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INTRODUCTION

I wish to congratulate Vietnam for protesting to China's announcement on November 8, 2009 that it had established hamlet committees on Woody Island, capital of Sasha city. In its protest note Vietnam is reported to have remarked that the act was an infringement of its territorial sovereignty. Thus far I have not read Beijing's response to this latest protest from Hanoi. As a researcher in this field, I expect more protests and counter protests in the future as both parties dig in the South China Sea, trying to accommodate and relate with each other. This situation or predicament is also true of other claimants.

No drastic changes in geopolitical equations in the South China Sea especially power rivalry are expected in the immediate future. Of course, China is at the centre of geo-political dynamics and landscape. With the consolidation of its political, military and legal position in the South China Sea, I expect Beijing to call the shots in the near future, if it has not done so. Many critics believe that after the Mischief incident in 1995 and the passage of the Declaration on the Conduct of Parties in the South China in 2002, a lull would ensue following the proverbial stormy weather in the South China Sea. That this did not happen is no surprise at all.

The year 2009 has been an eventful time for South China Sea watchers. We can begin with the close encounters between the US spy ships and the PLAN vessels. The most notorious

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incident happened on 8 March 2009 when the USNS Impeccable was caught spying off Hainan. Four days before the incident, on 4 March 2009 a sister ship the USNS Victorious was also asked to leave the Chinese EEZ for improper activities (read spying).

The week of May 13, 2009 was especially busy as Malaysia, Vietnam, and Brunei rushing to submit their claims to the United Nations Commission on the Limits to the Continental Shelf in pursuant to Article 76 of UNCLOS. Manila submitted claims to the Benham Rise area to the East of Luzon on 8 April 2009. As expected there were protests and counter protests from the neighbouring countries. China and Taiwan protested to the joint submission by Malaysia and Vietnam and they also protested the separate claims of the Philippines and Vietnam.

Brunei provided preliminary information to the Commission on the Limits of the Continental Shelf on 12 May 2009.

In the East China Sea, Japan was the first to register its submission (12 November 2008), followed by South Korea and China giving preliminary information on 11 May 2009. In June and December 1988 Indonesia and Myanmar submitted claims in their respective continental shelf areas outside the South China Sea.

On 11 March 2009 President Gloria-Macapagal-Arroyo signed the Philippine Archipelagic Baseline law (Republic Act 9522). The law drew strong opposition and solemn protest from China which claims that the territories claimed by Manila “have always been part of Chinese territory and that the Republic of China has indisputable sovereignty over these islands.” Vietnam also protested on 16 March that the Law was “a serious breach of Vietnam’s sovereignty”.

Taiwan also lodged a diplomatic complaint against the Baseline Law on 14 March 2009 by calling on Manila to negotiate on the sovereignty status of the territories in the South China Sea and reiterating as always that “Taiwan has sovereignty over the islands and reefs in the South China Sea, including the Spratly.”

At the same time, in line with PLAN fleet expansion, there were numerous sightings of Chinese warships in the Spratly in 2009, more frequent than the previous year; other foreign warships are also sighted in the area used for international navigation. But on 16 March 2009

the Chinese Embassy in Manila denied Manila's claim that it sent a warship to the South China Sea. The Chinese diplomat in Manila was reported to have said: "we just sent a fishery patrol ship, not a warship, to the South China Sea". In a direct reference to earlier protests from China on the Philippines claims in the Spratlys, President Arroyo was reported to have candidly remarked that such posturing from China was normal.

From 24-26 September 2009 China hosted the Third China-Vietnam defense and security consultation talk in Beijing that some have hailed as a positive process of warming up to each other that began in 2007. Although the detail on the consultative was confidential, the fact that such consultation took place goes to show that both sides saw the merit of keeping the channel of communication open.

On 29 October 2009 the Chinese Foreign Minister Yang Jiechi was in Manila where he signed two agreements: the Philippines-China Joint Action Plan for Strategic Cooperation (JAP) and the Philippines-China Consular Agreement signaling perhaps a new chapter in China-Philippines relations after the latter protested to Manila's signing of the PI Baseline law on 11 March 2009. Admittedly, Manila-Beijing relationship in the past has been on a roller coaster, more difficult during President Ramos than under Arroyo.

Malaysia hosted President Hu Jintao of China on November 10-11 2009 en route to the APEC meeting in Singapore. China and Malaysia signed five agreements during the visit to expand trade cooperation and investment. Both sides were keen to advance "strategic and cooperative ties." President Hu was reportedly pleased with the visit as Malaysia has become China's largest trading partner in ASEAN. Trade volume between the two countries has topped US\$53 billion last year.

Of course, the recently concluded President Obama's first official visit (16-17 November) to China will further raise the stature of China in international relations. Although Obama is reported to have said that the US and China were not adversaries and that Washington did not want to contain China's nor impose any particular system of governance but he also used the visit to criticize China on their human rights policy. This ambivalence is understandable. In the opinion of The Economist Obama has to tread carefully, balancing "his desire to secure China's cooperation on global matters against demands at home that he takes China to task over issues such as human rights and trade."

SOUTH CHINA SEA HAS BECOME A CHINESE LAKE

In my judgment Beijing has succeeded to convert the South China Sea into a Chinese Lake from 1974-1995. No derogatory intention or pun is intended by this assertion. The label "Lake" refers essentially to the body of water that China considers as its own territory, yet it is prepared to extend to other stakeholders the rights and obligations to use the lake so long as they do not subvert the security of China. For example, China will not interfere with the rights of navigation even for foreign warships so long as they do not undermine its security. However, conducting sea bed surveys and collecting data that can be used to undermine its security will not be tolerated as demonstrated in the case of the Impeccable and the Bowditch. Similarly, in my view, China will continue tolerate claimant states military presence in the lake so long as they do not gang-up to subvert China's security.

China will no longer tolerate, for example, the presence of a strong external military power in the South China Sea that will upset the military balance in the Lake. Any attempt by any of the claimants, for example, to form a military pact with an external power (read United States) will be inviting danger from Beijing. Although China is not yet ready to challenge the US openly in the South China Sea because of military power asymmetry but it has the means to conduct attrition warfare against the claimant state. Geography, resources and time seem to favour China. Many view the US, despite recent foreign policy assertiveness, as a distant power, on the verge of losing its hegemony, will have no appetite to get embroiled in military confrontation in distant lands. One writer has recently suggested that the American hegemony in the region is nearing its end.

The recent warning from Lee Kuan Yew that the US has lost its influence in the Pacific region is instructive; there is no doubt that Washington has also reached the same conclusion judging by US recent initiatives in the region. But I am not convinced that the US would be prepared to balance China in a benign way, as suggested by Lee Kuan Yew, in the Pacific; at least not at the present time when it needs China to help ease the global economic downturn. For the same reasons, I do not expect the US to confront China militarily in South China Sea in the immediate future either unless it impedes the freedom of international navigation. However, no one can discount US naval assertions to protest against unilateral policies that it views as incompatible with international law. But such assertions are, in my view, part of diplomatic games of powerful nation states.

While motives and intentions are difficult to determine, certain behavior traits can be established by looking at past trends. All along, China has resisted in categorising the claimants as one group. On the contrary, China has emphasized bilateral relations. Like any other power, China does not treat bilateral relationship the same or on equal footing. China's relations with Vietnam have been quite hostile until the latter made some peaceful overtures in 2007 onwards.

With Malaysia, it maintains a stable relationship despite occasional demarche or protest notes from Beijing whenever it is not pleased with activities that are seen to be strengthening Malaysia's legal position. As an example, China verbally protested to the visit of the visit by the Prime Minister of Malaysia to Pulau Layang-Layang on 3 June 2009.

The unfortunate incidents involving the Impeccable and the Bowditch in its EEZ in April 2009 are viewed by many in the West as a reminder of a more assertive China. Western media does not report China's claim that the US vessels had violated its EEZ legislation. Imagine if Chinese vessels were caught mapping the ocean floor 125 kilometers from San Francisco. Hell would have broken loose at Foggy Bottoms!! China has been accused of subverting customary international law by hampering the freedom of navigation on the high sea when it asked the USNS The Impeccable to leave its EEZ on April 9, 2009 for violating its domestic legislation. This is not a case of selective harassment. On the contrary, I think, China will not hesitate to harass any foreign vessel engaging in non-authorized activities detrimental to its security in its EEZ.

Some credit must be given to Beijing for tolerating the activities of the various claimants in the Spratly. I attribute this tolerance to the non-threatening nature of these activities unlike the activities of the US spy vessels which China viewed as undermining its security. On the contrary, as China continues to rise in power, according to Fravel, "it may paradoxically be more willing to compromise some aspects of its dispute with Vietnam, as it will be doing so from a position of strength..." The compromise may involve "the maritime rights in waters around the Paracels, perhaps sharing the resources in the manner similar to the 2020 fisheries agreement in the Tonkin Gulf."

DO CLAIMANT STATES NEED TO FEAR PAX SINICA?

NO.

We do not need to fear Pax Sinica. On the contrary, the new geo-political dynamics seem to suggest that a strong and rich China is good for the world and the region. China belongs to the region; it is part of the region. It is quite evident that China has not lost sight of a semblance of cultural compatibility with the claimant states that compliments its strategic objectives in the region. Despite this, China should not take the region for granted; China has no card Blanche to terrorize the South China Sea. China must reciprocate the good will and respect the present staus quo to ensure peaceful co-existence.

Part of the unfounded fear of Pax Sinica misbehaving itself as the British and America did in the past is because the world is still not used to the rise of Pax Sinica. We have got used to Pax Britannia and Pax Americana and their geo-political and geo-strategic antics many are not prepared to welcome a non-Caucasian power. Many fail to credit to China's non-belligerent behavior in the past especially in the 1860s when it controlled more than twenty per cent of the global economy in 1860s (about the same level as the US in 2009); during that period, it did not throw its weight around irresponsibly.

Perhaps China's past as a civilisational state (after Martin Jacques) has not been well understood and this has caused many to perceive its re-emergence in global affairs as being more hostile than benign. There seems to be a mirror image of powers like Great Britain to the United States whose rise was accompanied by many political uncertainties as well as crisis. President Obama admitted in Tokyo on 14 November 2009 "that in the 21st Century, the national security and the economic growth of one country need come at the expense of another...and, in an interconnected world, power does not need to be zero sum game and nations need not fear the success of another...". This reassurance is an oblique reference to remarks from Mr. Lee Kuan Yew, Senior Minister of Singapore, in Washington that the US must "hold ground" to remain a superpower in the twenty first century contest for supremacy in the Pacific.

It is easy to criticize China for flexing its military muscles without looking at the recent geo-political dynamics in the region that has put China in a jittery mode. The April 2001 incident involving the US spy plane over Hainan and a series of encounters with spy vessels in and around the South China Sea culminating with the Bowditch incident on March 8, 2009 have given the Chinese military reasons to flex their muscles. The decision by Washington to sell US\$6.5 billion worth of sophisticated weapons to Taiwan in October 2008 has caused Beijing to question US long-term military strategy in the region. The current geo-political dynamics, in my view, have put China on a more assertive mode in the South China Sea that it considers its Lake. The following geo-political parameters have a major influence on Beijing policy in the South China Sea:

The perceived decline of US strategic influence in the region and elsewhere as a result of the US economic downturn;

India as a regional player that could threaten China's strategic interests;

The US policy of re-engagement with South East Asia has been described by some as competing for influence with China. The decision by Washington to send a delegation of senior officials to hold talks with Burma's military junta and Madam Aung San Suu Kyi on 4 November 2009 could be seen as Washington's attempt to weaken China's influence on Burma. This gesture is followed by President Obama's meeting with the Asean leaders, including the Prime Minister Burma, at the 21st APEC Economic Leaders' Meeting (AELM) on Nov. 14-15 in Singapore is indicative of a new US foreign policy initiative in the region.

Japan is also taking a higher profile in South East Asia. Its decision to host a two-day meeting (6-7 November 2009) with the leaders of South East Asia's five Mekong River nations in what analysts say is a move to counter growing Chinese influence in the region. China was not invited to the meeting although it has been, like Burma, a dialogue partner of the Mekong River Commission since 1996.

Since the 1990s China's geo-political interest in the South East Asia has changed as it pursues to influence global events. It is no longer interested in subverting the region. On the contrary, China counts on South East Asian States as regional allies; an important market for its manufactured products, a source of capital and primary commodities like rubber and palm oil. While many in South East Asia may still be suspicious of China's political motives, most would embrace China as a friendly economic powerhouse.

China has substantial trade with the region. For example, the volume of Asean-China trade has expanded more than five-fold between 1997 and 2005; in 2007 the Asean-China trade volume has surpassed the US \$ 200 billion target. Barring further major financial impediments, regional trade will receive a boost from the 2004 ASEAN-China Free Trade Area Agreement and the decision in April 2009 to ink the investment agreement, its final chapter. The FTA with China which takes effect in 2010 will be the world's largest with a population of 1.8 billion people and gross domestic product of US \$2 trillion. Going by recent reports on oil China's trade surplus in October 2009 and the strengthening of the economic recovery in China in an otherwise listless world economy, it gives hope to speculation that China's rise will drive further growth in Asia.

At the same time, China has strengthened trade with some claimant countries. For example, bilateral trade between Malaysia and China has exceeded US \$50 billion in 2008 two years ahead of a 2006 forecast. However, there is one downside. According to Malaysian statistics, the trade balance is in China's favour (Ringgit \$1.8 billion in 2003, \$6.98 billion in 2004, \$14.7 in

2005, \$15.5 billion in 2006 and \$11.8 billion 2007). Likewise, Vietnam's economic relation has expanded from 1991 onwards. However, since 2001, according to one Report, Vietnam has incurred consistent trade deficit with China; in 2008 it was more than US 11 billion estimated at 12 per cent of the GDP. Vietnam's trade with China in the last six months of 2009 showed a significant decrease of almost 19 per cent (around US \$9 billion).

CLAIMANT STATES ARE NOT CHINA'S ADVERSARIES

The claimant states are not China's adversaries. They do not pose any credible threat to China's security. Those who view China as a hegemon and a military threat like to point to China's modernization and expansion of its Peoples Liberation Army (PLA) as a basis of their conclusion. Its relatively large defense budget and the establishment of a string of military basing facilities astride the sea -lanes -of communication (CIA describes them as "a string of pearls strategy") stretching from Africa through the Middle East, South Asia to the Far East are viewed as expanding the strategic infrastructure for power projection. Recent assertiveness against US spy vessels in its EEZ has drawn adverse comments from some critics in the region that China is flexing muscles.

I believe the skeptics are wrong.

The skeptics refuse to acknowledge, for example, that China's defence expenditure is about 3 per cent of US spending and 15 per cent of Japan's, if the official exchange rate is accounted for. The PLA spends per soldier much less than their counterpart in Israel or Singapore. As a ratio of the gross national product, at 6 per cent Singapore maintains a higher ratio. So much time is spent on speculating into China's military intention. I believe there is a risk in looking merely at capabilities and extrapolate intention; it is not always true that the relationship is always positive. The PLA Navy, most would agree, is not even blue water by comparison with the British Royal Navy or the Naval Wing of the Japanese Self Defence Forces. Yet, no one draws ill intention from these powers. I guess until the region get used to Pax Sinica ruling the waves, the PLAN will continue to receive adverse review.

There are also exaggerated claims that China's race for offshore hydrocarbon resources in the South China would sea will push China and South East Asian countries into contention and that China can disrupt the sea-lanes of communication in the disputed South China Sea. Although China has pressured some international oil companies from exploration in the Spratly, it has not interfered, for example, with similar offshore activities in Brunei, Sabah and Sarawak.

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Beijing is likely to increase naval presence in the Spratly to prevent unauthorized military activities by unfriendly external powers (read US). With the exception of a few cases involving mainly Vietnam and the Philippines, China has not resorted to use force in the Spratly since it occupied the Mischief Reef in 1995.

There are also discordant voices claiming that China does not respect the freedom of navigation on the high sea in the South China. They offered as evidence the incidents in March involving US spy vessels the Impeccable and the Bowditch. Truth is: these vessels were conducting unauthorized military activities in China's Exclusive Economic Zone in violation of Chinese domestic laws. Of course, China has the military capability to disrupt the sea lanes of communication (SLOCs) but it will be perilous and a foolish strategy to do so. In fact, it is in China's commercial interest to keep the sea lanes of communication open. In the Strait of Malacca, for example, China has agreed in 2006 to help Indonesia repair five navigational aids in Indonesian waters which were destroyed during the tsunami off Aceh in 2005; it is in Beijing's global economic and military interest to have a waterway which is safe for its ships to navigate. However, for long term strategic reasons, China has jointly developed additional land-supply routes (mainly for oil) through Burma, Pakistan and Russia to ensure security of supply at all times.

CONCLUDING REMARKS

As its Lake, the South China Sea has come under China's zone of geo-political influence.

The failure to recognize changes in Beijing's geo-political outlook, its economic prowess as well as the desire to be involved in the mainstream of international politics and participate in bigger issues in international relations like its role in the current economic downturn has blinded many to believe that Beijing poses military threat to the region. Often cited in support of this assertion is China's assertiveness in the South China that it considers proverbially its Lake. Critics seldom look at the geo-political reality emerging in the region from China's perspective. Dealing with the changing geopolitical landscape like the US policy of containment (Obama downplays this) and the rise of India and the possibility that Japan may reassert itself politically in the region calls for extra vigilance and can help explain China's occasional tantrums in the region.

It is my view that China's military expansion is far from over. However, I do not believe that China is expanding the military infrastructure and facilities in the South China Sea to use

against the claimant states -who are also their economic allies. On the contrary, the presence of its overwhelming military strength has made it much easier to make compromises (not amounting to relinquishing its claims). The sophisticated military assets are intended to protect against an uncertain future in the global strategic landscape and to give teeth to an emerging economic superpower with worldwide geo-strategic interests.

It is my firm belief that China does not consider the claimants as its military foe or adversaries. Nevertheless, China will continue to issue diplomatic demarches and protest notes for activities which it considers to be an infringement of its sovereignty. In the same vein, I expect the claimants will also continue to complain and protest against China's activities in the South China Sea. Such protest notes and counter protests are not likely to result in any military showdown. Protest notes are not only essential for domestic consumption but also for foreign policy purposes.

But the real challenge, in my view, is to recognize that the new geo-political landscape in the South China Sea has changed with the emergence of China as an economic and political power; although China's military might is nowhere that of the United States, it is the strongest military power in the South China Sea.

Beijing is acutely aware of the limits of the utility of using force in international relations especially at a time when its rise is shrouded with suspicion; it will not undertake any military misadventure against the claimant state. Hence, some form of modus Vivendi with the claimant states is desirable; the present status quo of co-existence in a Chinese Lake which allows the claimant states some space in expressing their respective national positions in a peaceful manner (like making diplomatic protests) provides political stability in the South China Sea.

Within these parameters, it is quite safe to be swimming in the Chinese Lake.

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The Geo-Political Reality of Regional Co-Existence in a Chinese lake, by Prof. Ba Hamzah

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