

Studying the South China Sea: The Chinese Perspective

By Yun Sun

Tensions in the oil-rich and strategically important South China Sea escalated in 2011, raising serious concerns about the danger of military conflicts between China and other claimant countries. Not only did China's increased presence in the Spratly Islands lead to major incursions into waters claimed by the Philippines in the first five months of the year,¹ two incidents of Chinese vessels cutting underwater cables intensified the confrontation between China and Vietnam, leading to Vietnam's live-fire exercises and six military drills by China's South Sea Fleet in June.² Moreover, the Chinese Navy's rising power projection capability in the South China Sea is rapidly changing the already unbalanced power structure. From Beijing's perspective, U.S. intervention in the South China Sea increases the tension.

The South China Sea encompasses all four basic pillars of China's foreign policy strategy: major power relations (the United States); relations with neighboring countries (ASEAN member states, Japan, India, and others); relations with developing countries (including ASEAN members and India); and multilateral diplomacy (at ASEAN and ASEAN Regional Forum).³ Therefore, rising tensions there presented the Chinese foreign policy community with the pressing task of producing timely and effective analysis and policy recommendations.

Indeed, most Chinese foreign policy research institutions have been commissioned to analyze the dynamics of the South China Sea and submit policy proposals on how to deal with both the United States and the regional players.⁴ In late 2010, Professor Fu Kuncheng, an international law expert affiliated with the law schools of Shanghai Jiaotong University and Xiamen University, was granted a "Critical Project" by the National Social Sciences Fund named "Strategies on

About this publication

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the Protection of China's Core National Interests in the South China Sea Region."⁵ In 2011, the China Institute of International Studies (CIIS), the research institute affiliated with the Ministry of Foreign Affairs, was granted a research project titled "The U.S. Factor in China's Maritime Disputes."⁶

This essay discusses three key features of the current research by the Chinese policy community on the South China Sea. It then highlights the work of four leading research institutions and studies on the issue. Finally, it presents online resources from the Chinese media, scholars and organizations.

South China Sea Studies in China

The research on the South China Sea issue by Chinese research institutions has three distinct features. First, the research is primarily divided into two categories: legal studies of international maritime law and its application in the South China Sea; and country studies of the policies of each party and their implications for China. For example, the China Institute for Marine Affairs (CIMA), affiliated with the State Oceanic Administration, primarily focuses on the legal aspects and advises the government on legal justifications of China's historical sovereignty and rights in the South China Sea. On the other hand, the China Institute for Contemporary International Relations (CICIR), a top think tank affiliated with the Ministry of State Security, features South China Sea research with analysis of the foreign policy and strategic thinking of countries involved.

Secondly, within the policy community, there is a rather broad but private acknowledgement of the problematic nature of China's policy towards the South China Sea, such as China's strategic ambiguity over its claims, the status of the "nine-dotted line" (which is constantly raised by experts but never acknowledged or denied by the government), the feasibility of bilateral negotiations of multiparty disputes, as well as the application of the United Nations Convention on the Law of the Sea (UNCLOS). However, such acknowledgement is collectively silenced in public. According to a government analyst, the South China Sea issue is a "political one," and a complete acceptance of UNCLOS would require China to relinquish the nine-dotted line and its ensuing "historical rights" in the disputed waters.⁷ Furthermore, multilateral negotiations over the disputed islands, rocks and reefs "most likely will result in China losing at least part of its claimed territory and maritime rights."⁸ Beijing cannot afford to be seen as losing territory to foreign powers. Therefore, between a foreign audience and a domestic constituency, Beijing chooses to stick to its existing claims and assertions even at a high foreign policy cost.

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Thirdly, policy analysts in China overwhelmingly blame the United States for the rising tension in the South China Sea. In their views, the United States exploited the South China Sea issue to alienate China's friendship with neighboring countries, strengthen

America's military alliance with the Philippines, and develop a strategic partnership with Vietnam so as to contain China's growing influence and maintain U.S. superpower status in the region.⁹ Chinese analysts share a general disbelief that small countries in the region would dare to challenge China on the South China Sea without U.S. interference. According to Yuan Peng, the Director of the American Studies

Institute of CICIR, Washington's support shaped the strategic judgment and decisions by regional countries and serves as an endorser of their rising assertiveness against China.¹⁰

Leading Research Institutions

CHINA INSTITUTE FOR MARINE AFFAIRS

The China Institute for Marine Affairs (CIMA) is the research arm of the State Oceanic Administration, primarily focusing on the strategies, policies and laws related to maritime development.¹¹ It has four research offices: maritime law and rights, maritime policy and management, maritime economics and technology, and maritime environment and resources. CIMA also hosts the secretariat of the China Maritime Law Association. The director of CIMA, Gao Zhiguo, is currently serving as a Judge of the International Tribunal for the Law of the Sea. The deputy director, Dr. Zhang Haiwen, is a leading expert on international maritime law and maritime dispute. A passionate subscriber to the "historical rights" argument, Zhang argues that China's sovereignty over the islands and their surrounding waters in the South China Sea is indisputably based on effective historical control. Furthermore, she argues that the UNCLOS does not supersede the legitimacy of the nine-dotted line, which chronologically precedes the UNCLOS by 63 years. Therefore, China should not give up its historical rights based on the nine-dotted line and neither should any country request that China do so.¹²

Strictly speaking, the mission of CIMA spans a broad range of maritime issues, including but not limited to maritime disputes. For example, most of its research products, except "Studies of Maritime Delimitation of China's Surrounding Waters," are focused on maritime development issues, including "China's Maritime Development" (a government white paper), "National Maritime Economic Development Planning," and "Maritime Development Planning

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Additional Resources

THE NATIONAL INSTITUTE OF SOUTH CHINA SEA STUDIES

<http://www.nanhai.org.cn>

The “News Updates” section of the website covers the latest developments in the South China Sea from a Chinese perspective in line with China’s official positions.

<http://www.nanhai.org.cn/news.asp?lm=news&classid=10&diji=0>

GLOBAL TIMES ON THE SOUTH CHINA SEA

“South China Sea Special Edition” (2009) is a section on the Global Times website providing an overview of the South China Sea issues before the May 13, 2009 deadline set by the UNCLOS to file claims to the outer limits of the Continental Shelf.

<http://www.huanqiu.com/zhuanti/mil/nhzk/>

“China’s Sovereignty in South China Sea & South China Sea Territorial Disputes” (2011) is a section on the Global Times website dedicated to updates on the escalation of tension in South China Sea in 2011. It covers news updates, China’s official statements and analysis by Chinese experts.

<http://www.huanqiu.com/zhuanti/world/nanhaijy/>

SPRATLY ONLINE

www.nansha.org

Spratly Online is a website founded by Chinese netizens in 2004 aimed at improving the Chinese public’s awareness on China’s “lost territories” in South China Sea. The content of the website is rather broad. Most of the discussions and updates are posted on the Nansha Forum.

<http://www.nansha.org/forum/viewforum.php?f=10&sid=39e499c0b48c434b9126a0c439253e49>

For example, nationalist netizens on the forum compiled a list of “traitors on South China Sea”, including Ambassador Wu Jianmin, Professor Zhu Feng from Peking University, Wang Zaibang from CICIR, among others, for their comments on the South China Sea.

<http://www.nansha.org/forum/viewtopic.php?f=3&t=3778&sid=39e499c0b48c434b9126a0c439253e49>

PHOENIX TV ON SOUTH CHINA SEA

“Focusing on South China Sea disputes” is a section on the website of Phoenix TV dedicated to the territorial disputes in South China Sea. It includes updates on the regional development, policy statements from various countries, China’s latest policies, etc.

<http://news.ifeng.com/mainland/special/nanhaizhengduan/>

LI LINGHUA’S BLOG

A retired researcher from the National Maritime Information Center, Li Linghua regularly comments on the development in the South China Sea and post criticisms of the opinions of mainstream scholars in China. http://blog.163.com/lilinghua_cool/

of Hainan Province.” CIMA’s foreign policy relevance is reflected through its policy recommendations to the Ministry of Land and Resources and the Ministry of Foreign Affairs on maritime delimitation and island dispute resolutions with neighboring countries. Its other contributions include legal advice on China’s diplomatic negotiations and other international maritime activities based on its legal expertise.

CHINA ACADEMY OF SOCIAL SCIENCES

The China Academy of Social Sciences’s (CASS) work on the South China Sea covers both legal studies and country-specific studies.¹³ The CASS Institute of International Law takes the lead on the legal studies of the South China Sea disputes, with Dr. Wang Lanling and Dr. Liu Nanlai as the two top experts. Liu most notably argues that the fundamental issue of the South China Sea dispute is the sovereignty over the islands and the claims by other countries over the territorial waters, EEZs and continental shelves are based on their occupation of Chinese islands.¹⁴ Similarly, Wang believes the maritime delimitation in the South China Sea depends on the resolution of the sovereignty of Chinese islands under illegal occupation by foreign power.¹⁵ He has also called for the establishment of a vice-premier level maritime affairs committee to coordinate among government agencies involved in maritime issues within the Chinese government.¹⁶

Dr. Li Guoqiang adds a unique perspective on the South China Sea as the deputy director of CASS’ Research Center for Chinese Borderland History and Geography. The Research Center itself focuses on the history of Chinese borders, such as the Sino-DPRK border, Xinjiang’s border with Central Asia and the Sino-Mongolia border. This gives Li a platform to concentrate on the history of the disputed islands and China’s exercise of sovereignty in the South China Sea, supporting Chinese claims from the historical perspective.¹⁷ In his book, “The Origination of South China Sea Disputes,” Li detailed China’s interpretation of the historical evolution of the sovereignty issue in the South China Sea.

The rest of CASS’ expertise on the South China Sea focuses on individual country studies. In July 2011, CASS’ Institute of Asia Pacific Studies hosted a symposium titled, “The Situation in South China Sea and Media Responsibility.” The goal was to analyze the strategies of regional players as well as China’s responses. Some highlighted opinions from the symposium include: “China should not foster other countries’ provocations by endless restraint” (Zhou Fangyin, CASS); “diplomacy is not enough to resolve the disputes and China must make necessary military preparation”(Li Guoqiang,CASS); “China should avoid submitting the disputes to the International Tribunal for

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the Law of the Sea for settlement “(Yin Zhuo, retired PLA General); and “China should elevate the issue to the national strategic level and not let the U.S. and neighboring countries push China into overreaction” (Gao Zugui, Central Party School).¹⁸ Furthermore, the Institute’s deputy director and Southeast Asia expert Han Feng has elaborated on the dynamics between China and ASEAN members on South China Sea. Sheng Jiru from the CASS Institute of World Economy and Politics focuses on the strategies of Vietnam and Philippines, arguing that these countries misinterpreted China’s tolerance and patience and “internationalized” the South China Sea issue by dragging the United States into the picture.¹⁹

NATIONAL INSTITUTE FOR SOUTH CHINA SEA STUDIES

The National Institute for South China Sea Studies (NISCSS) is the only think tank in China that specializes solely on the South China Sea.²⁰ Founded in 1996, NISCSS is affiliated with the Hainan provincial government, but also works with and under the Ministry of Foreign Affairs and the State Oceanic Administration. Similar to CIMA, the research of the Institute covers a broad range of issues, but on the South China Sea only, such as its history, economics, territorial disputes, application of international law and environmental protection.

NISCSS receives funding from the Hainan provincial government. Its president, Wu Shicun, one of the most well-known South China Sea experts in China, is a senior bureaucrat serving as the director of the Foreign Affairs Office of the Hainan government. He has been one of the most prolific scholars in China on the South China Sea issue, with publications including: “The Origination and Evolution of South China Sea Disputes,” “Compilation of Documents on South China Sea,” “Materials on South China Sea,” and “Overview of South China Sea Disputes.”

As an affiliate of the Hainan government, NISCSS prioritizes regional cooperation that has a direct impact over the local interest. Some of the issues NISCSS is most interested in include joint development of maritime resources, regional economic cooperation, tourism cooperation, and joint protection of the freedom of navigation against non-traditional security threats, including piracy. For example, in November 2011, NISCSS hosted an international symposium on “East Asia Navigation Safety and Cooperation” focusing on cooperation on maritime governance and navigation in East Asia and the South China Sea.²¹

The uniqueness of NISCSS’ South China Sea studies is also reflected through its collaboration with institutions in Taiwan. NISCSS takes pride in partnering with the National Chengchi University

of Taiwan to lead the “Cross-Strait Academic Forum on the South China Sea Issues.” The Forum hosts an annual conference on development in the region, with the most recent meeting hosted in Taipei on December 19 and 20, 2011.²² Recently, NISCSS and National Chengchi University published the “2010 Assessment Report on the South China Sea Regional Situation” co-authored by mainland and Taiwanese scholars.²³

CHINA INSTITUTE FOR CONTEMPORARY INTERNATIONAL RELATIONS

As the top think tank in China, the China Institute for Contemporary International Relations (CICIR) established the Maritime Strategic Studies Center, headed by senior analyst Dr. Wang Shan and specializing in China’s maritime strategy and security issues.²⁴ The Center touches on issues involving the South China Sea, but the South China Sea itself does not constitute an institutional priority for CICIR. This is partly because CICIR does not have an international law branch and South China Sea disputes are closely associated with international maritime law. Furthermore, CICIR’s strengths lie primarily in its strategic and security studies. This explains why most of the studies of the Maritime Strategic Studies Center focus on the general strategic thinking of China on the maritime security and China’s maritime interests.²⁵

Many CICIR experts have commented or written on South China Sea issues from the perspective of bilateral relations between China and countries in the region. For example, Yuan Peng and Da Wei from the CICIR Institute of American Studies and Wang Zaibang, Vice President of CICIR, have analyzed the U.S. involvement in the South China Sea, its impact over U.S.-China relations, and the regional balance of power.²⁶ On the other hand, experts from the CICIR Institute of South Asian, Southeast Asian and Oceanic Studies, such as Zhang Xuegang and Chu Hao, have focused on the policies of the Philippines and Vietnam specifically.²⁷ Strategic thinkers such as Lin Limin view the issues from a strategic perspective, arguing that the dynamics in the South China Sea have deeper regional and structural roots and that an anti-China alliance led by the United States is being formed to include Southeast Asian countries, Japan, Australia and India.²⁸ In comparison with other research institutes, few of CICIR’s studies on South China Sea discuss the territorial or maritime disputes themselves. Rather, CICIR’s priority remains the foreign policy and strategic implications for China.

The four policy research institutions above represent the most institutionalized and systematic research on the South China

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Sea in China. Other think tanks, such as the China Institute of International Studies, the China Reform Forum and the new Pacific Institute for Strategic Studies, have also organized symposia and discussions on the future of the South China Sea. However, most of these projects are non-systematic with limited outreach. Another pool of expertise exists among academics from universities, especially on the UNCLOS and international maritime law. Two representatives of this category are Professor Li Jinming from Xiamen University and Professor Pan Guoping from the Southwestern University of Political Sciences and Law. Professor Li specializes in the application of international maritime law (especially intertemporal law) in the South China Sea and openly called for Beijing to review UNCLOS in summer 2011.²⁹ Professor Pan Guoping bases his studies on the history of the nine-dotted line and China's ensuing historical rights, and argues that China's historical rights in the South China Sea were established in 1947, therefore denying the existence of any international waters within the nine-dotted line at all.³⁰

Different opinions certainly exist. Li Linghua, a retired researcher from the National Maritime Information Center, has been most vocal in his criticism over the mainstream scholars' "politically correct" approach towards the South China Sea issue. A maritime delimitation expert with more than four decades of experience in maritime law and boundary negotiations, he has criticized the Ministry of Foreign Affairs for its ambiguity over its claims in the South China Sea – including the nine-dotted line – and many experts' attempts to overturn UNCLOS with the historical water argument. However, Li remains in the minority despite many of his sensible arguments. After all, being sensible does not always equal to being correct in China. And this is particularly true for a political issue such as the South China Sea.

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ENDNOTES

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