacity and increased the military and defense budget substantially since he came to power last year. The Japanese Defense Ministry even announced it was considering shooting down drones if people's lives were believed to be in danger.

The potential danger from the use of drones

China's initiation of drones to the conflict increased its escalatory potential substantially. Firstly, compared to manned aircrafts, unmanned systems are less costly to produce as well as to operate which allows keeping a high number in use. Secondly, as there is no pilot whose life could be at risk, a greater risk-taking is encouraged. Thirdly and most importantly, any technology and communication system has the potential to fail. Given the fact that this technology is quite new to China and operators are short on experience, the danger of losing control over the systems and the consequences of such a disaster cannot be underestimated.⁴⁰ However, nothing indicates China's withdrawal from the manufacture and use of drones; to the contrary: China aims to improve its knowledge on the technology. For that reason, hackers based in Shanghai have conducted several operations on companies developing and manufacturing drones targeting information on the technology. Some of the hackers were proved to have connections to China's People's Liberation Army which is not surprising as the government greatly supports the drone development program striving to make China a large drone manufacturer for own use and export. This development is going to increase China's capability to monitor the disputed area significantly or as Xu Guangyu, a retired major general and director of the China Arms Control and Disarmament Association put it: "It's a very useful instrument for safeguarding maritime sovereignty".⁴¹

However, it can be taken for certain that this newly added dimension to the conflict is going to provoke reactions from the other actors involved further accelerating the arms race which has been taken place in the region this year. As for Japan and the Philippines, it can be expected that these countries will seek closer alliance with the U.S., thereby raising suspicion among Chinese officials on the role of the U.S.

U.S. support for the Philippines

On 18 September, the Philippines and the U.S. launched the three-week Philippine-US Amphibious Landing Exercises (Phiblex) at a naval base facing disputed waters. This involved two U.S. warships, as well as a series of live ground fire exercises and jungle survival training. According to the Filipino exercises commander, Brigadier-General Remigio Valez, the training also included simulated amphibious assaults to capture islands held by hostile forces although he did not name a specific hostile country.⁴² The naval base is located about 220 kilometers from Scarborough Shoal in the Philippines's exclusive economic zone. But despite its location and Filipino fishermen

³⁸ <http://www.nytimes.com/2013/09/28/world/asia/japans-leader-gives-no-ground-in-islands-dispute.html?ref=territorialdisputes&r=0>, accessed on 29-10-2013

³⁹ <http://world.time.com/2013/09/18/angry-skies-japanese-jets-scramble-as-tensions-with-china-escalate/>, accessed on 29-10-2013

⁴⁰ http://www.foreignpolicy.com/articles/2013/09/17/the_drone_war_comes_to_asia, accessed on 29-10-2013

⁴¹ <http://www.nytimes.com/2013/09/21/world/asia/hacking-us-secrets-china-pushes-for-drones.html?pagewanted=1&r=0&ref=territorialdisputes>, accessed on 29-10-2013

⁴² <http://www.defensenews.com/article/20130918/DEFREG03/309180028/US-Philippines-Launch-War-Games-Near-South-China-Sea>, accessed on 29-10-2013

having sailed there for decades, China has laid claims on this area. The activities took place shortly before President Obama's expected visit to the Philippines in October. There has been a deal in planning between the allies which would expand the U.S. military presence in the Philippines by allowing the U.S. to bring military hardware on to local bases as well as initiate more U.S. troop visits. Filipino officials hoped that the agreement was going to be ready to sign in time for Obama's visit which was scheduled for 11 and 12 October.⁴³ But due to domestic issues, the president's visit to the Philippines⁴⁴ as well as to Brunei for this year's ASEAN summit in Brunei⁴⁵ was cancelled. Instead, U.S. Secretary of State John Kerry filled in for Obama in Brunei. However, with China's lasting reluctance on negotiating a code of conduct and the U.S. repeatedly requesting the ASEAN members to collectively oppose China's claims, no major changes derived from this summit.⁴⁶

3. Conclusion

As mentioned in the introduction, the disputes in the China Sea do not just reflect economic or security-related interests. In fact, it is a highly complex conflict unifying historical aspects, unforgotten old hostilities, the striving for power, rising nationalism and various other motives. Still, superficially this conflict is about territory which indicates that chances for resolution are quite low or to put it in the words of Singapore's Prime Minister Lee: "These are territorial disputes. I say it is mine, you say it is yours. Whose is it? So either I say sorry, I made a mistake, it is yours; or you must say sorry, you made a mistake, it is mine. And no government can say that".⁴⁷ Obviously governments are unwilling to acknowledge they were possibly wrong as this would not only weaken their position in the international community but likely raise internal societal debates questioning the government's ability to defend national interests. For that reason, governments involved in the conflict have taken an opposite approach by feeding nationalist feelings among citizens. That way their increasingly aggressive behavior which has become evident through this year's events, is unlikely to face internal resistance and legitimation for the government can be secured. Simultaneously the conflict is carried out on a second, official level where it is seemingly moving towards a different direction. Compared to last year's failed ASEAN-China summit in Phnom Penh, this year's numerous meetings of government members have conveyed the impression that all parties involved have realized how interrelated the countries' conditions are and therefore are increasingly willing to step into further cooperation (save China's reluctance to the U.S.). The sharp contrast between official statements and the actions actually taken only reveals the tightrope walk between decision-makers' willingness to cooperate in order to not damage politically or economically important ties and their ostentatious demonstration of power and dominance. With efforts being focused on two seemingly opposing strategies, which of those can offer a resolution to the conflict, if existent at all?

As stated by Thucydides, an ancient Greek historian, there are three factors influencing state behavior: fear, interests and honor.⁴⁸ Honor is obviously an important motif in this conflict. As the mode of negotiation can clearly be identified as a *bargaining over position*, actors will firmly refrain from giving up on their initial demands even if they lose interest in them. This complicates negotiations as giving up on one's position or even making concessions is

⁴³ <http://globalnation.inquirer.net/85919/us-ph-launch-war-games-near-west-philippine-sea#ixzz2gTOVOJk1>, accessed on 29-10-2013

⁴⁴ <http://www.philstar.com/headlines/2013/10/03/1240879/us-shutdown-prompts-scrapping-obama-visit>, accessed on 29-10-2013

⁴⁵ <http://www.todayonline.com/world/americas/obama-cancels-asean-summit-brunei>, accessed on 29-10-2013

⁴⁶ http://www.huffingtonpost.com/2013/10/09/asean-summit-2013_n_4070154.html, accessed on 29-10-2013

⁴⁷ <http://www.bt.com.bn/news-national/2013/09/20/asean-integration-sea-row-key-issues-says-singapore-pm>, accessed on 29-10-2013

⁴⁸ <http://www.zeit.de/politik/ausland/2012-09/china-territorialkonflikte-usa/seite-1>, accessed on 29-10-2013

seen as a personal defeat. But what is even weightier in this case, is honor expressed in the form of national pride. As mentioned earlier, decision makers are eager to reinforce nationalist feelings in order to misuse them for their own ends. However, this is not a one-way street. The peoples expect their governments to defend national interests with all certainty and thereby shape state interests in a way that only relative gains are considered worth striving for. So even if policy makers could be convinced of the benefits of absolute gains through international dialogue or mediation, pressure from society would presumably prevent them to compromise anyway. Ultimately, fear seems to be the only factor which is providing an opportunity to influence state behavior in this case.

Apparently, the involved states have not refrained from the use of force to assert their claims. With regard to the lack of a subordinate body with the power to impose sanctions in case of violation, international law and conventions have not proved very effective when it comes to longstanding disputes⁴⁹. Therefore, states have to ensure their security by themselves. With China as an undoubted hegemon in the region, the remaining states need to form alliances in order to constitute a countervailing power. Thus, state behavior can be interpreted according to the theory of realism where a balance of power is said to ensure the stability of the international system. However, as the balancing of power is a continuous process due to the apparent armament race, peace and stability are very fragile and an ultimate dissolution of the security dilemma is not existent in realist theory.⁵⁰

But as mentioned above, the striving for power is contrasted by an increasing readiness to engage in dialogue. The (primarily but not only economic) interdependence between China and the other states reduces their individual abilities to solve problems and operate on their own and therefore implicates a need for dialogue and cooperation. According to the theory of complex interdependence, the enhancement of mutual dependencies and resulting communal institutions can result in lasting stability and peace as the termination of a relationship would create significant costs for both. Pursuant to this conception, efforts should be focused on the reinforcement of institutions like for example ASEAN which is not only a platform to discuss economic matters but also promotes cooperation in various other fields, facilitating youth exchanges for example. As for maritime matters, first steps for cooperation have been initiated by this year's establishment of the ASEAN-China Maritime Cooperation Fund, promoting "practical cooperation in fishery, maritime connectivity, marine science and technology, disaster prevention and reduction, and navigation safety and search and rescue."⁵¹

Even though history has proven that close economic ties cannot guarantee peace, an institutionalization of multilateral collaboration, possibly inspired by the European model, can constitute an environment of shared norms and procedural rules thereby enhancing mutual trust. This might initiate a profound change in awareness among policy-makers as well as citizens to finally overcome old hostilities and ideally create an environment of mutual assistance and friendship.

⁴⁹ <http://www.zeit.de/politik/ausland/2012-09/china-territorialkonflikte-usa/seite-1>, accessed on 29-10-2013

⁵⁰ http://www.jaeger.uni-koeln.de/fileadmin/templates/onlinetutorium/IB/le3_realismus.pdf, accessed on 29-10-2013

⁵¹ <http://www.fmprc.gov.cn/eng/wjdt/2649/t1056037.shtml>, accessed on 29-10-2013

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