

## **Battle of Exceptionalism in the South China Sea**

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**T**hroughout the early part of the 21<sup>st</sup> Century, the world has been preoccupied by the rise of China and the potential implications such a change to the international power structure may bring. Concern has sprung from all areas of the globe, yet do we really have anything to worry about? This article explores the growing tensions and rivalry between the US and China through the lens of the disputes throughout East Asia, with a predominate focus on the South China Sea (SCS) disputes, and particularly on the recent tensions following the deployment of a Chinese deep-water oil rig. When examining these disputes one is drawn to the idea that the main protagonists, namely the US and China, each come from their own position of their individually perceived cultural exceptionalism. Arguably one of the biggest and most important questions to come out of this diagnosis is whether or not US post-war exceptionalism and its subsequent international order can, or will, accommodate a rising China that itself is recovering from its ‘100 years of Humiliation’ (1848-1948) to resume its own cultural exceptionalism as ‘the Middle Kingdom’.

Tensions yet again flared in the SCS in May of 2014, following the deployment of a Chinese deep water oil rig owned by the state run China National Offshore Oil Corporation (CNOOC) in disputed waters, around 240kms off the Vietnamese coast.<sup>1</sup> The move sparked rioting in Vietnam with protestors attacking Chinese and Taiwanese factories (mistaken as belonging to mainland China), injuring a number of Chinese and Taiwanese citizens and resulting in the death of one Vietnamese citizen after she set herself on fire in protest.<sup>2</sup> The move also led to numerous clashes between Chinese and Vietnamese vessels in the area surrounding the oil rig, with the sinking of one Vietnamese fishing boat, and generally ignited tensions, concern and protest across the dispute-ridden SCS, including from countries not directly involved in disputes or even adjacent to the sea, most notably and importantly the US.<sup>3</sup>

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<sup>1</sup> ‘Vietnam PM says considering legal action against China over disputed waters’, *Reuters*, May 22 2014, <

<sup>2</sup> Sui-Lee Wee and Magato, Manuel, ‘China warns Japan, Philippines accuses China in maritime spat’, *Reuters*, May 23 2014, < <http://www.reuters.com/article/2014/05/23/us-southchinasea-idUSBREA4M04Y20140523>> [accessed 12 June 2014].

<sup>3</sup> For reports on events in the immediate aftermath see: Tiezzi, Shannon, ‘Rioters in Vietnam Attack Chinese, Taiwanese Factories’, *The Diplomat* [online], 14 May 2014, <<http://thediplomat.com/2014/05/rioters-in-vietnam-attack-chinese-taiwanese-factories/>> [accessed 8 July 2014], ‘Xi says China won’t stir trouble in South China Sea’, *Reuters*, 31 May 2014, <<http://www.reuters.com/article/2014/05/31/us-china-malaysia->

The well-documented disputes of the South China Sea centre around two groups of islands, in particular the Spratly and the Paracel islands, as well as multiple features including reefs, shoals and sea territory in general, not to mention the numerous overlapping exclusive economic zones (EEZs) and continental shelf claims by countries surrounding the sea. China, Vietnam, Malaysia, the Philippines, Brunei and Indonesia all make claims on the sea. Countries such as Japan, India and the US all have a vested interest in the region, given the vital Sea Lines Of Communication (SLOCS) for trade and naval access the sea provides. Maintaining freedom of navigation is a priority for many countries in regard to the ongoing disputes, with a particular focus by the US and its allies and friends on international law and behavioural norms which dictate strategic conduct in the area.



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southchinasea-idUSKBN0EB05B20140531> [accessed 14 July 2014], 'China sends four oil rigs to South China Sea amid regional tensions', Reuters, 20 June 2014, <<http://www.reuters.com/article/2014/06/20/us-china-southchinasea-rigs-idUSKBN0EV0WG20140620>> [accessed 10 July 2014], 'Vietnam and China trade accusations after Vietnamese fishing boat sinks', *Australia Network News*, 27 May 2014, <<http://www.abc.net.au/news/2014-05-27/vietnam-and-china-trade-accusations/5481836>> [accessed 1 July 2014].

The reaction to the oil rig could be viewed as quite extreme. The anxiety and hostile reaction it provoked throughout the region e.g., riots, sinking ships and physical injury, seem considerably disproportionate to the relatively simple act of sending in an oil rig. This begs the question as to why the Chinese action (deploying the oil rig) evoked such a strong reaction from the rest of the region. The extreme reaction can be explained in two parts. Firstly, the disputes in the SCS by their very nature stimulate such intense responses. Issues of territory and sovereignty are always particularly sensitive, especially when coupled with the region-wide rise in nationalism, there emerges a very potent mix. Michael D. Swaine aptly summated in his 2013 Congressional Testimony on China's maritime disputes;

*“[The prospects for escalation] are particularly acute as a result of the involvement of strong (and apparently rising) nationalist emotions on all sides, and the overall zero-sum nature of the sovereignty issues involved, which inclines claimants to adopt absolutist stances and in many instances over-react to perceived challenges to one's position.”<sup>4</sup>*

This strong reaction is not exclusive to the case of Vietnam, where reaction in this instance was arguably justifiable given the oil rig was not only in disputed waters but in quite close proximity to its coast. As Berger argues “[t]he primary source of the tensions that trouble the Asian region today are... the products of deep-rooted historically based suspicions and animosities, frustrated nationalism, and distinct conceptions of national identity”.<sup>5</sup> In this context, seemingly small incidents over territorial disputes should not be taken lightly.



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<sup>4</sup> Swaine, Michael D., 'China's Maritime Disputes in the East and South China Seas', *Congressional Testimony*, Carnegie Endowment for International Peace, p 1.

<sup>5</sup> Berger, Thomas U., 'Power and Purpose in Pacific East Asia: A Constructivist Interpretation', in Ikenberry, G. John, and Mastanduno, Michael, (eds.), *International Relations Theory and the Asia-Pacific*, Columbia University Press, New York, 2003, p 388.

The second reason the oil rig sparked such outrage is simply due to the involvement of China. As Sourabh Gupta pointed out:

*“[t]he Chinese action is not illegal, nor is there anything new in the disregard for Article 123 of UNCLOS, which encourages relevant states to cooperate. International oil companies are active in disputed stretches of the South China Sea where claimant states have unilaterally granted prospecting rights in areas deemed to reside on their side of the median line.”*<sup>6</sup>

And yet mass anxiety ensued. Taylor Fravel explains, “[i]n the South China Sea dispute, no state attracts more attention than the People’s Republic of China (PRC) because of its expansive claim, past uses of force over the islands in these waters and its growing naval capabilities” meaning that simply due to the size and might of China, its actions garner the most attention and the biggest responses.<sup>7</sup>

Overarching and intensifying these two factors is the shifting power dynamics of the East Asian region, and indeed the overall international order. As China continues to rise, as great powers do, it is looking to assert itself within its immediate region and, secondarily, in the wider international system. The US from its perspective looks to preserve its place as regional and global hegemon by protecting the post-war international system it created and leads. These tensions manifest themselves in various regional flashpoints, such as those in the SCS, as the two major global players test each other’s commitment and intentions. Indeed, some scholars have gone as far as to say the disputes in the SCS have “gone beyond territorial claims and access to energy resources, as the South China Sea has become a focal point for U.S.-China rivalry in the Western Pacific.”<sup>8</sup> As Swaine noted “the increasing capabilities and resolve that Beijing is displaying in its disputes with the U.S. and other nations over... maritime issues are viewed as an indirect challenge to the overall maritime status quo as defined largely by Washington.”<sup>9</sup> The US and friends are pushing for current

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<sup>6</sup> Gupta, Sourabh, ‘Murky waters surround the rule of law in the South China Sea’, *East Asia Forum* [online], 20 July 2014, <<http://www.eastasiaforum.org/2014/07/20/murky-waters-surround-the-rule-of-law-in-the-south-china-sea/>> [accessed 20 July 2014].

<sup>7</sup> Fravel, M. Taylor, ‘China’s strategy in the South China Sea’, *Contemporary Southeast Asia*, vol. 33, no. 3, 2011, p 292-3.

<sup>8</sup> Buszynski, Leszek, ‘The South China Sea: Oil, Maritime Claims, and U.S.-China Strategic Rivalry’, *The Washington Quarterly*, vol. 35, no. 2, 2012, p 139.

<sup>9</sup> Swaine, p 1

international norms to dictate behaviour and are evoking the principles of the rule of law in the SCS dispute, thereby trying to enforce America's view and place in the international system, holding strong to liberal, western values and insisting that the 'rising China' assimilate into this system. China on the other hand has limited interest in succumbing to a system and a set of rules it had very little say in creating and that, in its view, puts it at a distinct disadvantage.

The 2014 Shangri-La military dialogue was a potent example of the ongoing push-pull between China and the US over the future of the international system under the pretence of disputes in the South China Sea. The dialogue, held about three weeks after the deployment of the oil rig, saw US Defence Secretary Chuck Hagel and Japanese Prime Minister Shinzo Abe, in what was highly likely a coordinated move, where both parties respectively "unleashed a rhetorical fusillade on the PRC", with Abe labelling China's actions in the SCS as "aggressive" and "provocative", and Hagel openly naming and condemning China's "destabilizing, unilateral actions".<sup>10</sup> Hagel, in his telling and pointed speech, declared "[t]he United States will not look the other way when fundamental principles of the international order are being challenged."<sup>11</sup> China's delegate, Lieutenant General Wang Guanzhong, hit back, accusing Hagel and Abe of "provocation and intimidation"; as one commentator remarked "it is easy to see why China sees the dialogue... as representing an international order that is rigged against it."<sup>12</sup>

Current international law surrounding maritime and territorial claims such as those in the SCS is ambiguous at best, however, laws surrounding 'historical claims' or 'historical rights' are even more murky and untested, which (appear) to form the basis for the majority of

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<sup>10</sup> Bisley, Nick, 'The diplomacy of hard and soft power at Shangri-La', *The Interpreter*, 1 June 2014, <<http://www.lowyinterpreter.org/post/2014/06/01/The-diplomacy-of-hard-and-soft-power-at-Shangri-La.aspx>> [accessed 8 July 2014]; Abe, Shinzo, 'Keynote Address', speech at the Shangri-La Dialogue 2014, 30 May 2014, accessed via the IISS website: <<https://www.iiss.org/en/events/shangri%20la%20dialogue/archive/2014-c20c/opening-remarks-and-keynote-address-b0b2/keynote-address-shinzo-abe-a787>> [accessed 14 July 2014]; Hagel, Chuck, 'The United States' Contribution to Regional Stability', speech at the Shangri-La Dialogue 2014, 31 May 2014, accessed via the IISS website: <<https://www.iiss.org/en/events/shangri%20la%20dialogue/archive/2014-c20c/plenary-1-d1ba/chuck-hagel-a9cb>> [accessed 14 July 2014].

<sup>11</sup> Hagel.

<sup>12</sup> Bisley; Roggeveen, Sam, 'Shangri-La Dialogue: General Wang Guanzhong returns fire at Abe and Hagel', *The Interpreter*, 1 June 2014, <<http://www.lowyinterpreter.org/post/2014/06/01/Shangri-La-Dialogue-General-Wang-Guanzhong-returns-fire-at-Abe-and-Hagel.aspx?COLLCC=3914418063&>> [accessed 8 July 2014].

China's claims.<sup>13</sup> Despite the arguments of a number of commentators and analysts who have suggested China's claims in the SCS are not unprecedented and not necessarily in contradiction to international law, China's claims are not recognised or even considered under current international law. This leaves China with little other option but to press its claims by dint of the concept of 'might is right'. Keeping an active naval presence in the SCS region, confronting the minor navies of Southeast Asia while actively pursuing provocations, to which Southeast Asian countries individually and collectively seem incapable of deterring, gives Beijing the upper hand against the SCS's smaller, less powerful co-claimants. Chinese concepts and historical customs are not, and were not, taken into effective consideration when the current laws were created, leaving China next to no incentive to totally commit itself to international law, including participating in arbitral proceedings, such as those the Philippines has brought against it.<sup>14</sup> Moreover, despite the US consistently calling for China to adhere to international laws and norms in making and enforcing its claims both in and outside of the South China Sea, the US itself has not acceded to the United Nations Convention on the Law of the Sea (UNCLOS) and indeed has a sketchy past with the International Court of Justice (ICJ). This begs the question of why China would subject itself to such detrimental rules when the US clearly does not, and why would, or should, China abide by a system imposed and created by the US, that the US itself does not follow?

For the US to be successful, and if it is indeed genuine in its desire for the Chinese to successfully become a part of and accept the current international system and its corresponding rules, it needs to start following some of them itself. By setting an example, such as ratifying UNCLOS, the US would be much better positioned to legitimately pressure China into following suit and adhering to current international norms. The liberal theory of effectively 'peer-pressuring' countries will only work if everyone else abides by the same norms, especially peer countries. As for China, whether America likes it or not, it views its peer (or soon-to-be peer) as America. As long as the US believes and acts like it is an exception to the rules, China will have no desire to put itself at a disadvantage by following them. Similarly, China would be far more willing to submit to and abide by an international order and its corresponding norms and laws that it has had a say in crafting, and that all major powers submit to. Of course if international law were to reflect only Chinese values, it would

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<sup>13</sup> It should be noted that China's claims themselves are highly ambiguous, as Beijing has never strictly spelt out its claims, including exactly how China is claiming what. The infamous 9-dash-line and surrounding speculation and confusion is just one example of the ambiguity of China's claims.

<sup>14</sup> Buszynski, p 140; Fravel.

undeniably favour China. Yet as it stands, the law undeniably favours the westernised view. Therefore, a compromise needs to be found to give both sides a more equal standing. For international law to have any hope of playing a meaningful role in resolving the SCS disputes, it needs to apply equally and fairly to all and not just in its application, but reflected in the creation process and the actual laws themselves. If nothing changes, China, the US, and the region will be left going around in circles, stuck in the current dilemma of a cultural, as well as territorial standoff with growing potential for escalation.



The problem here is American Exceptionalism and, to a certain extent, Chinese Exceptionalism in the form of its ‘Middle Kingdom complex’. From the American point of view, China is not a peer and does not warrant being treated like one. The US comes at the situation from a superior self-imposed and enforced moral high ground in which it views itself as justifiably above the rules and does not need to acquiesce as everyone else does, simply because it is not like everyone else. China also has its own ‘exceptionalist’ stance, with a considerable chip on its shoulder and a point to prove as much to itself, as the rest of the world, coming out of its ‘Century of Humiliation’. China is well aware of its own history as a civilisation, whose people, through various peaks and troughs, have always managed to come through with their culture and history intact. It is acutely aware of its ancient position as ‘the Middle Kingdom’, the centre of its own universe and tributary system that proved its cultural superiority. It therefore will not accept anything less, and probably desires more than

equality with the US. These two ‘exceptionalist’ positions will be tough to mediate given each country is convinced of their own perceived natural superiority.

In order for the peace and prosperity both the US and China espouse to prevail in the East Asian region, some form of compromise and understanding needs to be found between the two great powers. Both countries, if indeed they can, will need to back away from their views of their own exceptionalism, and their separate views for the future of the international order, to find a middle ground that avoids unnecessary escalation and conflict. As it currently stands, it appears China will continue to challenge the US and its principles through acts such as those seen in May 2014 in the South China Sea. Until they change, or until China has the power to unilaterally change the rules, of which it is unlikely the US will accept, the chances of conflict can dramatically increase. China may not be a superpower on the scale of the US yet, but in all likelihood it will be in time. While the US has talked the talk of accommodation and negotiation, it has yet to substantially follow this through with meaningful action. If, or when it does, China needs to reciprocate and meet them half way. Whether this can, or will occur, remains to be seen.

*- Views expressed in this article are not necessarily those of SAGE International -*

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#### **Images Accessed: 28/07/2014**

- Map of the South China Sea dispute  
<http://valueofdissent.files.wordpress.com/2012/04/south-china-sea.jpg>
- Illegally placed CNOOC Oil Rig  
<http://static.talkvietnam.com/files/2014/06/the-chinese-drilling-rig-hd-981-illegally-deployed-on-the-vietnamese-continental-shelf-1504820-20140609090940-oil-rig.jpg>
- People’s Liberation Army Navy (PLAN) Aircraft Carrier Liaoning  
<http://www.trunews.com/wp-content/uploads/2013/12/China-CV-16-Liaoning-aircraft-carrier-pla-navy-j-15-flying-shark-takeoff-2.jpg>