

**A CRITICAL EXAMINATION OF CHINA'S 'PEACEFUL RISE'
DOCTRINE: THE CASE OF THE SOUTH CHINA SEA**

BY

DONALD CHIRUNGA

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DEDICATION

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ACRONYMS

ASEAN	Association of Southeast Asian Nations
CMC	Central Military Commission
CPC	Communist Party of China
CNOOC	China National Offshore Oil Corporation
DOC	Declaration of Conduct
EEZ	Exclusive Economic Zone
EU	European Union
GNP	Gross National Product
ICJ	International Court of Justice
ITLS	international Tribunal for the Law of Sea
MFA	Ministry of Foreign Affairs
OECD	Organisation for Economic Development
PLA	People's Liberation Army
PRC	People's Republic of China
SCS	South China Sea
UN	United Nations
UNCLOS	United Nations Convention on the Law of Sea
US(A)	United States (of America)
USSR	United Nations Convention on the Law of Sea
WTO	World Trade Organisation
ZOPFAN	Zone of Peace, Freedom and Neutrality

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ABSTRACT

This study seeks to delineate China's 'Peaceful Rise' theory using the South China (SCS) region as a specific case study. The People's Republic of China (PRC)'s claims to a 'peaceful rise' on the international arena are being contested in light of the developments around the SCS area. The area has military, economic, and strategic importance for all contenders. The geopolitical importance of the land of water has been the primary reason for fighting amongst different claimant states, namely China, Taiwan, Philippines, Vietnam, Malaysia and Brunei. Their respective arguments are examined in detail. The conflict bears implications not only for regional politics but for the changing pattern of global power dynamics.

The study also focuses on the nature of Chinese foreign policy, its formulation, principles and how it is shaping events in the SCS. The historical background to the SCS is traced and complex reasons behind the failure of the negotiations is provided. The prime interest is to scrutinize the nature of the Chinese foreign policy and how it continues to influence proceedings considering that it consistently invokes the 'peaceful rise theory as a guiding philosophy. Furthermore this study demonstrates the strategic importance of the SCS. It proceeds to offer plausible answers to the question why Americans also feel threatened in the face of growing Chinese power. The nature of Chinese diplomacy, both as a primary actor and decisive player, is interrogated. This study further unpacks the perspectives of other players such the United Nations (UN) and the Association of Southeast Asian Nations (ASEAN). China claims exclusive territorial sovereignty to the SCS, and it is prepared to safeguard the area by any means necessary. Finally, policy recommendations such as peaceful conflict resolution are provided and the need to exercise self-restraint in an attempt not to further complicate the situation is highlighted.

CHAPTER 1: INTRODUCTION

1.1 Background to the Problem

This study examines the People's Republic of China (PRC)'s claims to a 'peaceful rise' on the international arena in light of the developments in the South China Sea (SCS) area. The SCS is an area of prime geo-strategic importance to many of its claimants, namely, China, Taiwan, Vietnam, Malaysia, Philippines and Brunei.

Territorial sovereignty and maritime rights over this region have become a serious cause for concern and a potential threat to international security. On the one hand, China, a rising economic, political and military power, has consistently argued that its growing influence in international relations is premised on its non confrontational principles. Nonetheless, advancing national interests at a global level requires being aggressive when the need arises. As such, the SCS presents a case study for a thorough examination China's claims of a peaceful rise' against criticisms and claims by other claimants.

According to Krishnan2013:1 "South China Sea is a marginal sea area that is part of the Pacific Ocean, encompassing an area from Singapore and Malacca Straits to the Strait of Taiwan of around 3 500 square kilometers." Buehl (2010:1) asserts that "the area's importance largely results from one third of the world's shipping transiting through its waters and it is believed to hold huge oil hydrocarbon gas reserves beneath its sea. "Rues (2004:23) notes that in terms of "communication networks and linkages, the SCS connects Europe and Asia, making it one of the busy channel in the world, half of the world's shipping passes across it."

Geographically, the SCS is located to the South of China and the Island of Taiwan, west of Philippines, north-west of Brunei, north of Indonesia, northeast of Malaysia and east of Vietnam. The crisis in the SCS brings to the fore the nature of foreign policies of states that are claiming its control and ownership. Buszynsky (2012:1) states that ‘about six countries are claiming ownership of the islands of the SCS namely: People’s Republic of Taiwan, Vietnam, Malaysia, Philippines and Brunei.’ All these countries advance various arguments in support of their claims. Bateman (2009:3) argues that “the South China Sea has long been regarded as a major source of tension and instability in East Asia.” Managing the risk of possible conflict over disputed area in the SCS is a significant challenge for regional and global relations.

1.2 Statement of the Problem

The PRC maintains that as a nation it is pursuing a ‘peaceful rise strategy based on its foreign policy principles. Davies (2001:1) writes that the five principles are “mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful co-existence.” According to David Abel in Davies (2001:1), the former Minister of Myanmar believes that the Five Principles proposed by China included “basic norms in international relations and summarized the purposes and principles of the UN Charter in a succinct way.” The Five Principles stand for non-aggression, non-interference and peaceful co-existence, hence providing a practical way in solving conflicts such as border disputes and handling precarious relations between big and small countries.

Davies (2001:2) further argues that the “Five Principles lay stress on equality and recognition of the diversity of the world by advocating the norms of seeking common ground while resolving

differences and non prescriptive behavior, which demonstrate the democratic spirit in modern international relations and needs of the vast developing countries and therefore are in the fundamental interests of world people.”

According to the testimony of history indicates that “over the past 50 years, in the spirit of the Five Principles of Peaceful Co-existence, China settled border problems with Myanmar, Nepal, Pakistan, Afghanistan, and Mongolia and solved the problem of double-nationality of Indonesian-Chinese with Indonesia.” Goodman and Segals (1997:6) argue that “this has set up an image of peace in Asia and becoming an example for strengthening regional stability and consolidating unity of Asian countries.”

However, in the case of the SCS adopted a different approach characterized by military adventurism and exceptions to the ‘peaceful rise’ theory. In fact, the Chinese claims to sovereignty over the SCS and the conduct of military drills clearly testify to a change of strategy. Fang (2010:1) reasons that “remarks made by Officials from China’s Ministry of Foreign Affairs are usually vague and lack elaboration and explanation which can easily cause mistrust.”

China has also maintained arbitrary claims, an assertion that its territorial seas extend into much of the SCS and the more recent claims that they have the full rights of control navigation and research activities within their Exclusive Economic Zones (EEZ). According to the United Nations (UN) Convention on Law of the sea (1982):1) an “Exclusive Economic Zone extends 200 miles from the low water line on a country’s coast.” Despite this clear definition, the PRC publisher’s map of the SCS shows a dotted line extending all the way to the EEZ of Indonesia’s Nama Island.

The PRC bases its claims to outright occupation, control and ownership of the SCS on historical cultural artifacts. The meaning challenge is whether China's claims to the highly contested territorial and jurisdictional claims of the SCS are in fact commensurate with its much touted 'peaceful rise' and engagement doctrine with other countries. Clearly defined and accepted international legal conventions and provisions governing international borders as well as extra territorial boundaries exist but the PRCs claim to sovereignty of the SCS remains highly disputed.

1.3 Scope of the Study

This study examines the development and evolution of Chinese foreign policy in general. The starting point was to understand how China views its foreign policy. The primary focus of this study was to understand the nature of Chinese foreign policy, especially on how it was reacting to opposing claims to the control of the SCS. International law and regulations that govern territorial disputes of that nature are extensively reviewed in Chapter 2 and later.

1.4 Hypothesis

The dispute over the SCS exposes the fallacy of China's 'peaceful rise' theory.

1.5 Research Objectives:

The overall objective is to examine the nature of the Chinese foreign policy with a specific reference to the dispute over the control of SCS. In line with this overall objective, this study seeks to accomplish the following specific objectives:

- To trace the historical background and the evolution of the SCS dispute.
- To establish the determinants of China's foreign policy and their relationship with the SCS dispute.

- To examine different positions held by various states particularly the US, China and its neighbours as well as other actors regarding settlement of the SCS dispute, with specific reference to the ASEAN community.
- To assess international and regional efforts to resolve the dispute.
- To recommend conflict resolution strategies to the dispute.

1.6 Research Questions

1. What are the major causes of the SCS dispute?
2. What role does Chinese Foreign Policy play in resolving the dispute?
3. How do other claimant states perceive the SCS dispute.
4. What are the efforts of the external actors in resolving the conflict?
5. What are the recommendations for remedial action for the standoff?

1.7 Justification of the Study

China's position on the issues surrounding the control of SCS continues to attract the interest of scholars and analysts of international relations and conflict resolution. This study aims at providing additional insight into the SCS dispute, particularly China's role, given that it serves as a centripetal force in this matter. Thus unpacking issues surrounding the SCS dispute is instructive in comprehending Chinese foreign policy.

In this regard the outcome of this may be thought provoking to policy makers, China, US and ASEAN countries, especially amongst the interested parties as they grapple with the dispute. The questions explored may have the potential to influence policy makers and practitioners in conflict management as the study seeks objective outcomes.

1.8 Methodology

Haralambos (1999:34) noted that “methodology is concerned with both detailed research methods through which data is collected and the more general philosophies upon which the collection and the analysis of data is based. “This implied that without a systematic way of collection and producing research information the findings may be simply dismissed as guesswork.

This study employs both qualitative and quantitative research methods to gather, analyse and present data in relation to the issues surrounding the control of the SCS. Due to the nature of the subject under investigation, this study relies more on qualitative methods. In this regard, data collection methods such as documentary search, key informant interviews and in-depth interviews are employed.

Patton (1980:67) opines that “qualitative methods are often used for policy and programme evaluation since they answer certain important questions effectively than the quantitative approach.” Thus, qualitative research techniques were more appropriate in answering why and how the control of SCS remains a continual international issue as well as answering and probing the reasons why relevant stakeholders have taken their declared and undeclared positions.

1.8.1 Documentary Search

This study uses documentary search in gathering information. Documents used includes international politics and law books, magazines, newspapers, journals, articles, conference papers and internet sources. The use of documentary search was crucial in

understanding the historical background of the conflict over the control and the use of the SCS as well as understanding the motivations of major players such as China, US and Taiwan, among others involved in the dispute. Official documents published by the governments of all claimant states and other powers with strategic interests in the matter are scrutinized.

1.8.2 In-Depth Interviews

To augment data collected from already published literature from academics and governments, in-depth interviews are used. Key informants are selected using the purposive sampling technique. In exploratory studies, in-depth interviews are helpful in establishing the precise proceeding. Therefore, key informants, in-depth interviews are fundamental in capturing different dimensions of understanding China's foreign policy toward the SCS.

Key informants were drawn from institutions such as the University of Zimbabwe, the Zimbabwe, Ministry of Foreign Affairs. In addition, diplomatic representatives of countries such as Taiwan, Brunei, Philippines, India, Indonesia, Malaysia based in Southern African States were contacted via email and one visit was made to South Africa to solicit their views in relation to the SCS dispute. The American and Chinese embassies in Harare, also provided insights.

1.8.3 Data Analysis and Presentation

This study employs content analysis and analysis of data gathered from documentary search in libraries. Key informant interviews in Harare and Pretoria were conducted in

order to identify foreign policy patterns regarding China. Patterns are also examined in relation to the significance of legal norms and the role of national interest in influencing Chinese foreign policy priorities. Numerical data showing circumstances where China has had to use non-confrontational means in dealing with the issue are also analysed and presented in tabular and graphical format.

1.9 Limitations

This study anticipated a number of challenges. The major limitation emanated from the nature of the study, which is very subjective. The rules governing inter-state relations, especially those maintaining freedom of navigation, cannot be wrapped up through a single let alone universalized approach. Thus coming up with a middle position that covers the views of various states as well as non-state actors with direct or indirect interest over the settlement of the SCS dispute was an uphill task. However, a balanced argument was sought, relying on judgements made by the International Court of Justice, Resolutions and Declarations of and by the United Nations, specifically on the use of and freedom over extra territorial space such as the SCS.

1.10 Overview of Chapters

Chapter 1 of the dissertation is an attempt to clearly outlining the intellectual and technical framework of the research.

Chapter 2 provides a detailed review of literature and offers a theoretical framework that serves as a foundation of this study.

Chapter 3 examines the ‘grand’ territorial dispute, tracing the history of the conflict to demonstrate the strategic importance of the South China Sea. It also offers plausible answers to the question why Americans feel threatened in the face of growing Chinese power.

Chapter 4 makes a critical analysis of the nature of Chinese diplomacy. It is also an interrogation of China's 'peaceful rise' theory and further unpacks the perspectives of other players such the United Nations and the Association of Southeast Asian Nations (ASEAN).

Chapter 5 is a summary of findings of the research and proposes policy recommendations.

CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

The theoretical proposition of this study has its basis in realism, and ‘peaceful rise’ theory in order to assess why China would want to control the SCS and what is likely to happen should China succeed or fail. The speculative implications of Chinese’s idealist ‘peaceful rise’ and realist diplomacy on the SCS dispute form the core of the study.

The nature and development of Chinese foreign policy has attracted the attention of various scholars of different backgrounds and orientation. This section reviews the relevant literature that has delved into the issues surrounding the growth of China’s influence. It is important in this study to examine what other scholars have written about how the dispute of the SCS emerged and evolved over time.

2.2 Idealism and China Foreign Policy

It is befitting to consider China as an emerging power in international relations given that it has an unprecedented growing economic and military force. As a result, China’s foreign policy has increasingly been subjected to discussion with particular interest to its motives as a nation and its threat potential to other international actors such as the USA.

Foreign policy proclamations from Beijing have been consistently aligned to its Five Principles of peaceful coexistence originally enumerated by the Chinese leadership in 1954, namely, mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit, and peaceful coexistence.

While the above mentioned principles decorate China's foreign policy with an inherent impression of idealism, Blumenthal (2011:1) argues that "there is reason to believe there are contradictions primarily because China's foreign policy been more aggressive over the past three years," Specific reference is given to Southeast Asia islands dispute, Taiwan, Tibet and reward with Japan.

Nevertheless the liberalism rejects the idea that inter-state engagements must reflect the dictates of power politics but rather assumes a political system nurtured by morality. Human beings would be rational beings acting as a fellow brother's keeper. Route (1989:16) notes that 'more selfish impulses of human beings may be muted in order to build national and international norms of behaviour that cement peace prosperity, cooperation and justice.'

According to Jing (1999:2) "China's alternative design for the world stresses the equal, unfringeable sovereignty of all states large and small, Western and non-Western, rich and poor, democratic and authoritarian, each to run its own system as it sees fit, whether its methods suit Western standards or not." The PRC has placed emphasis on the need for multi-polarity because the post-Cold war international system seems to have left the world at the mercy of one powerful country.

The Five Principles clarify why Americans must not be allowed to force their values on weaker countries. The core of the Five Principles in China's foreign policy is national sovereignty – which posits that no outsider has a right to interfere in the internal matters of another independent country. This liberal view is evident in China's foreign policy and provides a fairly sufficient framework to this study.

Yang Jiechi, Minister of Foreign Affairs on its official website, in his message reiterates their commitment to idealism, insisting that “China’s relations with the outside world are experiencing historic change, its destiny is even more intimately related to that of the entire world.” More than ever it appears that China will continue to hold high the banner of peace, development, cooperation and mutual benefit, promote the spirit of equality, mutual trust, inclusiveness, mutual learning and mutually benefit, promote the spirit of equality, mutual trust, inclusiveness, mutual learning and mutually beneficial cooperation in international relations. Firm commitment to peaceful development and the ‘win-win strategy of opening up’ it likely to pay dividends if adhered to.

Sutter (2005:43) noted that Chinese political leadership and the military perceive issues differently with the latter favouring a “competitive and confrontational” approach to the contemporary superpower America. Henceforth, in practice there are facing numerous contradictions and trade-offs in pursuing national interests.

2.3 ‘Peaceful Rise’ Theory – Origins and Assumptions

Zheng Bijan originated the concept of peaceful rise as an attempt to offset Western suspicion that China is planning to expand its territorial borders directly confronting present global powers and their interests. Contrary to the aforementioned opinion, Bijan (2002:vi) argued that “the rise of China would be a result of its own hard work and a peaceful international environment.” He further states that China seeks a different path and will work to integrate itself into the world order instead of challenging it.” Noteworthy is the fact that this idea is not dependent on China alone but also relies on the rest of the world to support China, which evidently presents grave

challenges given that the international system does not have a supranational body to deal with such matters.

According to Bijan (2002:1) “China will have to remain firmly in its own territory and rely on own strengths to solve the problems of enormous migration of population in the countryside.” Using the common interests of the PRC and other actors are systematic and sustainable “China will have a totally different path of development from either Germany and Japan or the former Soviet Union (Ibid:2). Apparently China is seeking to blend fully into the interdependent world on a ‘win-win’ basis. Aggression will not be part of its grand strategy. A closer introspection of the China’s proposed path to development inclines one to conclude that this is a liberal supposition.

By simply reading modern history one is inclined to dismiss China’s ‘peaceful rise’ theory on the grounds that conflict between and amongst states is always inevitable especially in circumstances of national power politics and strategic competition. Wang (2009:5) writes that “after China coined that theory Americans have responded on various occasions, Deputy Secretary of State Robert Zoellick’s speech on US-China relations in September 2009 pointed out that today’s China is not like the Soviet Union of the 1940s because China does not have anti American and radical ideology.” Essentially this assumption puts an end to the debate on whether China in the public American mind must be considered a foe or a partner.

Nathan and Ross (1998:268) propose a diametrically opposite assessment to China, insisting that present day China is not as great as it appeared labeling this view not only as “alarmist but tantamount to deception of the empty fortress.” They argue that “despite China’s despite its

sheer size, economic vitality, and drive to upgrade its military forces, China remains a vulnerable power, crowded on all sides by powerful rivals and potential foes.” Granted China’s foreign policy to be modeled in a way that allows it to defend its territorial integrity against antagonists who are numerous, near, and strong.

2.4 Realism and South China Sea (SCS) Conflict

Realism provides valuable insights on the SCS conflict. Morgenthau (1973:10) and Waltz (1979:95) concur on the attributes and assumptions of realism as an approach to the study of international relations. They state that “realists are Westphalians firmly attached to the principle of sovereignty, defending the claim that the state is the key factor in international relations in an anarchic international system.’

Realists hypothesis that the international without a world government, therefore built on self-interested nations that are almost always competing for power. Since the system is more like a situation of each man for himself and God for us all the likelihood of conflict of interests is ever present.

According to Lieberthal (2006:3) “the rise of China will likely be the most important international relations story of the twenty-first century.” However, its rise has possible tremendous implications on the status and internal relations scholars share different views. Buzan (2010:2) argues that “China is at a turning point bigger than any since the late 1970s, and some of the policies that have worked quite successfully for the past thirty years will not work for the next thirty and continuing with ‘peaceful rise’ is going to get more difficult.’

According to Buzan's (2010:2) pessimistic line of thinking, it follows that China's emerging power is likely to translate into increased military power that will be used to assert its strategic interests in the whole of Asia, particularly the SCS. This assessment of China suggests a deliberate aggressive policy strategy, whether true or false only time will be able to tell.

Zhang (2012:2) maintains that "Buzan's doubts as to the prospects of China's 'peaceful rise' are rooted in his understanding of China's status within Western-dominated international society." More importantly Buzan fails to appreciate that China is a fundamentally a revisionist state in the international system, it is not at all happy with the current western dominated system.

According to The Global Times (2013:1) the "South China Sea, dubbed the 'second Persian Gulf,' is rich in natural resources of oil and gas with an estimated area containing over 50 billion tons of crude oil and more than 20 trillion cubic meters of natural gas." In a clear realist approach, China has recently declared irrefutable sovereignty over the SCS islands and their surrounding waters. Several Southeast Asian countries have rejected this claim as unacceptable and outrageous, and they have made competing claims. In addition, these countries have sought counterbalancing strategies to check China's influence and perceived aggression.

Generally, from a realist perspective, China is not supposed to consider moral choices in this conflict because it is not a case of choosing between right and wrong but rather picking the 'better devil.' Given that a nation only cooperates when it best serves its interests China's available options are guaranteed as long as its national interests are being pursued. All available courses of action involve choosing between evil courses of action. The trick then is to choose an action that carries the least harm.

Glaser (2012:1) argues that “China has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities to enforce its sovereignty and jurisdiction claims by force if necessary.” These are realist tendencies and the possibility of a major military confrontation cannot be ruled out because every claimant state is probably stepping up counter preparations.

In the worst case scenario the outbreak of a full blown conflict would effectively deny access to the U.S Navy in the western Pacific. That means China gets a strategic advantage. This again is consistent with realism ; according to Morgenthau (1973:7) the “imperfection in the world in the form of conflict has its roots in the forces that agree that human nature is selfish, individualistic.” States, likewise, would continue to ensure that they are always at an advantage. The SCS conflict offers a case study where each conflicting party takes necessary action and positions that further their national objectives. For example, the latest developments in the dispute indicate that the Philippines has been crying foul pressuring China to clarify its boundary, pushing for a zone free area outside the disputed lands.

Walt (1998:29) describes “realism as depicting international affairs as a struggle for power among self-interested states and generally pessimistic about the prospects for eliminating conflict and war.” Since countries insist on the pursuit of self-interest amongst them, cooperation becomes difficult. Waltz (1979:8) also notes that “self-help is an essential principle in an anarchic order.”

China-Vietnam clash over seismic surveys and drilling of oil and gas might trigger an armed clash; the conflict between China and the Philippines over natural gas deposits is more like a

time bomb in the contested area of the Reed Bank. The preceding cases demonstrate the heightened struggle for power and risk of conflict as countries battle for territorial and strategic interests. The theory seems to be very useful in providing a sufficient theoretical framework for this study.

2.5 Conflict Theories and the South China Sea (SCS)

The term conflict has been defined in many ways by scholars, in some cases equating it to behavior alone suggesting that in the absence of aggression there is no conflict. A thorough conceptual clarification of the term conflict should at least cover a broad range of situations, whether unarmed or armed, manifest or latent. In its very basic terms a conflict should satisfy the following criteria, parties to a conflict, incompatibility (competition over something) and scarcity.

Ohlson (1996:3) defines conflict as a “social situation that in which at least two parties at the same time try to acquire the same set of material or immaterial resources...” applied to the SCS context, conflict is exhibited by competing claims to the area, undoubtedly their goals are incompatible. China claims full sovereignty over the SCS but other states like Malaysia, Philippines Vietnam and Indonesia assert entitlement to parts of the SCS.

Furthermore, (Ibid:3) writes that “goals are consciously desired future outcomes and conditions which often have intrinsic values for members of particular parties but also bring increased benefits or costs to these members.” The SCS contains important shipping routes, oil and gas reserves which then serve as actual causes of conflict

2.6 Conclusion

The SCS territory remains highly contested because of its tangible reputational importance and available literature on this dispute suggests that if nothing is done the region is likely to be headed for a military showdown. In as much as the Chinese have consistently claimed that they are committed to peaceful development and prosperity for all countries the SCS dispute serves as a test of their sincerity of their policy claims. China's foreign policy is determined by too many actors due to the pluralisation of its society and the interplay between the Communist Party of China and the Army will tell whether the 'peaceful rise' ideology will remain. Both realist and idealist tendencies are visible and the dispute is likely to last for many more years.

CHAPTER 3: OVERVIEW OF THE ‘GRAND’ TERRITORIAL DISPUTE

3.1 Introduction

This chapter examines the South China Sea (SCS) territorial dispute, tracing its history, endeavouring to demonstrate its strategic importance. The major concern is to appreciate the numerous complex, legal, technical and geographic issues surrounding the conflict. Generally, a fair understanding of any kind of a territorial dispute requires an analysis of the competing claimants’ differing positions on the matter. It offers plausible answers to the questions relating to why Americans are already feeling threatened in the face of growing Chinese power. Other claimant states in the region have demanded ownership as well. Their competing perspectives will be discussed. In the post-Cold war era the most prevalent conflicts have been associated with sovereignty and territorial integrity of states and the SCS dispute this is one of the many.

3.2 Historical Background of the Territorial Dispute

According to Boompriwan (2012:1), “the SCS conflict has been considered to be a major ‘flashpoint’ in East Asia because of the assumed presence of natural resources such as oil, hydrocarbon, manganese nodules, fish and after the Cold war, its strategic location as straddling as the world’s second busiest international sea lane in South East Asia.”

In 1974 and 1988, respectively, China and Vietnam clashed over the SCS (Ibid:1). Other states such as Taiwan, the Philippines, Malaysia, Indonesia, Brunei have expressed concern over what they claim to be China’s acts of aggression and transgressions in areas deemed theirs. A historical timeline of events suggests that in 1816 the Vietnamese Emperor Gia Long made claims to the Paracel Islands while equally the Chinese have their earliest documented claim to the same area in 1876 (Ibid:2). Following the First World War France and Japan occupied the

Paracel Islands and took control of the SCS. The area has been subjected to disputed ownership from many years ago up to this day.

According to Severino (2010:5), “the three million square kilometres of SCS is the maritime heart of Southeast Asia and is estimated to be two thirds the size of the combined and territory of all the ASEAN states.” The majority of countries in South East Asia have coastlines overlooking or close to the South China Sea thereby increasing interaction between these states in this area. An estimated 1.4 million square miles in the Pacific Ocean from Singapore and Malacca Straits through the Strait of Taiwan westwards of the Philippines and east of Vietnam is covered. Severino (2010:6) notes that the SCS Islands are numerous, but the Paracel Islands, Spratly Islands, Macclesfield Bank, Pratas Islands, and Scarborough Shoal remain hotly contested. All other countries except Brunei maintain some form of presence there.

According to Novicion (2013:4) Vietnam has reportedly stationed troops on 21 islands, the Philippines on eight, China on six, Malaysia on three and Taiwan on one. In so far as ascertaining undisputed ownership, historical enquiry is inconclusive because even the current competing claims are also founded on a variety of historical, territorial and legal issues. All major six Southeast Asian countries also consistently lay various claims to these areas. However, most of the islands are mostly uninhabited, never been occupied and do not have any clear indigenous populations, rendering historical sovereignty problematic.

From literature after the Second World War, China is recorded as one country which exercised sovereignty over the SCS, the Spratly, the Paracel archipelago and their adjacent waters. More importantly the Spratly Islands were not included as part of the Philippines in the Washington

Treaty of 1898. The treaty of 1900 in Spain Islands were not included as part of the Philippines in the Washington Treaty of 1898. The treaty of 1900 in Spain did not make any specifications or territorial claims as well. It was only later in 1978 that the Philippines President Ferdinand Marcos issued a Presidential Decree no.1596 declaring the now contentious Spratly islands as their territory. Abundant fishing opportunities are often cited as the possible motivating factor for the contemporary claims.

China claims ownership of the Spratly and the Paracel Islands as well as the surrounding waters. It has attempted to prevent the other claimants, whether Vietnam, the Philippines or Malaysia, from developing oil and gas potential of their own in this disputed zone.

Map 1: Map of Territorial Claims

According to Xu (2013:1) clashes are not confined to land as “all the countries have special rights to marine resources, energy exploration and production as stipulated by the 1982 United Nations Convention on the Law of the Sea (UNCLOS).” These Exclusive Economic Zones (EEZ), continue to generate controversy despite the fact that the EEZ are clearly defined. The

area is 200 nautical miles from the coast of each claimant's territorial sea, and includes 200-mile limit beyond the continental shelf. These regions were disputed together with sea territory, and generally most of these countries invoke this argument. For instance China in December 2012 invoked this against Vietnam in oil and fishing clashes near the Paracel Islands. However, the core of the SCS dispute remains territorial sovereignty as opposed to Law of the Sea issues.

Xu (2013; 1) writes that “ the controversial demarcation lines used by China for its claim to territories and waters in the South China Sea, most notably over the most important two islands, Scarborough Shoal, the Paracel and Spratly Islands are heavily contested by the Philippines, Brunei, Malaysia, Taiwan, and Vietnam.” In 2009, China submitted a map to the UN that included this 9-Dash demarcation line as well as virtually the entire SCS. China continues to insist on the historical legitimacy of these geographical demarcations laying its claims based on survey expeditions, fishing activities, and naval patrols dating as far back to the fifteenth century. As already highlighted the problem, however, is some of these claims can no longer be verified. The time has changed and the areas have gained new strategic importance. In as much as the claims will effectively put China at odds with the boundaries the UNCLOS has enforced for the region since 1994. China continues to attract widespread international criticism but the PRC is likely not easily let go.

3.3 The South China Sea's (SCS'S) Strategic Importance to China

The SCS region is endowed with natural resources of great importance such as oil and fisheries. In addition, the area is strategic in the sense that it is a unique trade passage route. It serves as the passage between the Western Pacific and Indian Oceans. The region is also home to more than 1.5 billion Chinese people and other 600 million South Asians. Americans have military

bases in the area, increasing the stakes evidenced by frequent political stalemates. In terms of geostrategic significance the SCS is an area deserving priority attention for China and

China has made overarching sovereign declarations across the region as a matter of national policy and the Chinese have clearly resisted all attempts at solving the disputes at an international platform, preferring bilateral strategies. This approach to conflict resolution has flared nationalistic responses in countries involved, particularly the Philippines and Vietnam, resulting in a regional crisis.

Considering that the SCS area is potentially rich in oil and other minerals, dubbed the “second Persian Sea,” any country with a chance to lay claim is likely to do so. According to China’s Ministry of Geological Resources and Mining, the SCS may contain 17.7 billion tons of crude oil. According to Chatterji (2013:1) ‘the Chinese have shown far greater alacrity in resolving disputes over land boundaries with neighbours than in drawing lines across international waters that they claim.’ China shares land borders with at least 14 countries and has resolved 10 of them, but with the SCS that the PRC is determined not to make any concessions.

China’s claims almost cover the whole sea and Chatterji (2013:1) describes the SCS as “enviable maritime real estate.” Given that almost a billion people reside within 100 miles of the SCS offshore, and increasing shipping volumes through its waters, China will not easily give away the industrial revolution of Asia in its backyard. It stands to immensely benefit from the potential commercial and strategic value of. The dispute still simmers and the main zone of contention between China and its neighbours is yet to find a solution.

3.4 United States' Interests in the South China Sea (SCS)

Xu (2013:3) writes that the U.S maintains balancing act in the area and the region's numerous conflicts raise concerns on U.S. interests in southeast Asia in the future. Like any other nation in the region the United States has an indisputable 'deep and abiding interest' in the SCS however it is important to note that in what can be arguably referred to as a uni-polar era China's military and economic rise gives America reason to worry. The US has two principal interests, namely, access and stability in the region.

Cronin (2012:5) writes that despite paying lip service to the willingness to uphold existing legal norms China has demonstrated that it can wage a military attack when its national interests are at stake. Both the United States and China are likely to benefit from cooperation and a diplomatic management of their differences.

Cronin (2012:7) also urges that the SCS is where "globalization and geopolitics collide and recent international events have called into question the old rules based system propagated by Americans and the Chinese are at the forefront." The SCS will be the strategic litmus test for determining future American leadership in the Asian Pacific region. It is a known that close to 90% of all commercial goods that are traded inter-continently are transported across waters and one third of this 90% traverses the SCS (Ibid:7). For the Americans global sea trade is estimated at 1.2 trillion US dollars annually, therefore its contribution to their Gross National Product (GNP) cannot be over emphasized.

The 21st century global economy is partly centred on the SCS especially with regards to oil. If the Chinese claims are correct it follows that China will own the second largest oil deposits after

Saudi Arabia. This alone places the SCS at the epicenter of what appears to be a battle for the much needed resource. Unlike in the Gulf of Aden and the Middle East, where Americans exercise considerable influence directly and through their stalwart allies, the SCS seems to be different. Cronin and Kaplan (2012:9) contend the possibility of America maintaining a credible sea control capacity of the SCS. The area is different from and there seems to be an inevitable conflict if the US decides to operate from a position of strength exercising its traditional hegemonic tendencies.

The SCS is different from in many respects and American interests are at stake. Claimant states to the SCS argue only on the basis of their coastlines and historical claims but on China's side it has openly claimed the sea as a whole. China has the capacity to back up its claims even with its military might. However, for Washington to involve itself in another military conflict that knows no definite end is very unlikely. Moreover the US has other related interests in the region that include, among other maintaining a cooperative bilateral relationship with China, at the same time maintaining its commitments to its allies in the same region.

The worst case scenario of military intervention is highly unlikely given that US is still embroiled in a costly Afghanistan conflict, withdrawing from Iraq, and at the same time threatening military action on both North Korea and Iran over nuclear armament. It remains to be seen whether its 'unipolar moment' is still pre-eminent.

What is at stake here is not only the resources but the American values are being challenged. Its historic norm of freedom of navigation might be eventually rejected by China. Going back in history US pre-eminence was facilitated by naval primacy. Now that there is a greater chance of

terms being dictated by China as it continues to rise, it might be interesting to note what will become of this American ideology. Key elements of the status quo, such as free trade in the current international order, might be changed once the Chinese assume central dominance of the region. It is this region and not the Middle East or Africa where a rising China's quest for power and influence is likely to bring to doubt certain abilities and values of US as a super power.

The US is heavily involved. A case in point that aligns America with its ally and clearly contrary to its neutrality claims is the one when it declared support for the case filed by the Philippines against China at the UN tribunal. According to Santolan (2013:2) "a delegation Committee, visited Aquino on January 28 2013 and declared their support for the case filed by the Philippines against China." Their decision to openly take a side has been viewed as disregard of neutrality in this dispute. Santolan (Ibid:2) notes that this was done despite its political efforts and forces call-up to check on the excesses of China. Therefore, US can no longer be perceived as a neutral player on the territorial disputes in the SCS but as a nation with considerable influence and above all interests in the SCS.

3.5 Competing Claimant States and Non-State Actors' Perspective

China claims by far the largest portion of the SCS territory – an area stretching hundreds of miles south and east from its most southerly province of Hainan. The Chinese continue to lay claims arguing that its rights to the area emanated from 2,000 years of history where the Paracel and Spratly Islands chains were regarded as integral parts of the Chinese nation. The competing territorial claims have resulted in the SCS dispute as one of the most potentially dangerous, 'mother of all territorial disputes.'

According to SCS Dispute (2013:1) “in 1947 China issued a map detailing its claims, it showed the two island groups falling entirely within its territory.” The same claims are mirrored in Taiwan’s case because the island considers itself independent from the Republic of China. According to Buszynski (2010:29) Vietnam has vehemently rejected claims by China and disputes China’s historical accounts, arguing that China had never claimed sovereignty over the islands before the 1940s. on the contrary, Vietnam actually claims that both islands, Paracels and the Spratlys since the 17th Century – and they have documentation to substantiate their claims. The clashes between these two sides have often resulted in deaths of many soldiers.

The Philippines is a critical and major claimant in the region. The basis of Philippine’s claim rests on geographical proximity to the Spratly Islands. Both the Philippines and China lay claim to the Scarborough Shoal (known as Huangyan Island in China) – a little more than 100 miles (160km) from the Philippines and 500 miles from China.

Santolan (2013:1) notes that on the 22nd of January 2013, the “Philippine government led by President Benigno Aquino filed a case for binding arbitration before a United Nations tribunal over its territorial dispute with China in the South Sea.” This incident alone testifies to the fact that tension is swelling between China and its rival claimants to the SCS, some of which have become increasingly aggressive.

According to Santolan (2013:2) over the past few years there have been quite a number of altercations “between Chinese and Philippine vessels over disputed atolls and rock formations in the SCS, together with a maritime stand-off at Scarborough Shoal that lasted for over a month. The Philippine government has responded to these disputes by escalating the tension through

inflammatory rhetoric, increased military spending targeted at maritime conflict, and diplomatic machinations, including giving support for Japanese military expansion.” With conflicting territorial claims by claimant states, the menaces that derive from skirmishes are genuine and a cause for concern to the international community.

On the other hand, Malaysia and Brunei also vociferously claim part of this disputed area in the SCS that they say falls within their economic exclusion zones, as espoused by the UNCLOS in 1982. However, Brunei does not exactly claim any of the disputed islands, but it is Malaysia that is calling for exclusive entitlements to some of the islands in the Spratlys.

China’s hard line stance on the SCS is also affecting India. Official statements coming from New Delhi express disappointment at the fact the Beijing’s officially pronounced SCS policy statements are labelled and seen as being usually vague and lacking elaboration. Evidently this has generated a lot of mistrust in the India’s dealings with China. According to Singh (2013:2) “China condemned plans by an Indian Company to develop oil fields in the region. The Chinese objection was premised on the assumption that the Indian company’s venture for off-shore oil exploration in waters belonging to its Vietnamese partner was illegal.” China prohibited the Indians arguing that Vietnam did not enjoy indisputable sovereignty over the area and urged them to refrain from entering in any deals of such nature that involved exploration of gas and oil.

India and other countries have openly declared that the SCS should remain open for international navigation. For India the SCS is of primary importance both as a shipping route and mineral resource area. According to Singh (2013:2) almost, 55% of India’s trade with the Asia Pacific

transits through the SCS and assuming China continues to assert unilateral dominance over the area it will present challenges to India's traditional activities.

The Chinese have been trying as much as possible to keep this dispute on bilateral terms and prevent it from being internationalized. The problem remains whether or not China will enforce some of the agreements since it has already violated previous agreements. The conflicting claims remain and if not amicably resolved they will someday eventually explode.

3.6 Conclusion

China is one of the fastest growing economies in the world, with a voracious appetite for resources around the world. The SCS dispute will need to be managed carefully by way of establishing rules and regulations that are at least favourable to all legitimate claimants. A looming crisis is at hand and failure to manage the 'grand' territorial dispute could potentially lead to war. The subsequent chapter of this study focuses on China's diplomatic efforts in the region.

CHAPTER 4: CHINA'S DIPLOMACY IN THE SOUTH CHINA SEA (SCS)

4.1 Introduction

Some countries have been rivals over the SCS region for quite some time now. Recent upsurge in tension that has created considerable interest amongst international actors and is generating concern that the area is becoming a flashpoint with global consequences. China, a central player in this conflict says that it is working to resolve the rival claims through dialogue but opposes proposals made by other countries and organisations, ranging from military intervention to greater involvement of alliances of South East Asian nations. This chapter 2 examines how china has been managing the conflict amidst its 'peaceful rise' foreign policy doctrine. An assessment will be made to ascertain whether or not this has become a threat to international security.

4.2 The Paradox of China's 'Peaceful Rise'

The mammoth economic growth which has made China the second largest economy in 2010 and its emergence as a challenger to the unipolar world has had a profound effect on China's foreign policy. This has had a bearing on foreign policy options, how the Chinese identify and pursue their goals in the international system. The concept of 'peaceful rise' has become a paradox especially with regards to a plethora of foreign policy realities that China has to contend with.

4.3 Rethinking China's Foreign Policy Making

From the onset respondents for this study were critical of the 'peaceful rise' theory as a guiding principle of China's foreign policy with most viewing it as a convenient packaging aimed at countering the attention given to China's development and possible negative responses that might derail this process. One of the respondents intimated that the 'peaceful rise' is "...a farce, a

product of Chinese think tanks and the government meant to deal with the threat of China being viewed in the lights of the USSR. It is all a programme to allay any fears of China from its neighbours such as Japan and Taiwan and of course the domineering US.” Such a view is plausible when one considers the justifications and reassurances from Chinese leadership with regards to the orientation of their policies towards

Guo (2004:2) quotes Wen Jiabao as having said that “the developmental road China has taken is different from that taken by some major powers and China’s developmental road is the road to ‘peaceful rise’. Bingren (2004:3) also views the ‘peaceful rise’ as a product of China’s developmental strategic thought. He further asserts that this “...will not only harmonise the international order but will also enable China to uphold its independence, social system and choice of lifestyle.” As the debate rages on concerning the ‘peaceful rise’ is understood as posturing aimed at getting the best out of the international system and a solution to perceived or real Chinese threat and hegemony.

The foregoing discussing that China’s foreign policy is a product of Chinese think tanks and the government is not only simpleminded but over simplistic, concealing the fact that Chinese foreign policy is in a state of flux. Rather it is a consequence of a transforming society and the ever-changing international environment. One respondent cautioned against oversimplifying the foreign policy making practice arguing that how a country chooses any particular path is a product of cost benefit analysis detected by internal and external dynamics. Noticeable in Chinese actors in the international arena. Jakobson and Knox (2010:11) observe that “while the highest body of the Communist Party of China retains the ultimate decision making power, the number of actors vying to influence the top leadership’s decisions has expanded considerably.”

Other official foreign policy actors are identifiable and include the State Council and the People's Liberation Army (PLA) while actors on the margins include the business sector, local government, research institutions and academia, media and the general public. This concurs with Stein (2002:127) who identifies several domestic influences on foreign policy to include bureaucracies, interest groups, the military industrial complex, public opinion and legislators.

According to research interviews the Communist Party of China (CPC) retains the dominant role in foreign policy decisions which are centralized within the Politburo Standing Committee, the supreme decision making body of the ruling party. Although there are separate structures between the ruling party and the government PRC, overlapping functions, authority and personnel are commonplace. Lu (2009:63) asserts that “the nine member politburo standing committee of the CPC central committee is the ultimate decision making body in China.” Agenda and deliberations of the (PSC) are not made public and will be final approval to recommendations based on deliberations by other relevant agencies.

However, the picture is incomplete without the Premier, Wen Jiabao and the President of PRC, Hu Jintao, who are also central to foreign policy decision making. The President of China is the Secretary General of the CPC, chair of Central Military Commission, chair of the Leading Small Groups organs which deliberate on foreign and security policy. That the president exerts much influence in foreign policy decisions is reflected, according to Jakobson and Knox (2010:15) in that “after North Korea conducted a nuclear test in 2006, Hu Jintao is said to have been compelled to personally edit the wording of China's official reaction because no one else wanted to take ultimate responsibility for such a sensitive stance.” It is important to note that foreign

policy decisions are made by consensus within the CPC. It also be noted that there is no exclusive foreign policy portfolio, leaving the process at the disposal of numerous actors.

The State Council, headed by Premier Wen Jiabao, a collective of numerous ministries, administrations and offices is also influential in foreign policy decisions. It is the highest body of the Chinese government and represents China in state to state relations. Of importance, is the position of the Ministry of Foreign Affairs (MFA), whose role and importance has changed with most respondents pointing to a decline its power. Reasons cited for this decline include the surge in foreign policy decisions making actors and the declining influence of foreign affairs ministers within the CPC. Ideally the Ministry of Foreign Affairs should be at the forefront of policy formulation and execution but the ministry seems to be playing second fiddle to the CPC.

One Chinese academic intimated that “he feels sorry for Yang Jiechi” because on state visits or meetings with important delegates “Yang is fifth or sixth in protocol.” This points to a relegation of the functions of MFA which is supported by director of a research institution who noted that “ministries are merely managers. They do not make policy, they implement it.” Other interviewees noted that the MFA remains influential in issues less important where it determines policy in line with overall foreign policy goals. While the size of the issue determines the role of MFA, the circumstance and individuals determine the importance of ambassadors who are merely implementers and coordinators foreign policy. A Chinese Embassy official supported this view reaching the conclusion that “ambassadors’ influence is confined to making recommendations which should be in tandem with Chinese foreign policy in any given region.”

Controversy surrounds the role of the PLA in foreign policy making. Respondents pointed to a declining influence of the PLA owing to the professionalization of a constituency that previously had sole control of the army. Professionalization has meant the limiting of military influence in civilian decision making processes and according to Mulvennon (2002:30) military officers retiring from powerful CPC position in the 1980s were replaced with civilians. One respondent maintained that “the PLA still holds sway in areas related to issues of strategic arms, territorial disputes and national security towards such countries as India, Japan, North Korea, Pakistan and the USA.”

The Central Military Commission commands China’s armed forces and is chaired by the president which presents an opportunity to influence foreign policy direction. Another research interviewee added that “the PLA is staunch advocate of the hard line stance towards Taiwan and perceived interference in the Straits relations by the US.”

Thus although the influence of the PLA has relatively decreased when compared with the situation before the turn of the millennium, it still maintains a strong presence in the foreign policy circles and is the main advocate for hard line actions in the international arena. Understandably, as part of military industrial complex, it stands well as campaigner forcing, political leadership to take stand against perceived threats to Chinese interests related to foreign policy.

Apart from the above official foreign policy actors, there are other actors on the margins and factors that do influence Chinese policies. Although the business sector is generally regarded as passive actor, most research respondents regarded business interests as having increasing effect

on policies, especially those that are related to economic ties. A respondent from Chinese academia further postulated that “it is in the interests of any country to support activities of its companies and in the case of China there exist symbiotic relations between large companies and political elites.” According to Guo (2004:7) “the executive of companies such as China National Petroleum Corporation and Baosteel are appointed by CPC organizational Department.” While it is clear that foreign policies inevitably affect operations of companies, the reverse is subject to debate.

However, from the above, a combination of political interests in business transactions and pursuit of profits by business entities is likely to influence policy direction. Such direction is usually one way where pursuit of interest overrides other considerations as international comity. Respondents cited China National Offshore Oil Cooperation’s involvement in the territorial dispute in south East Asian states was due to Spratly Islands and with Japan over the East China Sea in part over the untapped oil and gas reserves. Understandably, for a growing force such as China, there are strategic vital resources such as petroleum, minerals and nuclear power needed to propel the wheels of industry that will proffer a leeway for the business to influence foreign policy.

The unprecedented change in the information communication technology sector has brought with it the debate on how much media influences foreign policy direction. That this sector has changed how states conduct their business, for example, diplomacy is unquestionable, but what is hotly debated is the likely influence of media on decision making processes. The role of media is related to contribution of public opinion to foreign policy. Research interviews revealed the media has increased the diversity of analysis reaching the Chinese with speed and

also changed the degree of expression. According to the China Internet Network Information Centre (2013). The government reported that there were 564 million Chinese internet users in 2012. This translates to more people monitoring developments such as sea clash incidents, events related to foreign policy and expressing themselves almost in real time.

The critical mass, it is important to note, can exert influence especially in the context of China where it has been shown how the ruling political party exercises greater influence in foreign policy. According to Stein (2002:142) public opinion has greater influence on foreign policy in democracies than in authoritarian governments. It is argued that even authoritarian governments have a fixation of controlling public opinion such that in either case Chinese citizens exercise some form of influence in foreign policy making. Apparently gone are the days when ruling elites could ignore these voices as the norm is to maintain long term legitimacy and social stability to ensure regime stability.

4.3.1 China's Tact in the South China Sea (SCS) Dispute

The SCS dispute has recently become an international hot spot. Although bilateral disputes between Asian countries exist elsewhere, the SCS has attracted greater attention due to the complexity of the issues. It has the capacity to prove to be the litmus test to Chinese commitment to 'peaceful rise' given the attendant interests. It is viewed as a contestation of the claimed idealist orientation of Chinese foreign policy and realist goals on the international arena.

China's emergence as an important and active player in the international affairs has led to numerous changes in its foreign policy approach. The US has also returned to Asia

Pacific region with traditional influence on countries like Philippines. These developments have generally intensified the territorial sea conflict. Both countries in recent years exert increasing influence in the region as well as world politics. Medeiros and Taylor Fravel (2003):34) argue that in recent years, “China has begun to take a less confrontational, more sophisticated, more confident, and, at times, more constructive approach toward regional and global affairs.”

As already established in the preceding analysis foreign policy decision making has witnessed a lot of changes. Among them are that it has become less personalized, and more institutionalised in many organs of the state. Chinese diplomats have become more sophisticated in their articulation of the country’s ‘core interests’ and the formerly passive, low profile.’ China has changed. More broadly, other international players have now perceived the Chinese foreign policy establishment as an emerging great power with varied interests and responsibilities.

The SCS dispute is getting tougher, gradually transforming China’s foreign policy to the extent that government officials have clearly stated their willingness to start military confrontation so as to safeguard their interests. Wing (2012:2) notes that the foreign policy has moved from mere protest into insistence confrontation evidenced by a series of unprecedented tough signals such as the publicly disclosed bottom line of China’s FP principles.

China’s historical conservative attitude of the past will become increasingly hard line in dealing with international disputes. One respondent opined that “China in the claims

has left every option open and recent standoffs and diplomatic stand offs show Chinese capability to resort to use of force to forward its interest.” This is supported by Christensen (2011:54) who argued that China has recently resorted to abrasive diplomacy for instance harassing unarmed US Navy ship ‘impeccable’ in international water off the coast of China. This reaction to unforeseen and unwelcome developments by China have been interpreted to mean a China that seeks to pursue a realist approach that is based on strategic resource interests and influenced by pressure from nationalist pundits and bloggers who influence decision makers.

A positive trend is, however, identifiable in Chinese responses to the problems of SCS. Indeed China, despite the verbal refusal to the internationalisation of the SCS dispute, has continuously availed itself to multilateral cooperation such as the signing of the 2002 Declaration of Conduct of Parties (DOC) and entering into joint exploration initiatives with Vietnam and Philippines in 2005. The China threat pundits are indeed losing some of their audience as China has conveyed willingness to pursue a peaceful approach with all claimants. The claims that China was going to march down the SCS to satisfy its appetite for oil are yet to and may never come into reality. The DOC has helped create mutual trust and confidence and encourage cooperation.

Some respondents pointed to the non-binding nature of the DOC as reason for continued skirmishes over fishing activities and resource exploration rights in the SCS. The absence of a clearly binding mechanism has been viewed as a window of opportunity explained by rogue elements and only the speeding up of efforts towards a code that will incorporate sanctions is viewed as deterrent to unilateral actions. In order

to turn will good into concrete results, interviewees felt that there are several things must be done in the near future to build trust among disputants. First, all parties in the disputes must be bound by a legally binding and actionable treaty that governs the conduct of parties in order to prevent any escalation. Although China and ASEAN agreed to DOC in 2002, this is not a legally binding document. A binding document was supposed to be signed in 2012, but was postponed due to many reasons, mostly from China, which still denies the internationalization of the issue and multiparty negotiations.

However, the transformation of attitude to me of cooperation is remarkable and it remains a fact that assurance cannot be absolute among states and it is difficult to gauge regional confidence in China's stance. The SCS is decorated with pragmatic pursuit of Chinese national interests and an equal if no more commitment towards cooperative behavior. China realizes the importance of regional states in an era where politics is turning regional and is critical of US actions which drives it towards the cooperative direction. In view of the SCS's strategic position, any armed conflict over this area will have contagious effect and spread out instability and every country is fully aware of this. According to Perlez (2012:3) South China Sea is second busiest sea lane in the world through which Japan, South Korea, Taiwan and China itself trade with the rest of the world. Any armed conflict here will negatively affect not only South East Asian countries but also other East Asian countries, and even the US. Furthermore, the sea is also home to a huge oil reserve of 3 billion barrels under the seabed, a strategic asset to all becoming economics in the regions. Given all this at stake, the probability of

pursuit of unilateral and self fulfilling goals in diminished. Indeed the China threat perspective will be discredited as the debate turns to international security.

4.4 Possible Threat in International Security

The threat to international security emanating from the emergence of an assertive China and uncertainty of its 'peaceful rise' needs careful consideration. The rapid and continued growth of China has led to projections by OECD that China by 2016 will overtake the US as the world's biggest economy. Such projections have fuelled debate on the alleged inevitability of war between the US and China emanating from the latter's challenge to the former's hegemony.

Controversy also surround Chinese military spending. According to Thomson (2010:87) in 2009, the US military spent over USD\$738 billion, whereas estimates suggests that Chinese military budget ranges from USD\$150 billion. Thus America spends four times as much on defence as China. According to The Military Balance (2023). China's nuclear arsenal lags behind the US with Glaser (2011:91) rating it between a tenth and a hundredth of the US arsenal. Thus it would be naïve for China to risk military contest with US as it will be skewed in favour of the US. China with all rationality would opt for 'peaceful rise' in its true meaning.

Chinese foreign policies attest the commitment of China to seeking a non-confrontational path with the US with most academia research interviewees refuting the claim that China poses a significant threat to international security. However, some respondents argued that China posed to international peace equating the current environment to the Cold war situation of the US and USSR. Academia research interviewees warned against lumping two different situations

together arguing that the pursuit of two incompatible and expansionist models or ideologies characterized the Cold War while it has been demonstrated that this is far from being the case.

Also, an analysis of the Cold War politics shows tendencies towards zero-sum solutions between the US and China. China has identified income inequalities as a major security, a clear demonstration of the inward looking positive likely to diminish its threat to international security. This view is supported by a Chinese embassy official who intimated that “China wants to promote and elevate its people’s living standards thereby safeguarding its security and development which constitute its core interests.’ Such thinking invalidates conventional offensive realist wisdom that states ultimately pursue power and hegemony in the international arena. Thus the domestic focus of China shows that concerns about international insecurities as a result of China are overplayed.

The increasing interconnectedness of China and other world economies should allay any fears of a destabilizing China. China has become an important player in the world economy and it has opted for global integration, being part of WTO. From the liberal perspective argues that the ‘creation of institutions and regimes are crucial in blunting the more destructive features of international anarchy.” The economic interdependency that exists between China and its trading partners diminishes threats to international security.

Lum and Nanto (2007:2) note that China has replaced Mexico as the second largest source of US imports behind the EU constituting 14.07% of US imports in 2007. On the other hand, the EU is China ‘s biggest trading partner notes that (Ibid) EU China trade has increased and China and Europe now trade over €1 billion per day that bilateral trade in goods reached €428.3 billion in

2011. Such volumes of trade are viewed as incentives to forge mutually beneficial relations between the great powers rather than resort to armed confrontation with the attendant costs. Some research interviewees cited pursuit of resources for trade as providing impetus for conflicts thereby threatening international security. Bijan (2005:22) argues that China has efficient alternative energy that limits resort to zero-sum game. Again China has demonstrated willingness to jointly explore resources for instance in 2005 (CNOOC) opted for joint research with Vietnam and Philippine national oil companies around Spratly Islands.

In spite of China's extension of a hand to neighbouring countries, some research interviewees were pessimistic, arguing that threats to international security are likely to emerge from how China deals with regional powers. India and Japan both key to the US, it is argued are likely to engage in economic and political rivalry with China leading to instability. However the fact that East Asia has been relatively calm suggests otherwise. Again, maintaining the status quo serves China well and efforts have been skewed towards engaging China as part of regional community which diminishes resort to war. Glaring tensions between Taiwan and China have successfully been dealt with by diplomacy and regal manipulation. Thus the growth of China's military strength and economy does not translate to a contestation with the US and a British attitude towards its neighbours. Instead through increased economic interdependence and resort to diplomacy the 'peaceful rise' of China is assured without threatening international security.

4.5 The Association of Southeast Asian Nations (ASEAN) and United Nations (UN) Perspectives

Southeast Asia has dramatically changed over the last two decades, juxtaposing Chinese power and strategic ambition with the established US superpower both in terms of military presence and

economic might. China's view of the SCS status is conflicting with Western dominated international system. The (ASEAN) has a delicate task of steering the region away from uneasy coexistence to a security community where the interests of all, small or big, are catered for. Already, having more issues such as different levels of development and political structures that separates regional countries the SCS dispute compounds the dilemma of ASEAN. Indonesian foreign minister Natalagawa points to a gloomy picture commenting that "the ASEAN community as a sentiment, as an emotion cannot be enacted through the adoption and implementation of formal agreements." However, there is equally strong commitment towards regional initiatives that promote peace and stability.

The Obama administration has strengthened ties with ASEAN and engaged individual countries such as Myanmar which is in line with America's new focus and engagement strategy in the region. While appreciating what is at stake if they lose considerable influence in the area they have taken China as an equal partner in the negotiations. This is a policy shift from the US where according to Shiping and Yunling (2005:14) the Bush administration before September 11 had advocated for a hard containment against China. There is increased realization among ASEAN members that China's economic growth does not pose a security threat hence a shift to incentivizing China to cooperate under ASEAN.

According to Jones (2010:55) the US encounters a "dilemma and tough balancing act in the region, as some countries in ASEAN would like it to play a more forceful role to counter what they see as a greater Chinese assertiveness, while others want to see less U>S involvement." Priority should be avoidance of military conflict and "even as China spars with its Southeast Asian neighbours, it has become the largest trading partner and direct investor in most ASEAN

states as the ASEAN-China free trade area came into effect.” Perceived or real increase of Chinese influence in the region is detrimental to US interests and makes it difficult for China to balance the act in dealing with regional states. Participation in regional interventions may be viewed as creating a sphere of influence while non-participation might be viewed as challenging the status quo.

Generally, the ASEAN countries have contested boundaries, and China bases its claims on historical legitimacy from naval patrols, survey expeditions and fishing activities going as far back as 15th century, conflicting with enforced boundaries of UNCLOS since 1994. The parties concerned assented to resolve their skirmishes in the SCS through friendly consultations and negotiations in accordance with universally recognized international law, under the 1982 U.N. Convention on the law of Sea. Exploring ways for cooperation in the disputed areas, however, seems to be proceeding with little progress. The reality depicts a growing china with considerable influence in the Asia Pacific and worldwide and its impact is actually making other ASEAN nations skeptical of a future peaceful settlement.

China maintains its absolute sovereignty over the Spratly Islands while following the mutually beneficial economic exploration in disputed areas. In sum China appears to see the benefits of diplomacy in the Spratly’s dispute, but has stopped short of any commitment which might limit its future actions.

Despite a strong initial objection by China, ASEAN managed to place the SCS dispute on the agenda of (ARF) and claimed some success in dealing with China on the Spratly Islands issue. The collective identify of ASEAN also shows an important step of ASEAN as a bridge of

confidence and security building among Brunei, Malaysia, and the Philippines. Later on ASEAN and China had adopted DOC 2002 of parties in the SCS, but no legally binding documents were drawn up. Meanwhile, East Asia still lacks a well –established regional mechanism for states to deal with economic and security issues. Until now, ASEAN and ASEAN led mechanisms such as East Asia Summit and ASEAN Regional Forum, not highly valued by many research interviewees as effective mechanisms, are the only multilateral backbones for regional multilateral cooperation in East Asia.

The UN supports regional organisations' interventions and peaceful bilateral arrangements which play well in China's favour, a long-time advocate of bilateral arrangements in resolving the SCS dispute. According to UNCLOS, countries with maritime disputes should resolve the issue through negotiation before delivering a case for international arbitration. Recent attempts by Philippines in 2013 to take a South China Sea territorial dispute to a United Nations arbitral tribunal were turned down by China which vehemently criticizes. Manila for what it calls violation of DOC. Thus China seems successful in projecting itself as forthcoming in peacefully resolving of conflicts bilaterally or under ASEAN which some respondents view as supporting Chinese interests. Hence distrust of China continues and many regional states continue to view China through coloured lens despite attempts by China to appease them. It is important to note that China participates in initiatives that are not its own ideas such as ARF and (APT).

4.6 Conclusion

This chapter integrated research findings in understanding China's foreign policy in general and the SCS dispute and their effect on neighbouring countries, global powers and international security in general. It can be postulated that China has undergone a painful process of stifling

competing pressures from within to project itself well as a regional and emerging global power house in line with its 'peaceful rise' policy. The 'China threat' theory although finding vindication in certain projections of China's foreign policy, for instance, related to the SCS dispute, and calls by China to stick to bilateral arrangements, has been discredited. China has indeed shown commitment to amicably resolve disputes and participation under ASEAN. This has not, however removed distrust which persist creating victimhood syndrome playing into the hands of pessimistic China.

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

Peaceful resolution of the SCS maritime border dispute is not easy because it has multiple claims, all substantiated by different reasons from different countries. Amongst these countries is China, which has a fairly unique position in this battle for control of the SCS. In this case China is of primary importance because she is more of the primary actor and many scholars are of the opinion that if the PRC sincerely commits itself to the 'peaceful rise' principles the conflict would be quickly resolved.

However, reconciling the diametrically opposite claims requires a thorough examination of the motives and concern between parties to the dispute. Among other things, this study sought to outline the consistency of the Chinese to their 'peaceful rise' amidst contestation of its 'core interests.' What is evident is that the SCS dispute entered a new chapter during the global financial crisis. The ultimate effect in Asia suggests a possible breakdown of ASEAN solidarity. In desperate moments like this national interests take precedence over peace and security issues and, in this case, intra-ASEAN stability. More than ever maritime resources are now of greater value than before and control of trade routes has become vital for every nation.

These developments have dramatically altered the economic development of countries in the region to such an extent that it is possible for a state to desire securing more resources at the expense of the others. China is of particular interest because it insists on an assertive non-confrontational rise but equally exhibiting greater willingness to use force in order to regain control over the area. The way China will ultimately deal with this issue remains subject to debate but as the regional powerhouse of South East Asia, its actions will largely influence the

regional economic future, and, more importantly, its development in a peaceful environment. It can be summarized that the rich maritime zone serves as a litmus test of China's foreign policy principles.

5.2 Conclusion

The objective of all of the countries involved in the dispute over the SCS can be traced to what they stand to benefit, given the significance of the area to their national development. Consensus should be built around the establishment and promotion of peace and security in the region. The countries concerned must also be able to devise cooperative programmes in which all participants can take part; promote dialogue among the directly interested parties so they can find solutions to their problems, including territorial disputes, and develop the confidence-building process so that everyone will agree and put the conflict to rest.

Primary, focus and fundamental cause of the conflict is on 'what land belongs to which country.' The nations can only cooperate when their interests are being taken into consideration. To solve this contentious issue, the nations have to be in agreement on the point that they have to set aside their perceived economic gain from the region for the time being and focus on resolving the dispute in a peaceful manner.

Clearly, there are heightened and artificially exaggerated sect concerns that have unnecessarily made the SCS a subject of intense international attention and scrutiny. In the internal arena there are far more precarious situations than the SCS, however, this is not to say the issue does not warrant concern.

Currently, China continues to claim ownership of the area, rigidly refusing to spell out the basis of its claims. Over the years there has been a tendency to exercise unilateral policies of control amidst controversy that the areas are exclusively owned by China. Recently, the PRC's national power has also been growing at an unprecedented rate such that it has had to flex its muscles as a regional power in the matter. This is against a background where china has been pursuing a foreign policy based on the principle of 'peace rise.'

In addition, foreign policy proclamations coming from Beijing have been consistently aligned to peaceful coexistence but developments in Southeast Asian states point to a military build-up so as to defend themselves against a rising China that has remained adamant. China's foreign policy that is predominantly idealist in orientation and rhetoric is different from what it practices.

Clearly, the type of diplomacy being employed is mainly in the form of informal consultations, conferences, and sponsored research projects. However, the very nature of this kind of interaction, although it is an essential condition for its success, makes it very hard to find solid details that can be agreed upon. Appraising the success of the process is problematic. Hence, more multilateral diplomatic initiatives must be encouraged.

There has also been considerable international pressure from the UN and other international actors to settle this conflict peacefully. Since four other ASEAN states are involved, there is a strong sense of responsibility on the regional body to act on a collective basis despite the fact that China refuses to have the dispute dealt with at a multilateral platform. It is critical that the ASEAN maintains its neutrality but neutrality should not be taken to mean dormancy.

Almost two decades have passed since the ‘Declaration on Conduct of Parties in the South China Sea’ was signed by parties to the dispute, of whereas China also appended its signature. Nevertheless, present day strategic realities over-shadowing the South China Sea conflict suggest that very little progress has been recorded in so far as settling the competing claims.

ASEAN’s incorporation of China in its various discussions has a major underlying aim of motivating China to be less uncompromising on the South China Sea conflict, more responsive to conflict resolution through dialogue and attempts at conflict management. The dividends of this strategy are yet to be substantively realized.

The SCS dispute has been amplified exponentially to the extent that the possibility of starting a war and experience and armed conflict is fairly high. In May 2011, Chinese naval ships attacked Vietnamese oil exploration ships confirming fears of a ‘time bomb’ on the matter. Relations between China and Philippines over competing claims have been relatively tense in the past, characterized by a military standoff for months near Scarborough Shoal. China frequently embarks on military tactics in order to coerce major disputants to China’s claims. All these actions are clearly in violation of its ‘peaceful rise’ principles.’

5.3 Recommendations

Military conflicts are known to produce some of the worst violations of human rights and effectively become the greatest impediment to human development. The use of military force in an attempt to solve the SCS dispute should not be given first priority because it has the potential to be extremely counterproductive.

All territorial and jurisdictional disputes being experienced in the SCS area should be resolved by peaceful means by way of dialogue and negotiation and never at any time should force be used to settle territorial and jurisdictional disputes. Diplomacy should always take precedence and as long as all sides of the dispute remain patient, flexible, programmatic and implement practical measures to enhance mutual confidence, dialogue and negotiation will eventually make headway.

However, using one approach in an attempt to provide solutions is likely not to work rather there should be combinations of different conflict resolution strategies ASEAN should play a critical role to manage the conflict. As a bridge of confidence and security building among its respective member states and China, ASEAN is better placed to employ its own diplomatic powers and other confidence building measures. After all it has been involved since 1990.

Considering the complicated pattern of different levels of negotiations, solving the SCS dispute through litigation is another possible avenue and it is a legitimate step for aggrieved parties. It is also consistent with peaceful coexistence and is supported by the various calls for parties to use international law, rather than force. Arbitration for a sea treaty should be made compulsory and a timeline must be set to permit the International Tribunal for the Law on the Sea to deliver. Penalties and other enforcement mechanisms must be put in place to ensure compliance.

Where conflicting territorial and jurisdictional claims exist, the states concerned must also consider the possibility of concluding provisional arrangements of a practical nature that are based on cooperation for mutual benefit. These may among other things include exchanges of

information and joint development and should be closely related to what is espoused in Articles 74 (3) and 83 (3) of UNCLOS.

The Zone of Peace, Freedom, and Neutrality (ZOPFAN), a basic structure in ASEAN's endeavours meant to create regional peace and security has been underutilized. The institution was created with the aim of excluding traditional superpowers (USA and the former Soviet Union) in the region's affairs but the organization has not been engaged as a third party in the negotiations. If anything it remains a basic declaration without binding clauses but it is another option that could be harnessed. One of the most important strategies that could be applied by ZOPFAN as an underlying principle to ensure progress is made would be to make sure that multilateral advancement, particularly on the regional states' increased transparency in all matters, is guaranteed. It then becomes easier to negotiate in good faith.

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APPENDIX 1 – INTERVIEW GUIDE FOR KEY INFORMANTS

My name is Donald Chirunga and I am carrying out a study entitled A Critical Examination of China's 'Peaceful Rise' Theory: The Case of South China Sea (SCS), the objective is to examine the nature of the Chinese foreign policy with a specific reference to the SCS dispute.

This is to be submitted in partial fulfillment of the Master of Science Degree in International Relations.

You are assured that the information you provide will be confidential and your name will not be used when these results are discussed. If you agree may you sign below so that we can proceed.

Signature.....

1. What is China's 'peaceful rise' policy?
2. In your opinion how prominent is this idea among China's leaders?
3. How exactly does it affect China's foreign policy particularly in the territorial seas dispute?
4. How much does the 'peaceful rise' influence China's foreign policy?
5. To what extent are the claims of Vietnam, Taiwan, Philippines and Brunei justified?
6. How much of a threat is China to international Security?
7. What impact does China's foreign policy in general and in the region have on the United States?
8. What has been the impact of the United Nations in Asian affairs?
9. Has the 'peaceful rise' policy achieved its intended objectives?