

**China's Behavior in its Territorial Disputes
and Assertiveness in the South China Sea**

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The organizers have asked me to comment on China's assertiveness in the South China Sea within the broader context of China's past and present behavior in its many territorial disputes. I argue that China has been *more* assertiveness in the South China Sea than in its other territorial disputes today, but *less* assertive in this dispute than it has been in the past, especially from 1988 to 1994. Overall, China's behavior in the South China Sea does not represent a dramatic departure from its past behavior in territorial disputes, which have combined a willingness to delay final settlement with efforts to compromise or use of force.

What has been the content of China's "assertiveness" in the South China Sea?

Starting in 2006 and especially between 2009 and 2011, China adopted a more assertive posture in its disputes over territorial sovereignty and maritime rights in the South China Sea. The broad contours of China's behavior are now well known to interested observers and will only be summarized below. The following diplomatic, administrative, and military components of China's assertiveness are designed to consolidate China's various claims, especially to maritime rights, and deter other claimant states from strengthening their own claims to maritime rights.¹ They include:

- The use of diplomacy to 1) challenge the legality of hydrocarbon exploration projects in waters that China claims (especially within the 200nm EEZ claimed by Vietnam), 2) threaten foreign oil companies investing in Vietnam with a loss of business in China, and 3) challenge the claims of other states to maritime rights (especially after the submissions of claims for extended continental shelf rights to the UN in May 2009)
- The use of civil maritime law enforcement agencies to demonstrate and exercise China's sovereignty in contested waters by 1) increasing their scope and frequency of patrols, 2) detaining Vietnamese fishermen, especially in 2009, and 3) obstructing seismic surveys in March, May, and June 2011
- The use of steadily modernizing naval forces to demonstrate China's resolve to defend its claims by 1) increasing the frequency of patrols in disputed waters and 2) increasing the scope and complexity of naval exercises

Three points must be stressed. First, China's assertiveness has been comprehensive, i.e., it involves many instruments of national power. Second, China has not yet militarized its approach to the disputes in the South China Sea. The role of the PLAN has been secondary, not primary, and it has been used to deter others from strengthening their claims, not to compel others from changing their own positions. Third, from Beijing's perspective, other states in the dispute have been equally assertive, especially Vietnam

¹ For a more detailed discussion, see M. Taylor Fravel "China's Strategy in the South China Sea," *Contemporary Southeast Asia*, Vol. 33, No. 3 (December 2011)

and the Philippines. China sees its response as largely a reaction to the moves and actions of other states.²

How does China's approach to the South China Sea compare to other disputes today?

China has been *more assertive* in the South China Sea than in other territorial disputes where it has also been active in the past few years.

- The border dispute with India: China has restated its claim to Arunachal Pradesh, stapled paper visas into Indian passports, and sought to block a loan from the Asian Development Bank. However, China has not deployed more forces to the region despite India's creation of several new mountain divisions, construction of new airfields, and deployment of new weapons systems.
- Military activities in the EEZ: China challenged the USNS *Impeccable* in March 2009 and objected to US exercises in the Yellow Sea in July 2010, but has not systematically sought to prevent US reconnaissance or other military activities in its EEZ, including the exercises held in the Yellow Sea in November 2010.
- The Senkaku Islands: China reacted swiftly and harshly to the detention of a Chinese fishing captain in September 2010, but has otherwise maintained a low profile in this dispute.
- East China Sea maritime rights: China reached an agreement with Japan in June 2008 to jointly develop resources across the median line. Fisheries administration patrols have increased since September 2010, but they have not challenged Japanese fishermen.

How does China's current behavior in the South China Sea compare to its past behavior in this dispute?

Between 2009 and 2011, China has been *less assertive* in the South China when compared with the last period of tension from 1988 to 1994. This conclusion is based on the following elements of China's behavior in the South China Sea during this earlier period.

- Occupation of features: China seized contested features by occupying seven vacant coral reefs. China's physical move into the Spratlys in 1988 sparked a race by other claimants to occupy an additional thirteen features. China has not

² Michael D. Swaine and M. Taylor Fravel, "China's Assertive Behavior: Part Two – The Maritime Periphery," The China Leadership Monitor, No. 35 (Summer 2011), <http://media.hoover.org/sites/default/files/documents/CLM35MS.pdf>

occupied any additional features since 1994 and has not occupied any features between 2009 and 2011.

- Use of force: China clashed with Vietnam in March 1988 while occupying Johnson Reef, killing seventy-four Vietnamese sailors. Since 2009, China has used civil maritime law enforcement agencies, not the navy, to enforce its claims.
- Exploration concessions: China granted a large concession in the Southwestern portion of the South China Sea an American firm, Crestone. Since 2009, China has not granted any concessions to foreign firms in the disputed part of the South China Sea

How does China's behavior in the South China Sea today compare with China's general approach to territorial disputes?

China's approach to the South China Sea, including the recent period, emphasizes delaying and deferring a final settlement so that China can consolidate its claim and deter others from consolidating their claims.³

- Although China has used force in the past, over both the Paracels (1974) and Spratlys (1988, 1994), China in the South China Sea has not yet militarized the dispute in the past few years nor has it sought to alter the territory under its control
- Contrary to its past record of compromising in the majority of its land boundary disputes, China has been unwilling compromise over either the sovereignty of contested islands and coral reefs or over the scope of maritime rights that it claims
- Similar other disputes, most notably the land border disputes with Vietnam and India, China has pursued a variety of escalation control mechanisms, including signing the 2002 declaration on a conduct of conduct, agreeing to implementing guidelines for the declaration in 2011, and reaching an agreement with Vietnam on basic principles in 2011.
- Like other disputes, especially the border dispute with India, China is more than willing to delay settlement if it can consolidate its claims and if it believes that time is on its side.

³ On China's past compromises in its territorial disputes, see "Regime Insecurity and International Cooperation: Explaining China's Compromises in Territorial Disputes," *International Security*, Vol. 30, No. 2 (Fall 2005), <http://www.mitpressjournals.org/doi/pdf/10.1162/016228805775124534>. For a detailed study of China's territorial disputes, see M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes* (Princeton: Princeton University Press, 2008).

- As the South China Sea involves a dispute over maritime rights, China has increased the presence and activities of civil maritime law enforcement agencies to demonstrate and exercise these rights. This aspect is new and reflects the characteristics of disputes over maritime rights, which differ significantly from territorial disputes that involve only questions of absolute sovereignty.