

South China Sea Issue in China-ASEAN Relations: An Alternative Approach to Ease the Tension⁺

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Abstract

The rising tension in the South China Sea since 2009 almost overturns the sound political and economic relations established between China and the ASEAN states since 1997. Better handling of the issue to ease the tension of territorial disputes in the South China Sea is thus the key to good-neighbourliness among China and ASEAN's claiming states. The ASEAN-China Declaration of the Conduct of Parties (DOC) signed by China and the ASEAN countries in 2002 has not reached its purpose of promoting a peaceful, friendly and harmonious environment in the South China Sea. Instead, the past decade has witnessed numerous clashes between the sovereignty-claimants. Hence, the South China Sea has actually become a potential "battlefield" if consultations or negotiations among the parties concerned have not been effectively or well handled. This paper describes the current overlapping sovereignty claims of related parties around the South China Sea, introduces the mainstream opinions in mainland China toward this critical sovereignty issue, and discusses the evolving academic viewpoints of the Chinese scholars on the South China Sea's territorial disputes, and attempts to seek an alternative approach to handle these complicated sovereignty disputes and raises some proposals for this purpose.

Keywords: *China, ASEAN, South China Sea (SCS), diplomacy, sovereignty*

JEL classification: *F51, F52, F59, N45*

1. Introduction

The tension in the South China Sea (SCS) among China and the ASEAN claiming states over sovereignty has drastically escalated since 2009, and has almost overturned the sound political and economic relations established between China and the concerned states since 1997. Hitherto, the relations

were usually described as “the ‘the golden age of partnership’”.¹ Therefore, better handling the issue so as to ease the tension of territorial disputes of South China Sea among the sovereignty-claiming states is the key to good-neighbourliness among China and ASEAN’s claiming states.

The 1982 UN Convention on the Law of Sea (UNCLOS) created a number of guidelines concerning the statues of islands, the continental shelf, enclosed seas, and territorial limits. However, the guidelines have not solved the territorial jurisdictional disputes, but added complications to the overlapping claims in the South China Sea. Among those relevant to the South China Sea are: (1) Article 3, which states that “every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles”. (2) Article 55-75 define the concept of an Exclusive Economic Zone (EEZ), which is an area up to 200 nautical miles beyond and adjacent to the territorial sea. The EEZ gives coastal states “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and its subsoil...” (3) Article 76 defines the continental shelf of a nation, which “comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles ...” This is important because Article 77 allows every nation or party to exercise “over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.” (4) Article 121 states rocks that cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.² Thus, it can be seen that the establishment of the EEZ creates the potential for overlapping claims in the South China Sea. Claims could be made by any nation that could establish a settlement on the islands in the region.

The ASEAN-China Declaration of the Conduct of Parties (DOC) on the South China Sea signed by China and ASEAN countries in 2002 also has not reached its purpose of promoting a peaceful, friendly and harmonious environment in the South China Sea. Instead, the past decade has witnessed numerous clashes between China and Vietnam, China and the Philippines, Taiwan and the Vietnam, Vietnam and the Philippines, the Philippines and Malaysia, and Malaysia and Brunei. The South China Sea has actually become potential “battle field” if consultations or negotiations among the parties concerned have not been effectively or well handled.

After a brief description on the current overlapping sovereignty claims of related parties around the sea, this paper then introduces the mainstream opinions of the Chinese people in mainland China toward this critical sovereignty issue, followed up by a discussion on the evolving academic viewpoints of the Chinese scholars toward the South China Sea’s territorial

disputes, along with the development of the situation in the region. From the academic perspective, this paper also attempts to seek an alternative approach to handle the complicated sovereignty disputes, and raise some proposals. First is the establishment of an effective mechanism for this particular issue within the framework of ASEAN-China Strategic Partnership for Peace and Prosperity, with an aim to develop a code of conduct with binding guidelines for actions related to fishery, transportation, oil exploration, etc. Second, bilateral and multilateral dialogues are needed in mitigating tensions over South China Sea, and East Asia Summit (EAS) can play an important role in this respect. Third, emphasis should be put on setting aside disputes for joint maintenance of maritime security, and the governments concerned should pledge not to seek unilateral benefit from security cooperation.

2. Main Actions of Sovereignty-Claiming States in this New Round of Tension of South China Sea Disputes and the Reasons

2.1. Main Actions of Sovereignty-Claiming States since 2009

The South China Sea has long been a disputed region with overlapping claims of sovereignty rights by five countries and six parties, based on reasons as different as century-old principle of discovery, 200-mile exclusive economic zone (EEZ), geographic proximity, effective occupation and control, and vital interest.

As matter of fact, UNCLOS added even more complicating and contradictory factors to the solution of territory disputes in the South China Sea.

The Commission on the Limits of the Continental Shelf (CLCS or the Commission), a body set by UNCLOS to accept submissions of claims by the Coastal States Parties (CSP) to define the outer limit of extended continental shelf.³

Due to the approaching deadline (13th May 1999) of claiming outer continental shelves (OCS) designed by the Commission on the Limits of the Continental Shelf, the tension in the South China Sea between China and the ASEAN's claiming states has been increasing since 2009.⁴

On 6th May 2009, Malaysia and Vietnam made a joint submission relating to an area in the South of the South China Sea. On 8th May 2009, Vietnam made a submission on its own relating to an area near the centre of the South China Sea. Previously, Vietnam had invited Brunei to make a joint submission together with Malaysia. On 12th May 2009, Brunei had made a submission to the CLCS to show that a disputed area of the South China Sea is also situated beyond 200 nautical miles from the baseline from which Brunei's territorial sea is measured, but Brunei had not protested Malaysia and Vietnam's joint submission.⁵

While Indonesia is not technically a claimant state, it has a clear interest in the issue, especially as the “nine-dotted line” map, from which the Chinese claim is based upon, actually includes the water around the Natuna Islands. In an interview, Indonesian President Susilo Bambang Yudhoyono, claimed that as the chair of ASEAN this year, one of his top priorities would be to make progress over the South China Sea disputes by bringing China into multilateral talks. However, Indonesia “has not taken the action to submit claims to CLCS. Since the 1990s, Jakarta “has sought clarification over Chinese claims, but has so far failed to receive an unequivocal response.”⁶

The Philippines has not made a submission to CLCS for any area in the South China Sea. The reason for not making such a submission is to “avoid creating new conflicts or exacerbating existing ones.” The Philippines has not protested immediately either Vietnam’s own submission or Malaysia and Vietnam’s joint submission.⁷ Nevertheless, on 16th February 2009, the final version of a bill that determines Philippine’s archipelagic baselines was given approval by a legislative committee. The bill placed the disputed islands in the South China Sea – Scarborough Shoal and Kalayaan Island Group – under a regime of Islands of the Republic of the Philippines, while they were also claimed by the other three parties, Vietnam, China, and Chinese Taipei.⁸ On 10th March 2009, the former President Gloria Macapagal-Arroyo signed the bill.

Akbayan party member and academic Dr Walden Bello has also made a legislative proposal (House Resolution No. 1350) officially naming the region the “West Philippine Sea” in order to strengthen the Philippine’s claims to these controversial waters and the natural resources found within.⁹ On 10th June 2011, the Aquino government has apparently made it settled doctrine to use “West Philippine Sea” to refer to the waters west of the country via a statement of Malacañang through China’s Ambassador to the Philippines Mr Liu Jianchao 刘建超.¹⁰

On 7th May 2009, China made immediate objections to the Vietnamese submission and Vietnamese-Malaysian joint submissions to CLCS. It protested that these actions infringed upon Chinese sovereignty, sovereign rights and jurisdiction in the South China Sea. China has not made any submission. According to one analyst, “the reason for this is clear: it is impossible to justify China’s U-shaped dotted line using UNCLOS’s scientific criteria for the outer limits of the continental shelf.” At the same time, China has presented the U-shaped line to the UN body “in the context of maritime delimitation” to show Chinese sovereignty over the South China Sea.¹¹ In response to the action taken by the Philippine legislature, the Chinese Foreign Ministry issued statements reiterating the Chinese sovereignty over the Huangyan Island and Nansha Islands. Any other country that makes territorial claims on Huangyan Island and Nansha islands is therefore taking illegal and invalid action.¹² In

addition, China has sent its patrol boats to the South China Sea to safeguard the interests of Chinese fishermen.

During the 10th IISS Asia Security Summit of Shangri-la Dialogue held in Singapore on 5th June 2011, General Liang Guanglie 梁光烈, the Minister of Defense in representative of Chinese government again reiterated the consistent Chinese government policy toward the South China Sea. He said that China is committed to maintaining peace and stability in South China Sea, and has been actively keeping dialogues and consultations with ASEAN countries in implementing 2002 Declaration on the Code of Conduct on South China Sea, and acknowledged the settlement of the territorial and jurisdictional disputes by peaceful means through friendly consultations and negotiation by sovereign states involved.¹³

2.2. Other Major Factors for this Round of Tension

In addition to the factors mentioned above, several factors adding to the tension are illustrated as follows:

2.2.1. South China Sea has become important route for trade and commerce, hence safety of transportation has become very important

In the context of the driving forces of economic globalization and East Asian regionalization, the region as a whole has brought forth a higher rate of economic growth through FDI and international trade in the latest two decades. Especially along with the booming of various Free Trade Agreements (FTAs) and Regional Trade Agreements (RTAs) within and without the region, the shipping route of South China Sea is becoming more and more important for global trade and commerce. Thus for, over half of the world's shipping by tonnage and the half of the world's oil tanker traffic sail through these waters every year, intra-Asian trade is now valued at around \$1 trillion.¹⁴ Taking the past decade of total trade value between ASEAN and China for example, it has increased from US\$395.2 hundred million in 2000 to US\$2,927.8 hundred million in 2010, according to Chinese official figures, with an increase of almost 6.4 fold.¹⁵ Many of the Chinese and ASEAN member states' imports and exports as well as the goods from other western countries are most likely to take the sea route. Along with the robustness of East Asian economic growth and economic integration, maritime piracy has also become an issue in the South China Sea since 1990s. According to the annual report of international Maritime Bureau, altogether there were 239 reported pirate attacks in 2006, of which 88 attacks occurred in the South China Sea.¹⁶ The pirate attacks have decreased due to the measures taken by the governments in the region. However, the safety of the shipping route is no doubt still a matter of paramount important.

2.2.2. *Rich marine resources, both living and non-living, are exploited under unregulated, unreported and even illegal state actions that cause serious problems*

Since the SCS claimers in Southeast Asia make claims using the 200-sea-mile EEZ as the legal base, the consequences are indeed serious. Clashes between different groups of fishers and between alleged illegal fishermen and maritime law enforcement forces occur regularly in the area. The alleged illegal, unregulated and unreported fishing and oil exploration among claimers have been causing serious problems in the South China Sea not only for marine environmental protection, but also for the harmony of the neighbouring countries around the South China Sea. As the fisheries have been over-exploited and catches have declined over the years, even though the South China Sea is one of the world's most productive fishing grounds. As Sam Bateman pointed out, "in a large part, this is due to the lack of agreed limits to maritime jurisdiction," which "... has contributed to over fishing through a 'beggar thy neighbor' approach."¹⁷

Asia's vibrant economic growth also has increased substantially the demand for energy. More and more countries in the region have become conscious of energy security as their energy self sufficiency has been declining for years. Oil deposits have been found in most of the littoral states of the South China Sea, the oil reserves of the area has been estimated at about 7.0 billion barrels of oil while oil production in the region is around 2.5 million barrels per day, with Malaysia so far being the most active producer among the claimant states. In addition, the South China Sea also contains rich hydrocarbon resources. According to the estimates by the U.S. Geological Survey, about 60%-70% of the region's hydrocarbon resources are natural gas. Many hydrocarbon fields have been explored by Brunei, Indonesia, Malaysia, Thailand, Vietnam and the Philippines.¹⁸ As early as in 1998, more than 1000 oil wells were already dug by the countries around the South China Sea in cooperation with many western oil companies. The figure is now expected to rise to about 2000. However, China has not dug a single oil field up to today.

2.2.3. *Cold War mentality of "China threat"*

The third and most important factor is that the cold war mentality of "China threat" is not disappearing but escalating.

I still remember a question I raised in my interview with a well-known scholar 16 years ago in 1995 when I was a Visiting Professor at Ateneo de Manila University of the Philippines at that time: "What could China do to improve the Sino-Philippine bilateral relations?" The answer I received was

that “China should expand trade and increase investment in the Philippines.” “China does not have such an image.” On the contrary, “the outflow of Filipino-Chinese merchants investing in their ancestral home had caused the shortage of Philippine investment becoming much more severe.” Sixteen years have passed while China’s economy has been rapid growing. China hopes to become a more responsible actor in the region, wishing to share common prosperity with its neighbours through expanding trade, outward investment and foreign assistance to the Philippines and some other less developed ASEAN member states. Ironically, the “China Threat” theory has not disappeared but somehow has become more entrenched. Hence, the question remains whether a prosperous China or a poor China will benefit the region as well as the world?

In fact, some propaganda machines are overestimating China’s economic and military power. Although China’s GDP in total is ranked the second in the world, the GDP per capita of China is still far behind many middle-level income countries. More than 20 million Chinese people are still living under the poverty line, and the disparity between rural and urban areas, East and West, inland and coastal regions is very large. In addition, due to the different way of measurement used in the calculation of economic size, some renowned economists, including Nobel Laureates Joseph E. Stiglitz and Paul Krugman, have reached the consensus that China’s economic growth rate probably is only half of what is officially calculated.¹⁹ The past years have also seen the progress of China’s defense and military modernization. However, such progress is within the legitimate need of self-defense.²⁰

Therefore, the saying of “China’s rising” is wrong. It has already been rectified by Chinese academic community as “China’s peaceful development” instead of “China’s rise”. China has promised again and again to follow unswervingly the path of peaceful development that is fundamentally different from the path of colonial expansion that some countries used to take historically. The path taken by China ensures common interests and win-win situations with the rest of the world, and will bring benefits shared by all nations.²¹

2.2.4. *US engagement in Asia*

Finally, the intensity of US engagement in Asia in recent years has added a tense atmosphere in the region.

Amid heightening tensions in the South China Sea, US Secretary of State Hillary Clinton made an important statement affirming US engagement in Asia at ASEAN Regional Forum in July 2010. Addressing reporters after attending the 17th ministerial meeting of the Association of Southeast Asian

Nations (ASEAN) Regional Forum, Clinton declared, “The United States, like every other nation, 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. We share these interests with not only ASEAN members and ASEAN Regional Forum participants but with other maritime nations and the broader international community.”²²

Chinese officials were at the beginning alarmed by the US, especially the latter made its intention in such a high-profile manner, but soon realized that Clinton’s position was probably a result of coordinated action with some of the concerned Asian nations. In other words, the US was urged by the officials from the Philippines, Malaysia, and Vietnam to remain as a balancer. The South China Sea claimant states want the US to “continue to have a sizable military presence in the South China Sea so as to weigh in much more heavily on the South China Sea disputes.”²³

Chinese officials and academics have always cautioned the US not to involve itself in the South China Sea issue, publicly or in private. Most recently, the Chinese vice Foreign Minister Cui Tiankai 崔天凯 told foreign media before attending the first round of the China-US consultations of the Asia-Pacific affairs on 22nd June 2011, that “the U.S. is not a South China Sea claimant state, so should stay away from these disputes.” He also said: “I think that some South China Sea claimant states are actually playing with fire with the hope that the U.S. can be of help. Some Americans think that they can help the situation, we appreciate this gesture but this attitude often only makes things more complicated.”²⁴

3. Mainstream Chinese Opinions toward the Recent Tension of South China Sea’s Territorial Disputes

Along with the intensified situation in the South China Sea, a lot of discussions and arguments are taking place in China not only among the academics but also in the general public. Like the other claimant states, China’s domestic public opinion tends to be more nationalistic on the issue of the South China Sea.

A public debate erupted in China over this question: Should China officially upgrade the South China Sea to a “core interest,” placing it on par with Tibet, Taiwan and Xinjiang, so that military intervention is justified? The website of the *People’s Daily* posted a survey asking readers whether it was now necessary to label the South China Sea a “core interest”. As of January 2011, 97 per cent of nearly 4,300 respondents said “yes”.²⁵ The Internet survey that I conducted on my own also showed that regardless of age or gender, Internet users tend to articulate strong nationalistic voices to defend China’s sovereignty in the South China Sea.

3.1. Perspectives of Military Scholars

Western media have already paid attention to the hard-line position of China's military toward South China Sea territory disputes. There was actually an argument how to respond Clinton's statement of "national interests" in the South China Sea. Using the terms "core interest" or "indisputable sovereignty" Chinese senior military officers weighed in on the debate. Earlier in the year, Chinese military officials reportedly told their American counterparts on at least two occasions that the South China Sea was a "core interest" presumably on a par with Taiwan and Tibet.²⁶

The Chinese military finds it hard to tolerate military exercises of some claimant states with outside powers in the South China Sea in which China is the unspoken target of the exercises. The sudden changes of atmosphere in the South China Sea, caused by the actions taken by some claimant states to submit their claims to the CLCS, no doubts set off a new upsurge of strong nationalism in China. Some voices even suggested that it is the right time to adopt necessary measures to "teach some countries a lesson", and "China is legally entitled to take military action to repel the invaders".

Almost all of Chinese senior military officials share the same common feeling – "to defend the motherland is the sole responsibility of the military." As a popular Chinese saying goes, "if people do not attack us, we will not attack them, if we are attacked, we will certainly counterattack." Nevertheless, the military is under the control of the Communist Party in China. The military has to listen to the Party and obey the order of the Party.

Mr Han Xudong 韩旭东, an army colonel and a scholar at the National Defense University, argued that a "low-intensity armed conflict" might occur in the South China Sea in the near future if China decides that the peaceful means to stop illegal occupation of the islands in the sea by the claimant states has failed,²⁷ despite the fact that "China's comprehensive national strength, especially in military capabilities, is not yet enough to safeguard all of the core national interests. In this case, it's not a good idea to reveal the core national interests."²⁸ Mr Zhang Zhaozhong 张召忠, a well-known military analyst and also a professor at National Defense University, considered that the best time of solving the territory disputes and to recover China's sovereignty in the South China Sea by peaceful means has already passed, and diplomatic negotiations will lead to nowhere.²⁹ He also expressed no confidence in using international judicial process to resolve the conflicts.³⁰ Zhang has maintained that while China hopes to resolve the dispute in peaceful manner, one must have the courage to use the sword if it is really in need.³¹

Scholars from the prestigious Institute of Military Sciences (or Academy of Military Sciences) have also appeared in the media in China to assert China's sovereignty over the South China Sea. In March 2009, Luo Yuan 罗援, a

researcher at the Institute and a major general of the People's Liberation Army, warned other claimant states not to misconstrue China's restraint as China's weakness in the area. He advocated for the strategic expansion of China into the sea and construction of a "blue-water" navy.³² In June 2011, Luo, now affiliated with the Research Society on Military Sciences, which is sponsored by the Institute of Military Sciences, contended that China has been a "victim" in the South China Sea for too long. China's patience and tolerance of the activities of the claimant states will not be forever, and the claimant states in Southeast Asia should stop trying China's patience.³³

3.2. Perspectives of Civilian Scholars

Chinese scholars working in the civilian institutions also offer their opinions and analyses on the South China Sea during this recent round of tension between the claimant states.

Many news articles have been reporting that in return of Hillary Clinton's characterization of US "national interest" in the South China Sea, the Chinese government adopts the term "core interest". Tracing the source, it appeared first in a populist Chinese newspaper, the English-language edition of the *Global Times*. After Mrs Clinton's statements, it published an angry editorial that linked the South China Sea to China's core interests – "China will never waive its right to protect its core interest with military means."³⁴

An article written by Mr Dai Bingguo 戴秉国, a member of Standing Committee of Chinese Communist Party, posted on the website of the Department of Foreign Affairs before the end of 2010 has broadened the definition of the term by saying that China has three core interests: maintaining its political system, defending its sovereignty and promoting its economic development.³⁵ Due to the tense situation in the area at that time, the article has stirred up some strong nationalism in China, and the public opinion has taken the South China Sea and all other sovereignty disputes as falling under "core interests". Arguably, the term "core interest" has the consequence of making the situation even more complicated.

The Chinese government inclines to use the term of "indisputable sovereignty" instead of the term "core interest" as its official policy, and claims that "China has indisputable sovereignty" over virtually the entire South China Sea, a view which is shared by Taiwan. Both sides of the Taiwan Straits recognize basically the legal status of China's dotted line in the South China Sea, and scholars from both sides have expressed for many times desires to cooperate on the issue. I suppose the reason to adopt the term "indisputable sovereignty" instead of "core interest" is mainly to express the goodwill of China's "good neighbour" diplomacy, but it is by no means less assertive.

Many scholars hold the viewpoint that while the Chinese government has adopted a conciliatory and flexible attitude to the issue of territorial disputes in the South China Sea, with an aim to maintain good-neighbourly relations with Southeast Asian countries since earlier 1980s, what it has received from this policy has been constant provocations and hostilities from the claimant states. A near-consensus among these scholars is that China has to do something more pro-active on the issue of the South China Sea, instead of continuing the present policies of “shelving the disputes and working for joint development” and of peaceful settlement of these disputes in according with the UNCLOS. There are strong voices to be heard that “the territorial disputes have never been shelved. Joint exploration or development on the South China Sea between the claimant states has not been started, but resources, especially oil and hydrocarbon, have been continuously carved up” while China has not began a single operation in the claimed territory.³⁶ More than twenty years of China’s commitment to good-neighbour policy, the situation in the South China Sea has not become any less messy. As “joint development” has become quite impossible in the present situation, the Chinese can only take the measure of “active presence, moderate development” in the South China Sea.

The practice of cooperating and working together by some claimant states in this new round tension raises a new question: whether territorial disputes are now to be solved through ASEAN? More important than this, the disputes in the South China Sea are also teaching a lesson to the Chinese government: that China’s economic “helping hand” in the region will not lower the tensions and hostilities resulting from the disputes and will not solve these disputes.

4. Conclusion: An Alternative Approach to Reduce Tension in the South China Sea

Like other Southeast Asian claimant states, the Chinese government is also under the public pressure regarding the South China Sea. If China gave away more territory to foreign states, the national honour would be under attack and the people and the military would question the legitimacy of the government. It is of the outmost importance that the government is not considered by the people or the military as internally or externally weak, which in turn could have severe political consequences.

China’s South China Sea policy at the moment has not changed much, as General Liang pointed out in his speech at the 10th IISS Asian Security Summit during 3rd-5th June 2011. The core of China’s policy has been characterized by Mark Valencia as “Three-No” strategy: “no” to internationalization of the conflict, “no” to multilateral negotiations and “no” to specification of China’s territorial demands.³⁷ With the deteriorating

situation in the South China Sea, there is an inclination on the part of China to be more pro-active to resolve the complicated issue of the South China Sea, or at least to ease the tension, here and now, and not leave it to the next generation. To my understanding and survey, China will firmly insist the first “no”, but will allow some room of flexibility in executing the second “no” and the third “no”. With an aim to reduce the tension and to turn the disputed sea into a zone of peace, freedom, friendship and cooperation, I make some suggestions here as an alternative approach.

4.1. An Effective Mechanism Is Needed To Be Established within the Framework of China-ASEAN Partnership

Since the 2002 ASEAN-China Declaration of the Conduct of Parties (DOC) in the South China Sea is neither a legally binding agreement nor an enforceable document, it “has failed to provide any mechanism or procedure to ensure that the parties comply with their obligation to respect the provisions of this declaration.” The joint working group that has been set up to manage the dispute and monitor DOC’s implementation has “failed to make any concrete progress so far.”³⁸ Therefore, a new organ (or mechanism) should be established with acceptable rules and regulations, so as to develop the confidence, and to act as a mediator for handling the conflicts when clashes, conflicts or disputes appear. However, the new organ (or mechanism) must be within the framework of China-ASEAN Partnership, but include Chinese Taipei.

4.2. Setting Up the Official Track of Multilateral Dialogues within East Asian Summit

The official track of multilateral dialogues aiming at turning the disputed sea into a zone of peace, freedom, friendship and cooperation could be set up within the framework of East Asian Summit, which now includes the US and Russia, called “Ten Plus Eight”. But multilateral dialogues do not mean the internationalization of the issue. The task of the track is to provide some constructive suggestions through multilateral exchanges and interactions, and not engage in any alliance targeting a third party.

4.3. Starting All Kinds of Joint Exploration in the Disputed Area

Dr Rommel C. Banlaoi wrote that “... as an interim measure, the Philippines and China shall seriously start talking about joint development in the South China Sea. Rather than determining which countries have ownership or rights to the disputed territories in the South China Sea, the Philippines and China

should open their channels of communication to candidly consider the idea of joint development so that when they celebrate the annual anniversary of their ties in the future, they will share common accomplishments rather than exchange harsh words.³⁹

Setting aside disputes for all kinds of joint exploration is now very needed. Sadly, the joint marine seismic undertaking (JMSU), agreed by the Arroyo administration with China, has been accused by the Philippine Congress as one of the crimes committed by her during her presidency.

4.4. Bilateral-level Negotiation

Last but not least, territorial disputes of the South China Sea have to be solved on the basis of bilateral-level negotiation.

Unlike economic cooperation and East Asian regionalization in which China hopes that ASEAN will play the role of the “hub” while China is willing to be one of the “spokes”. China’s goodwill toward the ASEAN countries include its willingness to let ASEAN have the leading role to play in regional economic affairs and in bringing “common development and prosperity” to ASEAN member states amid the tide of regionalization.⁴⁰ Sovereignty is closely related to nationalism, and all parties in the conflict are driven in part by nationalism and the belief in the indisputable sovereignty of the “mother country”. What China has been said about or accused of, concerning nationalism and sovereignty, could also be applied to the other nations in the region. Many parties in a territorial dispute feel the pressure from their own people, especially in the Internet age, not to concede any piece of territory. This internal pressure makes compromises hard to reach. However, the Shanghai Cooperation Organization (SCO) has set a good example in solving the territorial disputes between member countries (China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan) by bilateral border talks.

Notes

- + An earlier version of this paper was presented at the International Conference on “The South China Sea: Toward a Region of Peace, Cooperation and Progress”, jointly organized by the Foreign Service Institute of the Ministry of Foreign Affairs of the Philippines, the National Defense College of the Philippines and the Development Academy of Vietnam on 5th-6th July 2011, at Dusit Thani Hotel in Makati, Metro Manila, the Philippines. The author would like to indicate that this paper represents her personal views, not those of the institutions.
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1. See Palanca (2007).
2. http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm
3. The CSPs can make a full or partial submission, or a joint submission. The CSPs can also submit their preliminary information indicative of the outer limits of the extended continental shelf. Objections to submissions can also be made.
4. Rothwell (2008: 195).
5. Du Tran, "Maritime Boundaries and the Spratlys: China Causes Concern", *Opinion Asia*, 29th June 2009. <<http://opinionasia.com/Chinamaritimeboundaries>>
6. Evan A. Laksmana, "Jakarta Eyes the South China Sea", *The Diplomat*, Centre for Strategic and International Studies, 23rd February 2011. <<http://www.csis.or.id/Publications-OpinionsDetail.php?id=825>>
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8. Maila Ager, "Bicam OKs Baseline Bill", *The Philippine Daily Inquirer*, 16th February 2009. <<http://newsinfo.inquirer.net/breakingnews/nation/view/20090216-189576/Bicam-OKs-baseline-bill>>
9. Dr Walden Bello is a retired professor from the University of the Philippines and he was also a former co-director of South Focus, an NGO based in Bangkok, Thailand.
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15. Shen (2010).
16. Wu (2009: 100).
17. Bateman (2009: 31).
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