

Testing the Temperature: The Global Significance of the South China Sea Dispute

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Introduction: A Global or a Regional Issue ?

Two different approaches to the complex and difficult South China Sea issue have become clear. One, expressed consistently and strongly by the Chinese, is that the issue should be seen only as a local issue, not a global one. Beijing reacted strongly to Hillary Clinton's expression of the US interest at the ASEAN summit in Vietnam in July 2010.¹ On his official web-site, Foreign Minister Yang Jiechi reportedly warned against America's getting involved in the issue, arguing that it would increase regional tensions. 'What will be the consequences if this issue is turned into an international or multilateral one ? It will only make matters worse and the resolution more difficult...The consensus is to have these disputes resolved peacefully through friendly consultations in the interest of peace and stability in the South China sea and good neighbourly relations.'² The South China Sea problem was a local one, and it was only up to the locals to sort it out. With so many claimants to the area, and such complex over-lapping jurisdictional issues to be resolved, the problem was already complicated and sensitive enough; why make things worse by involving other countries with no particular claim on the area ?

By way of contrast, the early 20th Century strategist Sir Halford Mackinder made many years ago what many would regard as the key point: 'The unity of the ocean is the simple physical fact underlying the dominant value of sea-power in the modern globe-wide world.'³ Because the sea is 'all joined up' external countries, outside the immediate region, have a major stake in the management and outcome of the dispute, especially if they are maritime in nature, and so should be expected to want to express their interests in it. For that basic reason, the South China Sea

¹ It is worth making the point, however, that many aspects of Mrs Clinton's speech were foreshadowed in a State Department statement of 10 May 1995. Little of the speech should really have come as a surprise.

² 'China Warns US to Stay Out of Islands Dispute' *New York Times*, 26 July 2010.

³ Halford Mackinder, *Britain and the British Seas* (London: D. Appleton & Co Ltd., 1914) p 12.

dispute necessarily becomes a global one and the global community has a stake in its peaceful management, and hopefully one day, resolution. 'One measure of the strength of a community of nations, ' said Mrs Clinton is how it responds to threats to its members, neighbours and region.' ⁴ The position that the South China Sea dispute was a global one with global implications and consequences was taken further by Robert Gates at the Shangri-La Dialogue in June 2011. As a result those implications and consequences ... are seen as justifying the United States and other outside countries in seeking to maintain a role in defence of their wider interest in the area. Mr Gates was even prepared to bet \$100 that for this reason, 'five years from now the United States's influence in this region [will be] as strong if not stronger than it is today.' ⁵

So, the question arises, why does the United States and why do other external countries take such an interest in the South China Sea issue and what is likely to be the consequence of this ? Several reasons may be adduced :

Security – Shared and Indivisible

There is, first of all, the view that in an era of globalization, international security cannot be divided up into discrete geographical zones. Accordingly, external countries have become very concerned about what seem at times to be the rising temperatures of the disputes in the area, not least because any such deterioration might in due course have significant impact on them.

External Perceptions of Rising Local Temperatures

As seen from outside as well as inside the region, and rightly or wrongly, China's policy in the early part of 2011 appeared to revert to the assertive style of early 2010 - with its interference with survey vessels acting in support of Vietnamese and Philippine interest in disputed parts of the South China Sea. In June 2011, a Chinese warship is reported to have fired at three Philippine fishing vessels near Jackson Atoll.⁶ In his State of the Union address in late July, Philippine President Benigno Aquino said : 'We do not want to increase tensions with anyone, but we must let the world know we are ready to protect what is ours.' For this reason, the venerable *Rajah Humabon* – the Philippine Navy's flagship- was dispatched to what some in Manila now refer to as the 'West Philippine

⁴⁴ 'US takes on Maritime Spats' *Wall Street Journal* 24 July 2010

⁵ 'Not Littorally Shangri-La' *The Economist* 9 June 2011.

⁶ 'Behind recent gunboat diplomacy in the South China Sea' *IJSS Strategic Comments*, August 2011.

sea.⁷ There is also a degree of uncertainty as to whether or not the US regards the Kalayaan Island Group as covered by the US Philippine Mutual Security Treaty, which was signed four years before the Philippine claim to the KIG was tabled, but at the very least, the US will be interested in these developments.

At the time of the Vietnamese cable cutting incident of 26 May 2011, Foreign Ministry spokesman, Nguyen Phoung Nga warned 'The Vietnamese navy will do everything necessary to firmly protect peace and the independence, sovereignty and territorial integrity of Vietnam'.⁸ After the cable cutting incident the Vietnamese survey ship returned to the area, only escorted this time, by 8 other vessels. On top of this, the unilateral Chinese fishing ban in disputed waters and the intrusion of large numbers of Chinese fishing boats into Vietnam's EEZ have further exacerbated the situation.⁹ Such incidents also seem to stir up the kind of nationalistic sentiment in the citizenry – especially when media reports inspire vocal 'netizens' to take to the airwaves of the 21st Century – which governments find it hard totally to ignore. Indeed, suspicion of consequent 'hacking attacks' may well poison the atmosphere still further.¹⁰

Regional Naval Modernisation and Activities

It is hard to believe that this slowly rising temperature is completely unconnected with the naval modernization programmes currently in train. Many would argue in fact that this is one of the major regional responses to the South China Sea problem. Most of the claimants appear to be upgrading the military facilities they maintain on the South China Sea features that they hold, including runways and buildings of various sorts China (Subi, Johnson South and Fiery Cross reefs), Taiwan (on Itu Aba/Taiping), Malaysia (Swallow Reef) and the Philippines (Thitu, Patang/Feixin).¹¹

⁷ 'Navy Flagship to patrol PH waters only, says Palace, *Philippine Daily Inquirer* 21 June 2011.

⁸ 'Vietnam demands China stop sovereignty violations' *Thanh Nien Daily*, 30 May 2011.

⁹ 'Chinese fishing boats violate Vietnam waters: gov't mulls patrol boats' *Thanh Nien Daily*, 29 May 2011.

¹⁰ This is a general issue in the region: 'Japan targeted by cyber attacks "from China"' *The Telegraph*, 20 Sep 2011. The fact that these attacks on arms contractors Mitsubishi Heavy Industries and IHI Corporation coincided with the anniversary of the 1931 Manchurian Incident, led the media to speculate that Chinese hackers were to blame. The Chinese Government denied involvement, pointing out that it was itself the target of numerous hacking attacks.

¹¹ Christian Le Miere, *Waves of Concern: Southeast Asian States Plan Naval Defences*, *Jane's Intelligence Review*, May 2011, pp 8-13; ABC Asia Pacific News, 'China criticizes Vietnam's decision to renovate airstrip on Spratlys.'

Rising tensions in the area have prompted a number of responsive deployments and are likely to encourage a build up in regional coastguards and more worryingly, in air and naval forces too. In July and August 2010 (shortly after Mrs Clinton's comments at ASEAN), the large Chinese exercise 'Vanguard 2010' included the firing of guided missiles and test of anti-missile air defence systems in the South China Sea. Later in November 2010, China conducted a major amphibious exercise involving at least 100 warships, submarines and aircraft. On this the Global Times reported: 'This is basically a routine military exercise, but it is also based on the current combat situation in the South China Sea.' It quoted a Beijing analyst, Li Jie as commenting 'It was not a special signal but we chose that theatre to show our naval capacity and strength'. The special salience of amphibious forces to the South China Sea will have been noted. Vietnam held a live fire exercise in the South China Sea off the island of Hong Ong, 20 miles from Quang Nam province on 13 June 2011.¹²

The steady expansion in operational ambition and expansion of the PLA [N] over recent years has been well remarked (not least by the United States!) and has recently been highlighted by the maiden voyage of the country's first aircraft carrier the *Shi Lang*. The PLA[N] is still markedly inferior to the US Navy as a whole, but the operational gap between it and the 7th Fleet [which has 60-70 ships and submarines, about 250 land and sea based aircraft, and 40,000 people] and has narrowed appreciably. In some respects the Japanese MSDF retains its technological edge over the PLA[N], but again the gap is narrowing. China's predicted expansion of its facilities at Sanya, to include very possibly the basing of its future carrier force there, moreover appears to be increasing its military advantage over its southern neighbours still further. It has been suggested that China intends to deploy its DF-21D ASBMs at the Shaoguan missile base in Guangzhou province, well within reach of the South China Sea.

China deploys its *Jin* class SSBN and several of its *Han* and *Shang* class SSNs at Sanya plus modern diesel submarines (SSKs) such as the *Kilo* and *Song* classes, as part of its force of some 21 submarines in the Southern Fleet. For their part, ASEAN states appear to be especially interested in investing in SSKs; the expense and ambitiousness of this project may seem justified to such countries by the SSK's perceived value

¹² 'China launches more large-scale military exercises' *AFP* 3 Aug 2010; 'Chinese military holds naval drills in South China Sea' *The Straits Times*, 4 November, 2010; 'Tensions rise in South China Sea' *Jane's Defence Weekly*, 22 June 2011.

in strategies of sea denial against a superior adversary deploying surface ships into an area of interest. Here, Vietnam's intention to acquire six sophisticated *Kilo 636* submarines from Russia, and Malaysia's two *Scorpene* SSKs from France have attracted particular analytical attention. Singapore, Thailand and Indonesia have completed or are contemplating submarine acquisition projects as well.¹³

Some countries in the area appear also to be expanding and modernizing their surface fleets of frigates, corvettes and offshore patrol craft. Vietnam for example with its obsolescent naval forces dating from the 1960s and 1970-s, has bolstered its old Petya class Corvettes with 2 modern *Gepard class* frigates. In Vietnam, there seems to be a particularly strong emphasis on coastal defence.¹⁴ Collectively ASEAN nations deploy over 40 frigates compared to 20 (plus 8 destroyers) in the PLA[N] Southern Fleet. Taiwan is reportedly considering acquiring a new generation of fast attack craft to protect Taiping, and has commissioned 4 *Keelung class* destroyers in recent years. Brunei has taken two new OPVs with a third on order. The Philippines has likewise acquired a *Hamilton class* cutter and instituted an expansion of its MDA facilities.¹⁵ [Following sentence later in this para than in the original]In addition to this, local air-forces are being modernized too. Vietnam for example is buying Sukhoi SU-30 fighters.

This round of regional naval modernization does not yet approximate to the characteristics of a classic arms race. It can be argued that this kind of naval modernization is evidence, instead, of a perfectly 'normal' aspiration on the part of increasingly prosperous maritime states to increase their spectrum of capability and to build up their national defence-industrial capabilities. Moreover the process itself is not particularly rapid, and in some cases appears to have Chinese involvement – such as Beijing's offer of two *Song class* SSKs to Thailand. Nonetheless, these developments could get out of hand, especially if they led to inadvertent but escalatory incidents at sea, and so degenerate into a complex cross-cutting naval arms race , with all the adverse consequences for international stability often associated with arms races in general.

¹³ Christian Le Miere, Waves of Concern: Southeast Asian States Plan Naval Defences, *Jane's Intelligence Review*, May 2011, pp 8-13. The Thai navy's aspirations in this direction have suffered a set-back however. 'Submarine plan torpedoed,' *Bangkok Post*, 20 Sep 2011.

¹⁴ 'Vietnam looks to expand coastal defence assets' *Jane's Defence Weekly* 24 Aug 2011.

¹⁵ 'Phillippines to boost S. China Sea Defences' *Straits Times*, 8 Sep 2011.

In theory, the parallel build up coast guard and other civilian agencies of maritime enforcement should be regarded as much less provocative and worrying. Here China appears to be taking a definite lead, in a manner entirely consistent with the renewed emphasis on the marine sector in its 12th Five year Plan of March 2011. The China Maritime Surveillance (CMS) force, created only in 1998, under the State Oceanic Administration has started the construction of 36 inspection ships and 54 speedboats, and is intended by 2015 to have 15,000 personnel, 16 aircraft and 350 patrol vessels.¹⁶ The well-publicised passage of the new 3,000 ton helicopter carrying *Haixun 31* patrol ship through the South China Sea en route to Singapore attracted much attention.¹⁷ In addition the Fisheries Law Enforcement Command and the Maritime Safety Administration have built up their patrol capacity too.

Other countries in the area are following suit, insofar as their resources allow. Vietnam for example is reportedly considering a significant expansion of its capacity through Vietnam Maritime Security (VMS) to protect Vietnamese fishing boats and to deter Chinese vessels operating in local fishing grounds.¹⁸ The Malaysian Maritime Enforcement Agency (MMEA) was set up in 2005-6, with the transfer of 17 vessels from the Royal Malaysian Navy although the security of its 5 features in the South China Sea is still to be left to the Navy, with 2 of its *Kedah* class corvettes being deployed to the area (Naval region II). While coastguard vessels, functionally, may seem less provocative than warships – much depends on the manner in which they are used. It will be remembered that the *Impeccable* incident was conducted by fishing boats and vessels of this kind. Some analysts speculate that for institutional rather than nationalistic reasons these agencies, may feel the need to 'justify' their budgets through more assertive action.

[This paragraph has been moved to a later position than in the original version] The security policies of some claimant countries have adapted to these rising temperatures. One result has been a degree of coalescence and increased cooperation amongst the members of ASEAN, not least at the ASEAN meeting in Vietnam, where Hillary Clinton's comments seemed to be regarded with approval by a number of local states. The first ever

¹⁶16 Yang Fang, China's new marine Interests: implications for Southeast Asia *RSIS Commentary*, China's new marine Interests: implications for Southeast Asia China's new marine Interests: implications for Southeast Asia, June 2011.

¹⁷ 'Chinese marine patrol ship Haixun 31 arrives in Singapore for visit,' *Xinhuanet* 19 June 2011.

¹⁸ 'Chinese fishing boats violate Vietnam waters: gov't mulls patrol boats' *Thanh Nien Daily*, 29 May 2011.

official meeting of all Southeast Asian naval chiefs was held in the margins of this conference, and there was an agreement to set up a hotline for information exchange and more concerted action.¹⁹ In September 2011, Vietnam and Indonesia agreed to set up joint patrols in the southern part of the South China Sea.²⁰

A second regional response to the developing situation in the South China Sea seems to be the considered calling in of outsiders. Vietnam for example has exhibited a tendency to call for political support from countries outside Southeast Asia perhaps as a means of seeking to constrain China's freedom of manoeuvre. Vietnam's offer in November 2010 of the use of facilities at Cam Ranh Bay (upgraded with extensive Russian help) to external navies has attracted much attention, and seems likely to lead to an increased Russian, American, Indian, Japanese and South Korean presence in the area.²¹ The Russian 5th Task Force of the expanding Far East fleet has maintained a continuous interest in the South China Sea. There has also been something of a rapprochement between Vietnam and the United States, symbolized by several high profile US naval visits to the country and with India, a country which for its own reasons seems willing to play a larger role in the region, perhaps in compensation for its worries about an increasing Chinese role in the Indian Ocean. In this connection, the reported challenging of an Indian amphibious assault ship INS *Airavat* on passage home after a visit to Vietnam in July 2011 would seem to indicate Beijing's concerns about the 'unauthorized' presence of foreign warships in what it regards as its part of the South China Sea.²²

Despite this, external navies continue to maintain a significant presence in the area. Through its exercises such as COBRA GOLD, CARAT and Seacat exercise programmes the US Navy routinely conducts a great number of exercises with Southeast Asian countries.²³ The latest involved the dispatch of an SSN to exercise with the Malaysian navy, presumably to facilitate the introduction of submarines to the RMN. The steadily improving naval relations between Vietnam and the US have attracted a

¹⁹ 'ASEAN Navy Chiefs to Set up hotline amid maritime territory dispute' *Bangkok Post*, 5 August 2011.

²⁰ 'Indonesia/Vietnam Agree Joint maritime Patrols' *AFP* 15 Sept 2011.

²¹ 'Twist of fate sees old foes as allies in power tussle' *Financial Times*, 15 June 2011.

²² "China confronted Indian warship off Vietnam' *Financial Times*, 1 Sep 2011. Although ambiguous [since the ship allegedly had no sighting of the source of the radio transmission] this was a significant event. As the ship seemed only on passage and was not apparently conducting an exercise, gathering military data, or on operations of any sort, it cast doubt on previous Chinese statements that it would 'respect the freedom of passage of ships or aircraft from relevant countries which are in compliance with international law.' Ben Blanchard, 'China says Will Respect South Seas Navigation Freedom' Reuters, 31 July 2010.

²³ 'US Joins Naval Drill in Southeast Asia' Xinhuanet 17 June 2011.

good deal of attention.²⁴ The fourth trilateral exercise between the US, Japan and Australia was conducted in the South China Sea off Brunei.²⁵

By such means the United States has shown itself more than willing to correct any impression, inspired either by its strategic distraction elsewhere or by apparent weaknesses in its economy, that it might consider reducing its role in the Western Pacific. Such a response was symbolized, the week after the *Impeccable* incident, by the return to the exact spot where the confrontation occurred of the survey ship, accompanied this time by the DDG USS *Chung Hoon*. This renewed American emphasis on the Asia-Pacific seems at least partly a consequence of their own interpretations of the recent thrust of Chinese policy and concern about its implications for long-term American interests in the region.

At the ASEAN meeting of 2010 in Vietnam, ASEAN countries were, despite requests from Beijing, prepared to raise the South China Sea issue in parallel with Hillary Clinton's much quoted comments. This apparent convergence on the matter between the United States will have dismayed China – even alarmed it were Beijing to conclude that Washington has departed from its past studied neutrality actually to take sides on the jurisdictional issue.²⁶ Nonetheless, and this is a point of which local ASEAN countries are well aware, the maritime aspect of the sometimes difficult relationship between China and the United States is but a part of a much wider whole, and not necessarily a dominating one. Trade relations, human rights, arms to Taiwan, or just a general sense of strategic competition between the two countries are important too, and may indeed be a more influential driver of policy in Washington and Beijing, perhaps to the extent of making maritime difficulties in the South China Sea more a consequence of a difficult relationship between the two countries than a cause of it. For this reason, there are those in ASEAN wary of being sucked a strategic dispute not of their making, that is perhaps not mainly focused on the South China Sea, but with possibly quite adverse consequences for their own peace and prosperity. This is particularly the case for those ASEAN countries which do not have a direct stake in the jurisdictional dispute over the South China Sea, namely Cambodia, Laos, Thailand and Myanmar. Some worry that Washington

²⁴ 'US Vietnam Exercises Amid Tensions with China' *Wall Street Journal* 16 July 2011.

²⁵ 'Joint Drills to be held in S China Sea' *The Yomiuri Shimbun*, 9 July 2011.

²⁶ Mark Valencia in his paper for the 2010 Conference points out the significance of the phrase in Clinton's speech : 'legitimate claims in the South China Sea should be derived solely from legitimate claims to land features' as evidence of this. 'The South China Sea: Back to the Future.' 'Obama Administration Takes a Tougher Tone with China' *Washington Post* 30 July 2010.

has its own agenda for involvement, more to do with its global rivalry with China, rather than concern for the interests of local states and also an ideological commitment to US-style democracy and human rights that might not wholly suit some national circumstances.

Explaining External Interest in the South China Sea Dispute

So the question again arises – why exactly do the external powers seem receptive to the notion that they should play a part in the South China sea issue ? There seem to be at least four sets of reasons for this :

1: The Economic Importance of the region. The outside world's economic stake in what happens in and around Southeast Asia is enormous; it is a crucial market, a source of goods and services, and a major tourist destination. Southeast Asia in short is a vital constituent of the same globalised sea-based trading system and an area in which even far distant external countries have strong interest. The Asian currency crisis of the 1990s and its impact on Europe, and indeed the current economic travails both demonstrate just how indivisible the economic fortunes of the world really are. For these reasons alone, the rest of the world has a major stake in the continued stability and prosperity of the region, and so for such reasons, to reverse the common expression, the flag follows trade.

Political and strategic considerations also point to a growth of external interest in the South China Sea.

2: A Window on China. Because security is seen as both shared and invisible, the management of the dispute is considered important for the light it sheds on the world's future security architecture, and not least on the future role of a still more powerful China in the world's affairs. Rightly or wrongly, China's policy towards the South China Sea is closely scanned for what it may tell observers about that country's perception of itself and forthcoming intentions in the area - and more widely. It is of course just one of many such indicators, but it tends to dominate the perceptions, not least of local neighbouring states, and so tends to reinforce the interest of external powers. Thus, the Japanese Foreign Minister Matsumoto in September 2011:

Japan has a great interest in the territorial disputes in the South China Sea because they could have an impact on peace and security

of the Asia-Pacific region, and they are also closely related to safeguarding the security of maritime traffic.²⁷

Because in comparison with other countries, China is seen by many as noticeably opaque in its foreign policy deliberations, there is a significant focus on what China does, rather more on what it says. The generally hawkish tone of the *Global Times*, however, often seems at variance, to outsiders at least, with the more conciliating public comments of the country's leaders and is often adduced in support of worst case analysis of these actions.

The management of the dispute is also seen as a means of shedding light on decision-making processes in China, particularly with regard to security policy. Some analysts seek to explain the apparently erratic and inconsistent nature of Chinese [and indeed other claimants to the South China Sea as well for that matter] may reside in basic uncertainty and division about who, if anyone, is responsible for 'running' maritime policy in the country. Thus Rear Admiral Yin Zhuo, Chairman of the Expert Committee on Navy Informationalization: 'China does not have a clearly defined ocean strategy at the national level.' Economic considerations dominate the policies of agencies within the State Oceanic Administration and 'naturally the Navy has its own ocean strategy considerations, but these are all actions by certain departments and not at the national level.'²⁸ To what extent, then does Chinese [and other] maritime behavior in the South China Sea reflect bureaucratic and institutional agendas and priorities rather than what might be called settled national policy ?

Another angle on this issue, is the extent to which such maritime policy is seen to serve the new nationalism of the citizens and some institutions within China and other claimant countries in the area. In the age of the internet-empowered citizen – the netizen – the authorities cannot ignore the growing nationalism of the people, for whom China's campaign to secure what they see as its islands and the maritime jurisdiction those waters are believed to generate, become important performance-indicators in the eyes of its own people of how well the government is doing. Unauthorised foreign activities within waters that are essentially thought to be national territory have therefore to be regarded with strong

²⁷ Quoted in 'South China Sea Dispute: Harbinger of regional Strategic Shift ? *Asahi Shimbun*, 10 Sep 2011.

²⁸ Quoted in James Homes, *China's Maritime Strategy is more than Naval Strategy* China Brief, Jamestown Foundation, April 2011,

disfavor.²⁹ This may well have been a factor in the *Impeccable* incident.³⁰ When asked recently by an *Asahi Shimbun* reporter why China was so concerned about the South China Sea, Admiral Wu Shengli, Commander-in-Chief, PLA[N] replied: 'How would you feel if I cut off your arms and legs? That's how China feels about the South China Sea.'³¹ In short, does maritime policy in the South China Sea suggest that foreign policy in the region is increasingly becoming a prey to increasingly nationalist feelings within the countries concerned? If so, the dispute could be seen as just a part of a much wider malaise.

This sensitivity to Chinese actions is increased by the general acceptance that a major strategic and transformational shift in international power may be under-way. For all these reasons, what is seen as the Chinese challenge to American concepts of the free seas is neuralgic for today's United States because it could seem to exemplify a major strategic shift from the time when, 15 years ago it was able to revel in its own 'indispensability' and capacity to call the shots in the international system.³² Since then, terrorist attack, the dragging mainland wars of Iraq and Afghanistan and the 'Great Recession' have sapped the country's self-confidence. Now even the country's long-term dominance of the Pacific Ocean seems under threat as a new rival appears on the scene. China once seen in the US as 'just' a land power [and a rather backwards one at that], is using its industrial and maritime power to move into what America has become accustomed to think its own back-yard – and to dilute American maritime supremacy in the Pacific Ocean. The problem is exacerbated by the fact that China could take more advantage of the United States' maritime vulnerabilities than the United States could of China's territorial ones. Accordingly, Chinese assertiveness over its near seas can easily be seen as a *symbol* of a momentous transition in great power relations, and (over-)reacted to accordingly.

For the United States, then, a good deal is at stake, not least its continuing capacity to dominate the global commons which as Andrew Hart and Bruce Jones have recently remarked '...has been a critical

²⁹ 'China warns US to Stay Out of Islands Dispute' *New York Times* 28 July 2010. The 'Netizen Effect' applies as well to the other South China sea claimants of course, not least Vietnam as exchanges over the incidents of early 2011 have made clear. Thomas J. Christensen, 'Posing Problems without Catching Up: China's Rise and Challenges for US Security Policy' *International Security*, Spring 2011, pp 5-40.

³⁰ Mastro, op cit, p 225. Li Mingjiang, China's new security posture: Non-confrontational assertiveness, *The Straits Times*, 19 May 2011.

³¹ Quoted in William Choong, 'Mistrust hurts naval cooperation in region' *The Straits Times*, 27 May 2011.

³² Charkles Kruathammer, 'America Rules: Thank God' and James Chace 'A Sunlit America Summer' both in *Time*, 4 Aug 1997.

enabler of the US military's pre-eminent position and has under-written America's own economic influence as well as that of its allies, and has helped Washington to lessen the influence of its adversaries.'³³

In the US, much of this concern for the United States is centred on the concept of 'Forward Presence' an issue the importance of which is constantly re-affirmed in official US documentation.

3: Maintaining Relationships In 2009, US Secretary of Defence Robert Gates made the essential point that limits on US access to the area could undermine the network of alliances and partnerships that underpin American influence in the area:

When considering the military modernization programmes of countries like China, we should be concerned less with their potential ability to challenge the US symmetrically – fighter to fighter, or ship-to-ship – and more with their ability to disrupt our freedom of movement and narrow our strategic options. Their investments in ...anti-ship weaponry and ballistic missiles could threaten America's primary way to project power and help allies in the Pacific – in particular our forward air bases and carrier strike groups.³⁴

The criticality of free movement and forward presence for its political relationships with allies and partners in the region is the reason for its investment in the expensive and demanding technology of the Air-Sea Battle strategy [referred to later], bearing in mind that a much cheaper and probably more effective military-strategic response to a perceived challenge from China would actually to be put pressure on Chinese sea lines of communication instead.

The second set of reasons why the US feels the freedom of navigation to be critical is more general and less traditional. The US recognizes that it would be increasingly hard pushed to deal with the multiplicity of threats to the global trading system on its own. The US Navy's most obvious problem is the slow reduction of the number of ships that it can deploy at any one time. For all the growth in their individual military power, capable warships can still only be in one place at a time. This reduces day-to-day coverage and poses a real time-distance problem in getting ships to areas of concern, especially at short notice. Admiral Mike Mullen made the resultant collaborative point back in 2005,

³³ Andrew F. Hart and Bruce D. Jones, 'How Do Rising Powers Rise ?' *Survival* Dec 2010-January 2011.
³⁴ 'Race on for next generation of anti-ship missiles' *The Straits Times* 11 Jan 2011.

Today's reality is that the security arrangements and paradigms of the past are no longer enough for the future. And today's challenges are too diverse to tackle alone; they require more capability and more resources than any single nation can deliver.³⁵

Because the world ocean, to use the Russian term, is so vast, defending 'the commons' against such threats requires the collaboration of maritime forces [both navies and coastguards] around the world:

Global maritime security can only be achieved through the integration of national and regional maritime cooperation, awareness and response initiatives.³⁶

Hence the even greater stress in recent years on the winning of partners and allies whose ships and bases can, provided they agree with it, bolster the American position.

The budgetary constraints under which the US Navy has now to operate may well lead to a still greater emphasis on partnership with the other rising maritime powers of the Asia-Pacific than already appear foreshadowed in its Co-operative Strategy of 2007.³⁷

In the meantime, there is some recognition in China of the role that the US Navy and Coast Guard do play in helping assure global stability, including in the Asia-Pacific region where its presence might be thought to have some benefits for China, not least in reducing the need for the expansion of other naval powers in the region, and in making a material contribution to the management of such good order problems as piracy, drug and people smuggling and marine pollution.³⁸ The US presence in the seas near China need not always be seen as a zero-sum game.

Much the same, though to a lower extent, can be said about such other external players in the region as the various members of the European Union, India and Japan all of which have a similar bundle of economic, political and strategic incentives to develop and maintain their relationships with countries in the region.

4: The Strategic Maritime Dimension There is inevitably, a very strong strategic dimension to the South China Sea issue, obviously because the

³⁵ Admiral Mike Mullen, in John B. Hattendorf, *Seventeenth Annual Seapower Symposium: Report of Proceedings* [Newport: Naval war College Press, 2005] p 5.

³⁶ NOC2010, op cit p 36

³⁷ Address of Admiral Jonathan W Greenert to the 20th International Seapower Symposium, 19 Oct 2011.

³⁸ Wu Xinbo 'The End of the Silver Lining: A Chinese View of the US-Japanese Alliance, *The Washington Quarterly* 29, no 1 2005- 06

dispute is about maritime jurisdiction in the first place and also as it is an area of passage of the merchant shipping on which the whole system depends. 'The United States' said Mrs Clinton accordingly, 'has a national interest in freedom of navigation, open access to Asia's maritime commons and respect of international law in the South China Sea.'³⁹

This boils down to two specific issues. The first has to do with the unimpeded passage of the merchant vessels on which the world trading system absolutely depends. For the United States, and other countries too, there is a broader *cultural* dimension to its conception of the freedom of the sea involved as well as a narrower strategic one. In the past this strongly infused American policy from the foundation of the Republic, often up to and including the point of conflict. The freedom of the seas could be described in almost lyrical terms:

Here you have an almost limitless expanse and without a barrier, here you have ... what is now Nature's great medium of communication. There are no difficult mountains to cross, no scorching deserts, the way lies open...Imagine then a road which leads everywhere and you have the first clue to the meaning of that majestic thing, sea traffic....Safe in times of peace from all dangers save the natural perils of the sea, the freedom of this, the broadest and busiest of highways, open to all, used by all, vital to the modern structure of civilisation, is unchallenged.⁴⁰

The point of this is that when the freedom of passage of merchant shipping is impeded, the wider international shipping community immediately and naturally becomes concerned. Here though there would not seem to be a problem as China has repeatedly sought to make clear that the freedom of navigation of commercial vessels in the South China Sea is not an issue.[This section moved up from lower position in original paper] Thus General Chen Bingde :

In the South China Sea, freedom of navigation has never been a problem. It serves as an excuse to sensationalise the issue.⁴¹

Indeed China now has as much at stake in the safe transition of the 74,000 or so merchant vessels that ply the Straits of Malacca and the pass through the South China Sea every year as any other major player in the global system. Hence international concern about the somewhat

³⁹ 'Walker's World: US draws line in sea' *United Press International*, 26 July 2010

⁴⁰ Dixon, W. MacNeile, *The Fleets Behind the Fleet* (London: Hodder & Stoughton, ?1917) pp 94-5.

⁴¹ 'China warns US to stay out of South China sea dispute' *Jane's Defence Weekly*, 20 July 2011. Indeed ,

contradictory and noticeably more robust attention paid by China to commercial exploration activities of the Vietnamese and Philippine concerns in the early part of 2011.⁴² On 2 March 2011, two Chinese patrol boats confronted the Philippine survey ship MV *Veritas Voyager* (a French-owned ship registered in Singapore and operated by Forum Energy PLC of the UK) in the Reed Bank area and ordered it to leave. Seismic cables being towed by PetroVietnam survey ships were damaged or cut by Chinese vessels in what Vietnam considers its EEZ on 26 May and 8 June 2011.⁴³ The United States also took exception to the apparent pressure on Western oil companies such as BP and ExxonMobil not to participate in exploration projects with Vietnam.⁴⁴ These local disputes have implications for outsiders, not least as foreign firms are often involved. The survey vessel *Viking-2*, involved in the second cable cutting incident of June 2011, for example, was reportedly registered in Norway.⁴⁵ To make the same point, a Canadian company 'Talisman Energy' and a French company CGG Veritas together with the UK based 'Forum Energy' are partners in PetroVietnam explorations. Moreover, India too has become heavily involved in oil exploration in sensitive parts of the South China sea.⁴⁶ It needs hardly to be said that the internationalisation of the oil exploration business, on its own makes the South China Sea issue a global one.

Despite this, the real area of contention is with the second dimension of the freedom of navigation, the movement and activities of warships. Defending this is clearly a strategic priority for the US. 'We must, ' Admiral Mike Mullen has said, 'be able to continue to react quickly in times of humanitarian crises and with resolve in times of conflict.'⁴⁷ The kind of forward presence required depends on the circumstances of the particular area. "Globally distributed, mission-tailored forces" are designed to cope with a wide range of lower order missions that 'promote

⁴² Carlyle A. Thayer, *China's New Wave of Aggressive Assertiveness in the South China Sea* paper to Conference on maritime Security in the South China Sea, CSIS, Washington DC June 20-21 2011. June

⁴³ 'Tensions rise in South China Sea' *Jane's Defence Weekly*, 22 June 2011; The point was repeated in the Dialogue of 2011. The first of these incidents was claimed by General Phung Quang Thanh, to have been 'well within Vietnam's 200 nautical mile Exclusive economic Zone.' Remarks at IISS Shangri-La Dialogue, 5 June 2011. The incident is reported to have taken place 120 miles off the Vietnamese coast.

⁴⁴ Alluded to in Robert Gates' statement at the Shangri-la Dialogue of 2008. See Clive Schofield and Ian Storey 'The South China Sea Dispute: Increasing Stakes and Rising Tensions' Jamestown Foundation, Nov 2009, p 39. The point was repeated in the Dialogue of 2011. The extent of Chinese [pressure on foreign oil companies was, reportedly underlined in the recent Wikileaks exposure."Beijing pressure intense in South China Sea row' *South China Morning Post* 23 Sep 2011.

⁴⁵ 'Vietnam accuses China of harassing another boat' Reuters, 9 June 2011.

⁴⁶ 'India, Vietnam Explore Waters Claimed by China' *Defense News* 10 Oct 2011.

⁴⁷ 'What I believe: Eight Tenets That Guide my vision for the 21st Century' *Proceedings of the USNI*, January 2006, p 14.

stability, prevent crises, and combat terrorism.’ “Regionally concentrated credible combat power” on the other hand is required for the ‘harder’ tasks of protecting U.S. vital interests; assuring its friends; ‘...and (to) deter, dissuade, and if necessary, defeat potential adversaries.’⁴⁸ One common element between the two sets of missions, however, is the need to operate in the littorals.

The importance of this concept in US naval thinking explains why in the past the Americans have engaged in freedom of navigation exercises ‘with attitude’ in the past, such as the Gulf of Sirte cruises of the mid 1980s and the bumping incident involving the *USS Caron* and a Soviet warship in the Black Sea in 1988.⁴⁹ American disputes with the Soviet Union in the Black Sea, or the Libyan ‘line of death’ in the 1980s, or with Indonesia about its reading of the rights of the archipelagic state were disputes about freedom of navigation but, at the same time a collision between local and global perspectives on the role of seapower.

These US assertions of what it considered its rights were justified in American eyes by the fact that the sea is indeed ‘all joined up’ and that accepting constraints on the freedom of navigation in one area would set precedents that could well weaken it everywhere else. The same point could also be made about ‘international air space.’⁵⁰

Accordingly, the Freedom of Navigation has become a neuralgic issue for China and the United States. China’s reading of the provisions of UNCLOS leads to its believing that Freedom of Navigation within the EEZ of another state is more restricted and conditional than does the United States, particularly when warships seek to exercise it.

Recent events have shown, however, that China, moreover, is as vulnerable as any other country, and more than most, to the illicit activities of the Iranian Revolutionary Guard in the Gulf, the depredations of Somali pirates or indeed to disorder and instability ashore. As a rising maritime power with extensive state interests and a growing diaspora, China seems likely to have an increasing interest in the Freedom of Navigation, the world ocean as a ‘flow resource’ and in the general ‘defence of the system.’ Accordingly, during the ARF meeting In July

⁴⁸ NOC2010, op cit, p 32

⁴⁹ This latter was resolved by a US-Soviet agreement signed 23 September 1989 at Jackson Hole, Wyoming in which the Soviets agreed on the right of foreign warships to transit territorial waters on ‘innocent passage’ and in return the US undertook not to engage in more of such freedom of navigation exercises. At issue in this case were foreign rights in the territorial sea not the EEZ.

⁵⁰ ‘Chinese jets cannot chase spy planes away says US admiral’ *The Independent*, 27 July 2011.

2011, Chinese officials proposed to host a workshop on Freedom of Navigation.

Instead Beijing is concerned is about the Freedom of Navigation of warships, specifically in the EEZ.⁵¹ Thus PLA Major-General Luo Yuan : “the so-called forward presence means that the United States can send its gunboats to every corner of the world...This way, the United States can even claim the Yellow Sea and the South China Sea is covered within its security boundary.’⁵² The Chinese point out that were the USS *George Washington* to have sailed into the Yellow Sea, its aircraft would have been capable of reaching Beijing. If to this is added a strategic culture deeply affected by the country’s historic exposure to threats from the sea, not least in this particular area, and to the disastrous consequences for China of these activities not being deterred, Chinese sensitivity to the unauthorized presence and activity in ‘Chinese waters’ is entirely understandable.

Such differences of cultural perspective led to the *USNS Impeccable* incident in March 2009 and in the more recent past to ferocious reactions from Beijing to the perceived activities of US warships in areas of particular concern such as the Yellow Sea. Chinese sensitivity was exemplified by Beijing’s response to the putative presence of the aircraft carrier USS *George Washington* in the wake of the loss of the ROKS *Cheonan*, even though the US sought to make clear that North Korea was the target of this manoeuvre not China. In addition to strong political protest, the PLA[N] followed the incident up with a coastal defence exercise involving its highly capable *Houbei* missile attack craft which looked to the Americans as a politically charged and quite pointed anti-carrier enterprise.

China maintains that unauthorized foreign naval activity in its EEZ including what the British call ‘military data gathering’ is a kind of battlefield preparation, and so prejudicial to the security of China.⁵³ This, it is claimed, is a contravention of UNCLOS Article 301 which requires parties to refrain from threatening the sovereignty of any state when

⁵¹ Michael Parkinson, ‘Collision Course: China and US make waves in South China Sea’ *Jane’s Intelligence Review* May 2009. ‘China navy criticizes dispatch of US destroyers: state media’ AFP electronic report accessed in <http://www.spacewar.com/reports> 16 Mar 2009. For a balanced review of this complex issue see Klein, Natalie, *Maritime Security and the Law of the Sea* (Oxford: OUP, 2011) pp 217-224. Klein argues that intelligence gathering in the EEZ is legal, but wonders whether this is desirable (p 221). This was also the 2005 view of the regional experts who reviewed the issue in 2005. See Sam Bateman’s introduction to ‘Prospective Guidelines for Navigation and Overflight in the Exclusive Economic Zone’ 144 *Maritime Studies*, pp 17, 23.

⁵² Luyo Yuan, ‘PLA General: US engaging in gunboat diplomacy’ *People’s daily*, 12 Aug 2010. Cited in Manicom, op cit.

⁵³ Ren Xiaofeng and Cheng Xizhong, ‘A Chinese Perspective’ *Marine Policy* 29, no 2, 2005, pp 139-146.

exercising their rights at sea. The opening of the PLA[N]'s new submarine base at Sanya, with its all important access to deep water, will no doubt have strengthened such perceptions. Should China be slowly developing a 'bastion' approach for the deployment of its future SSBNs as the Soviet Union did in the Barents Sea and the Sea of Okhotsk, sensitivity to such date gathering would no doubt increase still further.⁵⁴ The *Impeccable* incident, after all, took place a mere 75 nautical miles south-east of the Sanya naval base.⁵⁵

But the point of these competing visions is that in their concern for the freedom of the seas, the Americans feel they *do* have a major stake in the outcome of events in the South China Sea. After all, were the Chinese claim to all the features of the East and the South China Seas to be accepted, were these features reckoned to generate a 200 mile EEZ that anything like approximates the '9 dash line', and were Chinese interpretations of what foreign military activity is permitted in the EEZ to become accepted, US naval operations in the whole area would be severely constrained. In effect, a great swathe of the Western Pacific would be a no-go area for the US Navy at least in Chinese eyes. Reunification with Taiwan would exacerbate this still further.

To summarise, the requirements of multinational naval engagement, maritime domain awareness and forward presence are seen by the US Navy to depend to a large extent on free navigation. The freedom of the seas is essential in Western understanding of what sea power is and what navies are for. Hence the acute sensitivity within the U.S. Navy to anything that might limit that freedom, whether this derives from unwelcome interpretations of international maritime law,⁵⁶ or the appearance of a politically non-permissive environment or the kind of anti-access, area denial (A2AD) strategies allegedly being prepared by the PLA[N].⁵⁷

For this reason too, the US has gone out of its way in recent times to emphasise that the maintenance of its security interests in Asia remains a

⁵⁴ Tetsuo Kotani, What China Wants South China Sea, *The Diplomat*, 18 July 2011.

⁵⁵ Oriana Skylar Mastro, 'Signalling and Military Provocation in Chinese National Security Strategy' *Journal of Strategic Studies*, April 2011, pp 219-244. P 220. Mark Valencia, 'the Impeccable Incident: truth and Consequences,' *China Security* Spring 2009.

⁵⁶ For a vigorous statement of the US position on this in regard to the *USNS Impeccable* see James Kraska, 'Sovereignty at sea' *Survival* Vol 51, No 3, Jun-July 2009, pp 13-18.

⁵⁷ Office of the Secretary of Defense, *Military Power of the People's Republic of China, 2009* (Washington D.C.:Department of Defense, 2009) pp 20-24. See also Andrew S Erickson and David D Yang, 'Using the Land to Control the Sea? Chinese Analysts Consider the Anti-ship Ballistic Missile' in *US Naval War College Review*, Autumn 2009, pp 37-86. This discusses the significance of a number of papers produced to this effect by China's National Defence University. Eric Hagt and Mathew Durnin, 'China's Anti-ship Ballistic Missiles,' *US Naval War College Review* Autumn 2009, pp 87-115. P 91.

high priority. Thus, the new Chief of Naval operations, Admiral Jonathan Greenert, has emphasized that despite the fact that the US Navy has to find perhaps \$450 billion in savings over the next decade, its steady relative build-up in power in the Asia-Pacific Region will continue. Today, there is always a carrier present in the region rather 70 per cent of the time, and forces have been significantly built up in Guam and in Japan. It is hard not to see in this a reaction to American perceptions of Chinese activity.⁵⁸

The unexpectedly harsh tone, for example, of China's response to the projected but cancelled presence of the US carrier *George Washington* in an exercise with the ROK Navy in the Yellow Sea and by subsequent editorials in the *Global Times* the English language version of the official *People's Daily*, illustrate the point. The latter said:

China undoubtedly needs to build a highly credible anti-carrier capacity...Not only does China need an anti-ship ballistic missile, but also other carrier-killing measures...Since US aircraft carrier battle groups in the Pacific constitute deterrence against China's strategic interests, China has to possess the capacity to counterbalance.⁵⁹

It is in this context that China has seemingly embarked on a campaign of developing capabilities that would put American forces at risk should they enter the near seas in a manner to which China takes exception. The resultant anti-access area denial [A2/AD] strategy, as this has been dubbed by its prospective victims, is a complex system-based sea denial strategy that makes use of sophisticated and resilient C4ISR facilities to detect and target 'hostile' surface ships, and to threaten them with a range of ballistic and cruise anti-ship missiles delivered from land bases, land-based aircraft, submarines and medium and small surface combatants; all of this, accompanied, it would seem, by a cyber offensive intended to undermine the US Navy and Air Force's electronic capacities to defend themselves and to sustain offensive operations. The United States seems to have been surprised by how rapidly key components of this strategy, such as the anti-satellite capacity revealed in 2009, the initial operating capacity of the DF-21D anti-ship ballistic missile and the J-20 fifth generation fighter that appeared in March 2011, have emerged. The fact that both of these significant technological advances were

⁵⁸ 'For US Navy, Asia is crucial priority: admiral' *AFP* 19 Oct 2011.

⁵⁹ Staff Writers *AFP* Beijing, 7 Sep 2010 'China Needs 'carrier-killer missile: press' citing *Global Times* 6 Sep 2010. This was unexpected since China did not protest against the presence of the *George Washington* in the Yellow Sea in 2009.

revealed at times that coincided with important US visits to Beijing also struck observers as more than a touch confrontational.

In what is clearly a 'response' to such A2/AD strategies, the Pentagon is now apparently working up its 'Air-Sea Battle' concept which aims to provide a systemic solution to the multitude of technological challenges posed by the Chinese strategy. It has increased the proportion of its Navy devoted to the Pacific, and engaged in a number of robust actions designed to bolster its military and deterrent credibility in the area. The simultaneous and well publicised appearance of three *Ohio* class SSGNs in July 2010 illustrated the point.⁶⁰

These regrettable incidents also demonstrated the potentially destabilizing effect of such differences of opinion. This is especially likely to be troublesome in those areas of the East and South China Seas where jurisdiction, and so the delimitation of disputed EEZs, is in any case currently unresolved. Given these ambiguities about the status of the 'near seas', there is, at the very least, the possibility of serious mutual underestimation of the stake that China and the United States, or most likely both, have in this aspect of the resolution of the South China Sea dispute. It may also lead to unwanted tensions in the conduct of normal maritime business elsewhere. When to this is added a whole range of other tensions between the two countries over such things as arms sales to Taiwan, Nobel prize winners and human rights, the valuation of the yuan, rare earth minerals and so forth the need for a much closer not more distant mutual understanding becomes clear.⁶¹ Against this background, it is easy to see how the South China Sea issue as a whole could degenerate further, possibly to the detriment of the interest of all local actors.

The strategic significance of the narrow seas in general and the South China Sea in particular is likely to shape the policies of both countries towards this disputed area, producing reactions in the other party which further exacerbate the situation. All of these developments must strike observers both inside the region and outside it, as unhelpful to the peaceful management, let alone ultimate resolution, of the South China Sea dispute and so potentially dangerous to the peace and prosperity of the region and therefore to the wider world.

It is, however, worth making the point that other external countries seem to be developing significant strategic interests in the area as well as the

⁶⁰ 'Missiles Deployed near China Send a Message' *Time magazine*, 8 July 2008.

⁶¹ 'Washington adds China to Clinton's Asia-Pacific Tour', *Global Times*, 28 Oct 2010.

United States. The southward shift of Japanese forces and deployments has been quite noticeable in the past few years, and most recently exemplified by its recent signing of a strategic partnership with the Philippines.⁶² India's interest in the area has likewise grown appreciably in recent years, as part of its 'Look East' strategy which many analysts consider in part a result of China's appearance in the Indian Ocean. India has established a number of important linkages with Vietnam and the recent challenging of the INS *Airavat* may suggest Chinese sensitivity to this development. All this together with recent developments in Australian maritime policy do indeed seem to suggest that for a variety of different reasons, the South China Sea is becoming something of a strategic pivot for outside powers, whether local powers like it or not, and this will hardly help resolve or manage the South China sea problem.

Conclusion: Outsiders and Insiders : What Is To be Done ?

The potentially gloomy wider aspects of this review should, however, be offset by some of the more encouraging ones that are to be found as well. The exacerbating effect of these wider problems could have on the management and resolution of the South China Seas dispute could be moderated by a number of policy off-sets:

Keeping a Sense of Proportion. Clearly, the future role of China on the world scene is one of the major issues, confronting the world's leaders.⁶³ Rightly or wrongly, China's policy towards the South China Sea is seen as a persuasive indication of what that role is likely to be. For the outside world, and even though it has no claims in this disputed area, there is a great deal at stake in the matter. But interest in the South China Sea has also to be seen in the much broader international context. It does not dominate thinking in China or the United States but is merely one aspect of a complicated and cross cutting set of concerns and pre-occupations. Many of these wider interests, and in particular the economic linkages of the two countries, encourage concepts of partnership rather than competition and so currently more than compensate for the passing frictions of their differences over the South China Sea issue. The more general aim must be to keep things this way.⁶⁴

The same is true for other external actors in the drama of the South China Seas as well. Japan, India, Australia and the EU too for that matter

⁶² Japan, Philippines agree 'strategic' ties, *Jane's Defence Weekly*, 5 Oct 2011. ,

⁶³ Timothy Garton Ash, 'Europe's crisis is China's opportunity. No wonder nice Mr Wen is on his way' *The Guardian*, 23 June 2011.

⁶⁴ 'Panetta praises China's response to Taiwan arms sale.' *AFP* 23 Oct 2011.

clearly have important things at stake in the issue. But nonetheless they too have other possibly more important stakes in a positive relationship with China too, not least in terms of trade. Japan, India and Australia - America's 'torn allies' - all have critical economic relations with China and consequently an overwhelming interest in their not being disturbed. As far as outsiders are concerned, the South China Sea Dispute is a problem but it is not in the centre of their strategic universe. India, for example, has problems with China but generally considers economic-related and other relations between the two as 'quite good.'⁶⁵ In like manner Australia has every reason to think of itself as a 'friend to two giants.'⁶⁶ In short, the South China Sea issue is but a part of a much wider general relationship between the parties and certainly does not constitute the whole of it. The better these wider relationships are, the less likely is the South China Sea to be a cause of major disturbance.

Engaging in Genuine Debate on the Freedom of Navigation. The Freedom of Navigation issue is no more static or unchanging than the seas themselves; over the years the debate about it has changed in character in response to a changing international context, and may well do so again. A glance back at its naval history, should after all, show how American attitudes to its potential global role have altered over the years. While the distant exploits of John Paul Jones off the coasts of the UK during the War of American Independence or the operations against North African pirates in the early 19th Century are one aspect of American naval history, Washington's approach to its near seas in the era of the Monroe doctrine was not unlike that of present day China's. Things do, it seems, change quite a lot!

In the meantime, greater transparency and willingness to discuss, identify and work through different interpretations of UNCLOS provisions on the EEZ and closer tactical adherence to safety procedures at sea particularly during close encounters of the *Impeccable* sort would significantly improve the atmosphere. Many have made the point that greater Chinese transparency over such jurisdictional matters as the 9 Dash line would clarify matters and reduce the prospects for worst-case analysis of Chinese motivations and intentions. It is less remarked that the same applies to Chinese statements on, and policy towards, the freedom of navigation issues which have so alarmed the United States, and which have played a part in its determination to assert its interests more robustly. For example, when trying to smooth over the ructions caused in

⁶⁵ 'India PM concedes problems in China relations' *AFP* 20 Oct 2011.

⁶⁶ 'Malcolm Turnbull, 'A friend to two giants', *The Guardian*, 6 Oct 2011.

the Summer of 2010, a Chinese Defence Ministry spokesman senior Colonel Geng Yansheng apparently remarked 'We will, in accordance with the demands of international law, respect the freedom of passage of ships or aircraft from relevant countries which are in compliance with international law.'⁶⁷ This in fact is a study in ambiguity. Does it include military ships and aircraft ? What does 'passage' mean ? Does it mean that China reserves the right to review the behavior of ships to see whether it is compliant with China's interpretation of international law ? What does 'relevant countries' mean ? And so on and so forth. Of course this may be due to problems in translation, or newspaper reportage, lack of agreement and poor coordination between the various agencies of Chinese government rather than to some cunning plan to profit from the confusions of the message's recipients. But either way, it does not help to resolve the problem. Greater clarity would seem to be in the interest of all concerned, including China. It would allow the disputants to talk *to* each other, not *past* each other on this vexed matter.

Another approach might be for China to re-examine the relative priority of its view of the 'near seas' (a phrase not to be found, of course, in UNCLOS) as a 'flow resource' in which the presence of foreigners is expected, even welcomed, rather than a 'stock resource' in which it isn't. This would indeed seem to be in China's own interest as a developing power. As an up-and-coming maritime power, after all, China is also increasingly likely to want its warships to operate as freely as possible.

Not over-reacting to Naval Modernisation in the region. Another point may be for the wider world and indeed the locals not to over-react to the naval modernization programmes of the parties to the South China Sea dispute. In many ways, these would seem to be perfectly natural developments in a range of countries which are doing well economically and fully realize the extent to which their peace and prosperity are sea-dependent. Moreover, the pace of naval modernization does not seem fast by historical standards - compared say to German naval modernization in the early part of the last Century, or naval Japanese expansion in the 1930s. With the possible exceptions of China and the US, rates of defence expenditure as a proportion of GNP are low, and indeed falling in many cases. The Malaysian rate for example fell from 3.3% in 1991 to 2.1% in 2007. In declaratory terms, politicians and naval leaders generally avoid the kind of xenophobic paranoia and rhetoric associated with previous

⁶⁷ Quoted in Ben Blanchard, 'China says Will Respect South Seas Navigation Freedom' Reuters, 31 July 2010.

naval arms and seem genuinely concerned to develop all round capabilities of use for a very wide range of tasks other than deterrence of particular states in their locality. For all that, the dangers remain, and there is every incentive for an enhanced focus on the kind of multinational naval cooperation, that is in fact steadily growing, alongside these tensions. At the Shangri-La dialogue in June 2011, for example, General Phung Quang Thanh pointed to the success of the multilateral approach to problems in the Malacca Strait and said,

Similarly, (the) Vietnam People's Navy has been increasing its cooperative activities with joint patrols, establishment of hotlines of communication with navies from China, Thailand and Cambodia as well as prospective coordinated patrols with Malaysia and Indonesia.⁶⁸

In the meantime, it is incumbent on all parties to seek to lower the temperature, and in this context the recent establishment of 'hot line' between Vietnam and China, the holding of joint Vietnamese-Chinese naval patrols, the resumption of mil-mil contacts between the US and China and the recent productive visits of Secretary Gates Admiral Mike Mullen to Beijing must be regarded as promising developments.⁶⁹ Given the possible impact of Sino-American strategic rivalry on the evolving South China Sea dispute, improving the relationship between those two countries and in particular on their mil-mil relationship through such institutions as the Military Maritime Consultative Agreement must be considered even more important.

⁶⁸ Remarks at IISS Shangri-La Dialogue, 5 June 2011.

⁶⁹ Hotline to ease Vietnam-China tensions, *Jane's Defence Weekly*, 7 Sep 2011; 'Vietnam Holds navy Drill Amid China Spat' *Washington Post*, 20 June 2011; 'China, US Agree on navy Drills, Dispute over South China Sea' *Beijing Review* 12 July 2011.