

BETWEEN THE LINES

How to calm the South China Sea storm



BY STEIN TØNNESSON

It is good news that China and Vietnam, after last Saturday's meeting between State Councillor Dai Bingguo and Deputy Foreign Minister Ho Xuan Son, have confirmed many past statements saying that they intend to "resolve peacefully their maritime disputes through negotiations and friendly consultations".

But such a statement is unlikely to defuse tensions for long. Any new incident in the South China Sea may still **escalate** into a military confrontation.

The main reason behind the tension is China's ambiguity concerning the U-shaped or "nine-dotted" lines that appear on most Chinese maps.

They are misinterpreted, both in China and in the rest of the world, as a claim to nearly the whole South China Sea as Chinese "historic" or "internal" waters.

This interpretation has no basis in the law of the sea. It would mean that China would have the right to inspect ships sailing on the world's busiest sea lanes.

This is **anathema** to the US, Japan and any country depending on seaborne trade.

CONTESTED CLAIMS IN THE SOUTH CHINA SEA



SOURCE: AFP

It is high time that China make known both domestically and abroad that China does not claim the South China Sea as its internal waters.

Next, China should clarify what the U-shaped line means. It took the first step in this direction in March 2009 when it protested to the United Nations against a joint Malaysian-Vietnamese submission concerning the limit of their continental shelf.

China officialised the map

with the U-shaped line by attaching it to its letter of protest. The accompanying text made clear that the U-shaped line indicates a claim to all islands within it and their "adjacent" waters. "Adjacent" is not a term used in the 1982 Law of the Sea Convention, which all claimant countries in the South China Sea have ratified.

Yet the only reasonable interpretation of China's protest letter is that the line means a claim to the islands themselves (the

Spratlys, Paracels and Scarborough Shoal) and, in addition, the territorial zones and exclusive economic zones (EEZs) that these islands may generate.

If China makes this clear, it will diffuse tension and make it possible to start talking about how to apply the law of the sea.

Once the parties start talking on the basis of the law of the sea, they will need to address the question of whether the Spratlys are big enough to sustain human habitation or an economic life of their own. This is the criterion defined in the Law of the Sea Convention for deciding if they are islands with a right to their own EEZs or if they are just "rocks" with a right to no more than a 12-nautical-mile (22km) territorial zone.

If China decides to go further and open up a process of genuine conflict resolution, it must prepare itself for accepting that the Spratlys can have only 12-nautical-mile territorial zones.

This will make it possible to "enclave" the Spratlys by drawing 12-nautical-mile circles around them, and then shelve the dispute over sovereignty to what is inside the enclaves.

Then it would be possible to start **delimiting** national EEZs in what remains of the South China Sea. In order to help China make this concession, which would greatly facilitate conflict resolution, Asean countries could tell China that some of the Paracel islands - which are bigger than the Spratlys - are prob-

ably big enough to generate an EEZ of their own.

This would allow China to use basepoints in the Paracels to claim a substantial EEZ in the northern half of the South China Sea. This would, however, be controversial in Vietnam since it also upholds a claim to the Paracel islands. There would be a need for a Sino-Vietnamese bargain.

If Beijing has China's long-term national interests in mind, it must abandon its calculated ambiguity.

China needs to be seen as a state respecting international law. China needs secure international sea lanes. China needs good neighbours who don't feel threatened. China needs oil. Serious investment in oil exploration requires legal clarity. And China does not want its neighbours to call on the US for help.

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HELPDESK 我的字典

Escalate: 升级 shēng jí

Anathema: 厌恶 yàn wù

Adjacent: 邻近 lín jìn

Delimiting: 划界 huà jiè

China pledges to resolve maritime row with Vietnam

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time dispute between the two countries through negotiations and friendly consultations", Xinhua news agency said.

The joint vow was made in a meeting last Saturday between Chinese State Councillor Dai Bingguo, China's senior foreign-policy official, and Vietnamese Foreign Vice-Minister Ho Xuan Son.

They agreed to work towards an agreement on addressing maritime disputes and seek speedy implementation of the Declaration on the Conduct of Parties in the South China Sea, a pact signed in 2002 between China and the 10-member Asean to prevent conflict until the myriad territorial disputes are resolved.

US Secretary of State Hillary Clinton struck back by saying she was "concerned that recent incidents in the South China Sea could undermine peace and stability in the region".

She pledged support to the Philippines, which lays claims to parts of the South China Sea, along with Brunei, Malaysia, Taiwan and Vietnam.

Meanwhile, state-of-the-art US missile destroyers will join ageing Philippine warships for naval exercises this week in an 11-day exercise starting tomorrow off the south-western Philippine island of Palawan in the Sulu Sea, close to the disputed waters of the South China Sea.

Officially, the training is an annual event not linked to the territorial row, but it nevertheless offers the Philippines comfort shortly after it has appealed to its longtime ally and former colonial power for help in containing China.

The US and China also discussed North Korea during the Honolulu talks.

"We've again asked for China to take critical steps to urge North Korea to reach out and to deal responsibly and appropriately with South Korea and to refrain from any further provocations," Mr Campbell said.

Also discussed were issues relating to climate change, health, disaster preparedness, piracy, and poverty in the Asia-Pacific region. The next round of talks will take place in China, Mr Campbell said.

AFP, REUTERS

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