

TERRITORIAL DISPUTES AND REGIONAL SECURITY IN EAST ASIA

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Abstract

This paper seeks to study the maritime disputes amongst China and various nations of the East Asian region. The paper explores the drivers, which compel the states astride the East China Sea to establish control over the maritime and island territories. This is followed by a discussion on the dangers associated with these disputes e.g. costs of the political and military escalation, and the competition for maritime resources. There is a risk of escalation and conflict at sea. China's interests and objectives in the region are analyzed with a view to the Chinese aspiration to be the global super power by acquiring and controlling the territories around the East China Sea. While sovereignty claims in the East China Sea are not new, China's rising diplomatic, economic, as well as military influence is increasing China's capacity to pursue its interests.

Keywords: East Asia, US, China, Maritime Security, Economy.

Introduction

East China Sea carries significance as a hub of natural resources containing hundreds of islands, shoals and reefs. China is the regional power in East Asia and as a super power-aspirant employs different kinds of tactics and strategies to maximize its benefits from available opportunities. The maritime territorial disputes of China in East China Sea could also be described as part of the grand strategy of China to become a super power through control of maritime territory. Further, these maritime territorial claims escalate tensions between different stakeholders i.e. China, the US, Japan, and other regional claimant countries, which envisage the role of proxies as well. Because of its importance, the East China Sea has become a flashpoint of regional and international politics.¹

The disputes have gained momentum due to certain factors e.g. disparate interpretations of history, different understandings of international regimes like United Nations Convention on Law of Sea (UNCLOS), inordinate reluctance of concerned states which are involved in different maritime disputes, non-serious attitudes towards resolution of disputes of the claimants of different islands and territories, and inability to negotiate peace among themselves. Rising tensions over South-East Asian maritime

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disputes have become the centre of gravity not only for Asia-Pacific countries but also for the US and its allies.² These maritime territorial disputes, which have generated rift among the regional states, are decades old, and incidents and skirmishes between claimants have been a constant for several years. However, various incidents got amplified for different reasons, including the desire of the countries around the Asia-Pacific maritime territory to show their might and strength to smaller and less developed nations. Another important factor is the exploitation of the natural resources in the East and South China Seas.³

This study was prompted by the following research questions:

- Due to the territorial disputes in the East Asian Sea region, is there a threat to regional security posed by a conflict at sea?
- What are China's aims and objectives in the region in view of its aspirations to become a global super power?

The hypothesis of the study is that China's rising diplomatic, economic and military influence is increasing its capacity to pursue its ancient sovereignty claims.

Each country in the East Asian region tries to control its islands and other territories to exploit the region's natural resources including oil, gas, hydrocarbons, and fishery.⁴ As for the involvement of the US, Washington does not have competing claims over any waters but it is involved in disputes in one form or another. The US seldom takes a clear position in the miscellaneous territorial disputes. However, the US has treaty obligation with different countries like Philippines and Japan. It is clearly defined in the treaties that if Japan or the Philippines are attacked by any of the claimant parties than the US will help them.⁵ The US being a super power has certain region-wide strategic and economic interests; as a result former Obama administration announced the "Pivot to Asia Policy" which denotes the focus of US towards Asia.⁶ These maritime disputes are reshaping the relations between the US and different countries like Japan, China, Southeast Asian states, and especially Vietnam and the Philippines. The persistent regional disputes have forced the US to adopt a policy of engagement with Southeast Asian nations.⁷

The rebalancing or pivot as announced by the former US president Barack Obama was a reflection of Chinese assertiveness in the region, and of Washington's growing stakes in regional peace and stability.⁸ The treaty obligations of the US with Japan and the Philippines have provided bigger clout to both countries. Consequently, Japan and the Philippines are eye to eye with China to secure their maritime territorial rights. China seeks to resolve the maritime disputes bilaterally, and resists any attempt to internationalize the issue by involving the US in the region. Regional and international organisations have been trying to resolve the disputes, but they still have not made any progress. In this regard, China and ASEAN started discussions in early 1990s for the code of conduct for disputed islands in the Pacific region, but could not reach any suitable solution.⁹ Practically, these maritime disputes have the capacity to further deteriorate the relations among the states and can disturb the stability and peace, not only throughout the region but also beyond region as well, which can be

disastrous for international security and economy.¹⁰ The East Asian region retains importance because of crucial factors for instance it contains six of the largest militaries in the world including considerable US military presence.¹¹ This region houses the world's second largest economy i.e. China, and critical shipping lanes in a region that produces over one third of the world's exports. An increase in tensions over territorial claims could consequently disturb international shipping and deteriorate the regional security and international economy.¹²

Maritime Disputes: Chinese View

The Chinese view some decades ago and now has experienced a change due to the changing global environment. China's path towards the super power role as well as becoming a dominant power of Asia is the underlying reason behind this change. China is endeavoring to create a status quo, which mostly favors it when it comes to maritime disputes.¹³ Since 2012, China is clearly defining to the neighboring and claimant countries that either they want to solve the problem peacefully in favor of China, or become ready to bear the consequences of actions taken by them. China also, time and again, reminds its neighboring countries that it is developing very fast in economic and military terms so it will be beneficial for other claimants to have good relations to benefit from the rise of China. On the other hand, China also cautions them about the results of enmity with a rising giant.¹⁴

Different Kinds of Claims in East China Sea

There are a couple of outstanding disputes in the East China Sea. The first dispute is over Diaoyutai/Senkaku islands that are under Japanese control but also claimed by Taiwan and China. The regional history is evident that all claims and disputes have their own worth but territorial sovereignty dispute involving Senkaku/Diaoyutai has remained acrimonious among the host of disputes.¹⁵ However, claims of Japan, China and Taiwan are based on historical facts over the islets centered on two essential elements; the first element is about the amalgamation of the islets with Sino-Japanese War or independent from this.¹⁶ The second component is the issue of the concerns of islets to become the part of an area, which China relinquished to Japan in 1895 Treaty. The treaty is remembered as Shimonoseki, which ended the war between China and Japan.¹⁷

China claims that during the period of Ming Dynasty (1368-1644) these islets were part of Chinese territory. It was also included in the map of China during those days and Beijing also had the documents of territories protected and cared by the dynasty's coastal defence. So, China has the view and it proclaims that during the Ming dynasty, China retained these islands under supervision of Taiwan.¹⁸ Adding to this, Beijing urges that it was upon surrender of powerful and Imperialist Japan in 1945, which resulted in return of Taiwan to China. Japan should also have handed over the Senkaku Islands to China.¹⁹

China holds the view that the islands and territories between Beijing and Tokyo are clear and defined for example China proclaims that Okinawa Trough in the ocean

floor split up Senkaku and Beijing's Continental Shelf from Japan's Ryuku Islands. On the other hand, Japan holds that the Japanese Emperor promulgated an Imperial ordinance, and joined the Senkaku/ Diaoyutai Islands to Japan in January 1895.²⁰ Japan proclaims that there was no evidence earlier, which proved that the islands were inhabited. Japan considers these islands were uninhabited, and there was no trace that China controlled these islands. Further, Japan also demands that the integration of Senkaku/Diaoyutai islands had nothing to do with the Second World War. On the other hand, China and Taiwan have been proclaiming that Japan seized these islands in the war. In the Second World War, the purpose of the Allied Declarations of Cairo and Potsdam was to return the islands to China, which had been taken by an Imperialist wartime Japan.

At the end of Second World War with the defeat of Japan the authority over Senkaku/Diaoyutai was surrendered by Japan to Taiwan. But it did not solve the issue of Senkaku/Diaoyutai during that time. After the Second World War, China affirmed that it had regained Taiwan after the surrender of Japan, but added that Beijing should also have recovered Diaoyutai Island. The Foreign Minister of Taiwan affirmed that Senkaku/Diaoyutai islands seem to have been in Chinese historical records during the Ming Dynasty. Taiwan held the view that Senkaku/Diaoyutai were the group of islands, which were part of Taiwan before the Second World War. Therefore, it should have been returned to China along with Taiwan.²¹

Taiwan was a colony of Japan from 1895 to 1945. The Republic of China came into existence in 1911. There was a peace treaty of the US with Japan in 1951, according to the terms and conditions of the treaty the US controlled the islands from 1950s to 1972. Another treaty was signed between the US and Japan in 1972 termed as the US-Japan Okinawa Reversion Treaty by which the US returned these islands to Japan (Zhong, 2012). After the signing of this treaty between Japan and US, China pronounced the treaty regarding the islands as "backroom deals", which are illegal thus null and void. In 1970s, the sovereignty question over Senkaku/Diaoyutai was debated but not resolved. However, Beijing and Tokyo had softened their relations and they were on the path toward stabilization, and concluded a peace treaty in 1978. China upheld that they arrived at an understanding to leave the issue for "future generation" to resolve. Since 1990, both countries have suspected and blamed each other that they were trying to violate the terms of the treaty.²²

The Maritime Dominion Conflict

There has always been conflict over oceans, and rights and control of the states over these and their natural resources. Following this tradition, China also claims rights farther than the 200 Nautical Miles (NM) of Exclusive Economic Zone (EEZ) to the centre of the Okinawa Trough and the Median Line. In addition, China asserts that there is a huge quantity of natural resources in the seas, and there are many Chinese projects in the Continental Shelf, which are still in process so it is possible to discuss the region's collective progress in at least some areas. After much conflict, finally Japan and

China reached bilateral agreements over exploration of undersea hydrocarbon reserves in 2000.²³

Maritime Resources in East China Sea

The East China Sea is replete with natural resources especially some areas have abundance of resources like Xihu/Okinawa Trough, which contained large amounts of natural gas that can be estimated to fulfil the domestic energy demands of China and Japan. According to EIA (Energy Information Administration - US), China's growing economy could need much oil and natural gas in future, which would put pressure on the Chinese government for the search of new supplies to fulfil the local demands.²⁴

Oil Reserves

It is difficult to measure the quantity of the oil resources that exist in East China Sea. Due to the ongoing conflicts among various players, this area has yet not developed further in regard to discovery or utilization of oil resources. There are estimated numbers provided by EIA of 200 billion barrels of oil reserves.²⁵ The Chinese sources have their own view, according to which there are different estimates about the undiscovered reserves. The Chinese claim that undiscovered reserves could range from 70 to 160 billion barrels of oil in East China Sea and this area largely lies in the Xihu/Okinawa Trough.²⁶ China started to exploit the resources nearly three decades ago, in 1980s, when it first found the Pinghu oil and gas field. Additionally, China and Japan are moving towards the normalization of relations. Having considered the quantity of oil produced from South China Sea, most of the observers are not likely to believe that it can become an important supplier of oil for the Asia-Pacific region.²⁷

Natural Gas

According to the reports and figures of EIA, East China Sea contains 1 to 2 Trillion cubic feet (Tcf) discovered and proven natural gas. Chinese sources' claims provide another version that there are 250 Tcf in East China Sea, which are yet undiscovered mostly in Xihu/Okinawa Trough. The Chinese National Offshore Oil Corporation (CNOOC) estimates that proven gas reserves were at 300 Tcf in 2011, according to an annual report. The undisputed Pinghu field started its production in 1998, reached its maximum level of 40 to 60 million Tcf daily in the mid-2000s. China worked hard to explore these resources so many Chinese companies initiated work in this huge gas and oil field in 1995 in Xihu/Okinawa Trough. There are some large gas fields and others are lesser in quantity. The Chinese companies discovered a huge gas field in the area. To contest with others China, in 2006, began its production in competition with other countries and groups like Tianwaitian/Kashi field. China states that the Kashi field is an inseparable part of its EEZ.²⁸

United Nations Commission on Laws of Sea

The United Nations Commission on Laws of Sea (UNCLOS) requires that every state had right up to 200 NM of seawater as EEZ. In any sea, areas of maritime jurisdiction will overlap, if is less than 400 NM across. The total distance across the East

China Sea is 360 NM. The UNCLOS is unable to solve the claims of Exclusive Economic Zone.²⁹ On the other side, China insists that its Continental Shelf stretches to the Okinawa Trough. If UNCLOS calls for Sino-Japanese maritime boundaries to be defined according to their claims and after reviewing their claims then the Trough and Median lines are the immediate choices. The Geneva Convention on Continental Shelf 1958, the predecessor of UNCLOS, provided a better solution for the East China Sea disputes. According to its plan, in the absence of any agreement, the boundary was to be defined by employment of equidistance.

Nonetheless, geography is the most important factor in solving the maritime boundary delimitation. Further, control over Senkaku/Diaoyutai Island is a significant issue between Japan and China in the East China Sea. Therefore, it relates to the demarcation of maritime border between two countries. The best solution is that the maritime boundaries between Japan and China should be solved on equality basis and equal distance from both the concerned countries.

Laws about Territorial Acquisition

There is no international convention yet designed about the destinies of nations on the issue of authority over undecided territories. The Customary International Law lays down “at least five modes of territorial acquisition” that came to surface through the verdicts of international bodies and arbitration panels. These five modes of territorial acquisitions are: discovery, occupation, accretion, conquest and prescription.³⁰ According to Customary International Law it means that discovery alone is not sufficient to claim sovereignty. For exercise of sovereignty, the occupation must be effective. The international courts describe effective occupation when a state possesses the intention to exercise its sovereign authority.

Importance of Maritime Territorial Disputes in East Asia

There are numerous issues such as fishing rights, underwater oil and gas deposits, different understandings of maritime law, and conflicting principles for claims. The objective is to redress previous territorial losses, and protect national interest amidst uncertain geopolitical situation. Therefore, these conflicts are the result of the shrinking of the world and competition over natural resources to fulfil the increasing requirements of future because of the growing demand and supply imbalances.³¹

Impediments for Regional Maritime Security

The impediments which act as a stumbling block in maritime peace and cooperation in the Far East include: impact of domestic factors in the region, Sino-American maritime rivalry, deficient policy guidelines and operational protocols, third party intervention and involvement, blurring the operational role of navy and coastguards, advanced missile technology and weapons of mass destruction (WMDs) in the seas, lack of new maritime security initiatives, and reluctance to resort to legal solutions.³²

Sino-American Maritime Rivalry

The rivalry between Washington and Beijing started when the US realized that China could be its only competitor at the global level. Therefore, both countries are trying to dominate the seas of Asia Pacific. Their interests and intentions pose an increasing challenge for the disputants of East China Sea. All the other nations in the region are caught in a dilemma which makes it problematic to solve their issues when both China and US are projecting power in the region.³³ The Sino-American rivalry proved to be a zero-sum-game for the nations of East Asia. China is becoming possessive in the region since it considers the region as its home ground, which is geographically correct. The US being a super power and guardian of world peace and prosperity has changed its former policy toward Asia-Pacific with the introduction of “Pivot to Asia” policy. With introduction of the Asia pivot policy of the US, and China’s increasing naval and military power have made these two states the real competitors in the region.³⁴

The rivalry between these two countries has given rise to the security issues and concerns of regional nations and stakeholders in Asia-Pacific. Strategic autonomy of East Asian nations is imperative for their strategies and improving relations between China and the US calls for strategic thinking.³⁵ Even though the US retains land forces in a number of states in this region like South Korea, Japan, and Australia, the economic dependence of East Asian nations upon China continues to grow because of the fast-paced development of China. These countries are of the view that China could be a better friend of neighbouring states than the US, which is at a distance geographically. In South China Sea, the Chinese claim of nine dash lines is renounced by nations, which are the part of the dispute and also by the US. Likewise, Japan rejects the Chinese claims over the East China Sea. Yet the US has refrained itself from taking any position on East China Sea, about which Japan protested by maintaining that the US had to take position in accordance with the US-Japan treaty obligations.³⁶

China has become confident in the region to stake its historic claims over East Asian Sea. As much as China has been regionally projecting its naval power, the US has turned towards the East Asian region.³⁷ Increasingly, the US is aligning itself with smaller countries in order to pursue their maritime claims. The interests of the two super powers in East China Sea are intimidating to others in the region, and they suffer because of this attitude of these big powers.

China considers maritime security and autonomy as a “core interest”, while the US regards the issue of freedom of East Asia Sea as a “Critical National Interest”. The US is improving its relations through naval exercises with partners in accordance with the policy of “Pivot to Asia”.³⁸ China’s military modernisation has created many doubts in the neighbouring countries. China is also projecting its military strength by means of gunboat diplomacy in East China Sea. Consequently, the regional nations are caught in a security dilemma. If they choose one they would have to face the wrath of the other. China is making efforts to be a naval power in the Far Eastern and Asia-Pacific region by projecting its military might while the US seeks to maintain its status as hegemonic power in Asia-Pacific. This power game between the two mighty rivals is still ongoing,

at the cost of the indecisiveness of other stakeholders in deciding to choose one or the other.³⁹

Conclusion

The concept of power in the global system has always been relative and fluctuating. The rise and fall of a state is mainly due to its pace of economic progress, conducive environment and prevalence/absence of war. Some states develop quicker than others, which is the outcome of domestic politics and technological innovation, good institutions and political leadership's capability to make use of state resources. Over the previous three decades, Beijing has acquired remarkable skill to plan and assemble its power in terms of national resources to execute actions, which are most beneficial to it in economic, diplomatic and military spheres. Due to its potential economic development for a quarter of a century, China has been placed at the top of the list of countries, which have substantially increased their military budget. China's military expenses have increased in the double-digits, which also provide motivation to fresh alliances. The Chinese pursuit of "comprehensive national power" assures that no country should challenge what China claims to be its "core national interests". The event of gaining and maximizing power has widened the gap between China and its neighbours. The issue of security dilemma persists in East Asia despite the Confidence Building Measures (CBMs) after the Cold War. In East Asia, there are two main conflicts, which are responsible for triggering security concerns and having an effect on the regional stability. One is the issue of peace and security, which has always been sought by regional states, and other is the South and East China Seas disputes which remains matter of concern not only for China and the US but also for the other countries of the region. China has been behaving proactively and assertively since a long time that has given momentum to maritime disputes in the East China Sea. Further, the declaration by China to exercise jurisdiction in these disputes has given rise to the security dilemma of several states in East Asia. It is widely believed that security dilemma has remained the problem, which is the cause behind the existing tense environment in the East China Sea. The military modernization of China can be regarded as the major source of regional security dilemma. China has been moving towards becoming a naval power from an economic power that can transform the military balance in the East Asian region. China is concerned with maritime security due to unsettled territorial disputes in both the seas. The region of both the seas has turned into a source of interstate conflict since the disputes have turned out to be closely associated with interrelated issues of food, energy and maritime security. These issues have given boost to the maritime security dilemma not only among the regional states but also affecting other stakeholders. The intensity of maritime disputes could be reduced by the disputant states through trust and understanding. The influence of domestic political factors on regional maritime security could be handled by regional states in the best interest of collective economic gains and mutual maritime defense. In addition to this, it is also crucial for the regional countries to distinguish between the role of navies and the national coast guard. The US being involved in the East China Sea as well as on humanitarian grounds must play its role in East Asia as a neutral umpire. The disputants should agree to jointly work on policy guidelines and operational

protocols. The arms race for cutting edge missile technology and WMDs in regional seas should be regulated and restrained to eschew any misadventure. The regional states must cultivate new maritime security initiatives to accomplish regional maritime peace and cooperation.

NOTES

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