



**CHAPTER II:**  
MARITIME SECURITY IN THE SOUTH CHINA SEA  
AND THE COMPETITION OVER MARITIME RIGHTS

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By M. Taylor Fravel



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**Cooperation from Strength**  
*The United States, China and the South China Sea*



## MARITIME SECURITY IN THE SOUTH CHINA SEA AND THE COMPETITION OVER MARITIME RIGHTS

By M. Taylor Fravel

Since 2009, the competition for maritime rights in the South China Sea has emerged as the most important security issue in East Asia. Indeed, one analyst even declared recently that the South China Sea is the “new central theater of conflict” in the world.<sup>1</sup>

Yet despite persistent competition, armed conflict in the South China Sea is far from inevitable for several reasons. Regional states are competing over maritime rights more than other security issues, especially claims to territorial sovereignty over islands and reefs. The competition over maritime rights in the South China Sea has not become militarized, nor has it reached the levels of instability that the region witnessed between 1988 and 1995. The July 2011 agreement between the Association of Southeast Asian Nations (ASEAN) and China over guidelines for implementing the 2002 Declaration on the Conduct of Parties in the South China Sea has created diplomatic breathing space that can be exploited to reduce tensions. Cooperative initiatives could reduce future competition over maritime rights but will require political will and diplomatic creativity to move forward.

Moreover, although China is increasingly defending its claims in the South China Sea, the scope and contents of these claims have not changed. Chinese leaders perceive that other states are challenging long-held Chinese claims, and China is responding with improved civil maritime enforcement capabilities. China has avoided more provocative measures, such as using naval forces to enforce its claims.

To analyze and assess the risk of armed conflict in the South China Sea, this chapter reviews trends in regional maritime security during the past few years, including territorial sovereignty over island groups, maritime rights to exploit resources in the water column and seabed and freedom of navigation. Competition over each of these issues could

increase regional instability or even lead to armed conflict. However, opportunities for increased cooperation on security issues also exist. Looking forward, the United States must balance efforts to maintain stability in the South China Sea with actions that could inadvertently increase instability, such as becoming more involved in trying to resolve the dispute – an action that many regional states would interpret as a move away from the traditional U.S. policy of neutrality in territorial disputes.

### **Maritime Security Interests in the South China Sea**

Many states, in the region and around the world, have maritime security interests in the South China Sea. These interests include claims to territorial sovereignty over islands and coral reefs, claims to exclusive rights to develop maritime resources, freedom of navigation on the high seas and the consequences of ongoing naval modernization in the region.<sup>2</sup> Competition over any or all of these interests could affect regional stability. Nevertheless, since roughly 2006, the key maritime security issue in the South China Sea has been the competition to claim, assert and enforce maritime rights in these waters.

#### **CLAIMS OF SOVEREIGNTY OVER ISLANDS AND CORAL REEFS**

The first aspect of maritime security involves sovereignty claims to islands and other land features, such as coral reefs. In the South China Sea, there are two distinct disputes over territorial sovereignty. The first is a bilateral dispute between China and Vietnam over the sovereignty of the Paracel Islands, which China has controlled completely since 1974.<sup>3</sup> The second is a multi-lateral dispute over the Spratly Islands, which include roughly 230 features, primarily small islands, islets and coral reefs. Vietnam, China and Taiwan all claim “indisputable sovereignty” over all these land features. The Philippines claims 53 features, whereas Malaysia claims 12.<sup>4</sup> Vietnam

currently occupies 27 features, the most of any claimant. The Philippines occupies eight features; China, seven; Malaysia, five; and Taiwan, one. The first feature was occupied in 1956 when Nationalist troops from Taiwan permanently garrisoned Taiping (Itu Aba) Island, the largest of the disputed islands. Other claimants did not begin to establish a permanent presence until the early 1970s. China began to establish a physical presence in January 1988, which resulted in a clash with Vietnam in March 1988 that killed 74 Vietnamese sailors. The last land features were occupied by Malaysia and Vietnam in 1998 and 1999, respectively. China has not occupied a contested feature since late 1994, when it seized the aptly named Mischief Reef.<sup>5</sup>

#### **CLAIMS TO MARITIME RIGHTS AND JURISDICTION**

The second maritime security interest involves claims to maritime rights, especially claims to Exclusive Economic Zones (EEZs) and continental shelves. Maritime rights involve questions not of sovereignty but of jurisdiction – whether states have the right to exploit whatever resources are contained in the water column and seabed (especially petroleum but also fisheries and other minerals). Maritime rights are only contested in a portion of the South China Sea, which is a large body of water stretching from the mouth of the Pearl River in China to the tip of Indonesia’s Natuna Island. Generally speaking, the EEZ that China claims from its coast, including Guangdong Province and Hainan Island, is largely undisputed.<sup>6</sup> Yet the southern portion of the sea is heavily contested by all of the claimants to the Spratlys and Paracels, as well as Indonesia.

Different states justify their claims to maritime rights in different ways. Vietnam, the Philippines, Malaysia and Brunei assert their claims from their coasts. Indonesia asserts maritime rights from Natuna Island. China, however, bases its maritime rights on its claims to sovereignty over disputed island groups, such as the Spratlys, in addition to the



coast of the Chinese mainland. Yet most (but not all) of the features in the Spratlys would not qualify as islands under Article 121(3) of the United Nations Convention on the Law of the Sea and thus cannot serve as the basis for a claim to an EEZ or extended continental shelf. As a result, many observers view China's EEZ claim as expansive because it covers a larger area of maritime rights than other littoral states and as illegitimate because part of the claim appears to be based on land features that would not qualify as islands under Article 121(3).<sup>7</sup> Moreover, the "nine-dashed line" that appears on Chinese maps of the region creates further ambiguity because, as Ian Storey argues elsewhere in this volume, the Chinese government has never defined what this line represents.

#### **FREEDOM OF NAVIGATION**

The third aspect of maritime security involves freedom of navigation, including the security of the sea lines of communication that pass through these waters. Some of the busiest shipping lanes in the world pass through the South China Sea. Freedom of navigation affects the interests of all sea-faring states, including the United States, not just the states that claim territorial sovereignty or maritime rights as discussed above. Confrontations involving commercial actors and Chinese civil maritime law enforcement agencies from 2009 to 2011 raised concerns about the freedom of navigation in these waters. In addition, China (along with other developing maritime powers, such as Brazil and India) maintains that coastal rights can restrict foreign military activities within the EEZ, even though most other countries disagree.<sup>8</sup> Although China has not sought to apply this interpretation to the competition over maritime rights in the South China Sea, it might do so in the future. To date, China's efforts to enforce limits on freedom of navigation have occurred in the EEZ off its coast. The May 2009 confrontation over the USNS Impeccable, for example, occurred roughly 75 miles southeast of Hainan.<sup>9</sup>

#### **NAVAL MODERNIZATION**

The fourth maritime security interest involves the consequences of naval modernization by developing states in the region. The disputes in the South China Sea create strong incentives for states to bolster their naval capabilities and presence, which in turn can increase the likelihood that armed force might be used. In addition, as littoral states increasingly rely on sea-borne trade and maritime resources, their maritime interests have expanded. Vietnam, for example, intends to increase the share that the maritime economy contributes to its gross domestic product (GDP) from 48 percent in 2005 to 55 percent in 2020.<sup>10</sup> Likewise, the majority of China's trade, especially energy supplies, travels by sea. To protect these new interests, as well as to defend their sovereignty and other claims, littoral states are actively modernizing their naval and other armed forces. The resulting shifts in the balance of power – and the development of platforms with longer range and greater endurance – could become increasingly competitive and destabilizing.

Competition over these different maritime security interests could increase instability in the region. Among the four categories, the disputes over territorial sovereignty and maritime rights could most easily escalate to the use of military force. Two significant naval clashes have occurred between China and Vietnam, one in 1974 over the Crescent Group in the Paracels and one in 1988 over Johnson Reef in the Spratlys. As the competition over maritime rights increases, the odds of armed clashes between navies from the claimant states grows; such clashes would increase instability and raise questions about the freedom of navigation in these waters for all sea-faring states.

#### **The Growing Competition over Maritime Rights**

Conflict over the territorial sovereignty of the contested islands and coral reefs is an enduring feature of maritime security in the South China Sea. However, regional tensions since 2006

have primarily involved competing claims to maritime rights and jurisdiction over resources. The principal actors in this competition include diplomats, commercial players such as fishermen and oil companies and national civil maritime law enforcement agencies. Military power and naval forces have played a secondary role, as this competition over maritime rights has not yet become militarized.

Reliable information about the competition over maritime rights is hard to find. Snapshots of events and trends can be gleaned from media reports, but definite conclusions are hard to support. Most information comes from media outlets in the various claimant countries. In China and Vietnam, these media outlets have direct or indirect ties to the state.

All states are also actively seeking to shape public and international opinion. The media, whether state-owned or not, plays an important role in this process. For these reasons, individual reports of events can be difficult to verify. In addition, not all confrontations among the claimants are reported, which makes it hard to track changes in behavior over time. Although Vietnam and the Philippines appear to have increased their reporting of events in the South China Sea since 2009, China has not. Confrontations involving Chinese ships, especially Chinese fishermen, are almost never reported in the Chinese media, most likely because the government wants to avoid the criticism that it is not doing enough to protect its citizens.

As documented below, the current round of tensions has not yet reached the levels of instability that the region witnessed from 1988 to 1995. Then, naval forces played a prominent role. A major armed clash, in which 74 Vietnamese were killed, occurred between China and Vietnam in March 1988. Tensions began to subside after Chinese foreign minister Qian Qichen attended the 1995 ASEAN Regional Forum and pledged that China

would seek to settle the various disputes according to international law, including the United Nations Convention on the Law of the Sea.<sup>11</sup>

#### THE DIPLOMATIC DIMENSION

Diplomatic disputes have triggered the most recent tensions over maritime rights in the South China Sea. In the mid-2000s, Vietnam increased its efforts to develop its offshore petroleum industry in cooperation with foreign oil companies. Between 2006 and 2007, China responded by issuing 18 diplomatic objections to foreign oil companies involved in these exploration and development projects.<sup>12</sup> Most of these demarches challenged the legality of Vietnam's exploration projects. In May 2006, for example, the Indian national oil company, Oil and Natural Gas Company Videsh, signed a production-sharing contract with Petro Vietnam for blocks in the Phu Khanh basin. China claimed that ONGC's project fell within a disputed area of the South China Sea and was thus illegal.<sup>13</sup> The demarche suggested that only claimant countries could be involved in such development activities.<sup>14</sup> In July 2008, as Vietnamese development efforts continued, reports surfaced that China had begun to directly threaten foreign oil companies investing in Vietnam. According to a report in the *South China Morning Post*, Chinese diplomats in Washington "made repeated verbal protests to ExxonMobil executives ... and warned them that its future business interests on the mainland could be at risk, according to sources close to the U.S. firm."<sup>15</sup>

Diplomatic tensions over maritime rights increased in the weeks before the May 2009 deadline for submissions to the U.N. Commission on the Limits of the Continental Shelf (CLCS). The commission reviews and qualifies claims by states to extended continental shelf rights beyond 200 nautical miles.<sup>16</sup> If a territorial or maritime dispute exists, however, then the commission's rules dictate that it "shall not consider and qualify a submission made by any of the States concerned in the dispute."<sup>17</sup> As a result, all the claimants in

the South China Sea have strong incentives to challenge the continental shelf submissions where sovereignty or maritime rights claims overlap. Accordingly, China and the Philippines both objected to Vietnam's submission and to the joint Vietnamese-Malaysian submission. All the claimants then issued claims and counterclaims.<sup>18</sup>

Even though the May 2009 deadline for submissions had been established 10 years earlier, its impending arrival significantly increased the competition over maritime rights in the South China Sea. By submitting claims to the commission, many regional states formally expanded their claimed maritime rights beyond a 200-nautical-mile EEZ from their coastlines, thereby increasing the intensity of competition over maritime rights. Previously, these states had either not stated that they would claim extended continental shelf rights or had clearly delineated the length of the continental shelf that they claimed. In addition, in the notes submitted to the commission, states not only contested each other's claims to maritime rights but also their sovereignty claims to the Paracels and the Spratlys. Finally, China's first diplomatic note contesting Vietnam and Malaysia's submissions included a map of the region that depicted the Paracel and Spratly Islands along with the nine-dashed line. Although the Chinese note did not mention the line, Vietnam viewed the map as an expansion of China's claims. The implications of this map are discussed below.

#### COMMERCIAL ACTIVITY AND CIVIL MARITIME LAW ENFORCEMENT

As states asserted and defended their claims through diplomacy since 2006, they also sought to demonstrate and enforce the maritime rights that they claimed. In particular, countries have sought to exercise these rights through commercial fishing and hydrocarbon exploration activities, as well as efforts, especially by China, to enforce these claims by contesting the commercial activities of other states.

#### Fishing

Fishermen have played a central role in asserting claims to maritime rights in the South China Sea. These waters have served as fishing grounds for all littoral states, and many of these traditional fishing grounds overlap. As a result, fishermen will often justify operating in disputed waters through their country's claims to maritime rights. Chinese fishermen operate in the southern portion of the South China Sea near Indonesia and Vietnam, for example, while Vietnamese and Philippine vessels operate in the northern portions near the Paracel Islands.

During the past decade, China has strengthened its ability to supervise fishing in the disputed waters and to enforce its domestic fishing laws. The principal Chinese agency tasked with this mission is the South Sea Region Fisheries Administration Bureau (SSRFAB, *nanhaiqu yuzhengju*), which is a department in the Bureau of Fisheries Administration within the Ministry of Agriculture.<sup>19</sup> In addition to regulating China's domestic fishing industry in the South China Sea, the SSRFAB has two objectives that affect the disputes over maritime rights. First, SSRFAB vessels escort Chinese fishing boats (*huyu*) when they operate in disputed waters. The escorts provide aid to the fishing boats, but also exercise Chinese jurisdiction over these waters (thus supporting China's claims to maritime rights) and protect Chinese fishermen when they are challenged by vessels from other states. Second, the SSRFAB seeks to prevent foreign ships from operating within China's claimed EEZ by boarding and inspecting these vessels, levying fines and confiscating catches and equipment, as well as by expelling ships from waters claimed by China.

In the past decade, the SSRFAB has steadily increased its presence in the South China Sea. The number of days in which SSRFAB vessels were at sea increased from 477 in 2005 to 1,235 in 2009 (including operations in the Gulf of Tonkin as well as in both disputed and undisputed portions of the South China Sea). At the same time, the number of

Vietnamese ships operating in the waters around the Paracel Islands began to increase, perhaps because of the implementation in 2004 of the 2000 Chinese-Vietnamese fishing agreement that limited fishing in the Gulf of Tonkin. China sees these Vietnamese ships as directly challenging its claims to sovereignty over the islands and to maritime rights in the adjacent waters. In 2009, the SSRFAB organized 11 special operations (*zhuanxiang xingdong*) around the Paracels conducted by the Yuzheng 308 and Yuzheng 309, each of which lasted for about 24 days.<sup>20</sup> In 2009, China expanded the duration of a unilateral fishing ban above 12 degrees north in the summer months that had been in place since 1999 and dispatched SSRFAB vessels to enforce this ban.<sup>21</sup>

The combination of increased Vietnamese fishing operations and a strengthened SSRFAB resulted in a growing number of confrontations at sea. In 2008 and 2009, SSRFAB vessels confronted and “expelled” (*qugan*) more than 135 and 147 foreign boats, respectively, most of which were likely Vietnamese.<sup>22</sup> In addition, China began detaining Vietnamese fishing boats and their crews, sometimes levying a fine or even confiscating the boat. A Vietnamese newspaper reports that, between 2005 and October 2010, China detained 63 fishing boats with 725 men.<sup>23</sup> Roughly half of these detentions occurred in 2009, when Vietnamese sources indicate that China detained or seized 33 boats and 433 fishermen.<sup>24</sup> The increase in detentions coincided with diplomatic activity surrounding competing claims (described in the previous section) and a Chinese perception that Vietnam was increasing the number of fishing ships operating in disputed waters. Total numbers for 2010 are unavailable, but they appear to be much lower, around seven.<sup>25</sup> The practice of detaining Vietnamese fishing boats halted in 2011, but China continues to confiscate the catches of ships it claims are operating in Chinese waters around the Paracels.<sup>26</sup> Some of these confrontations have been deadly.

Although China’s detention of foreign fishing boats receives a great deal of media attention, confrontations involving fishing boats from other claimant states are also common. According to one Chinese source, more than 300 incidents have occurred since 1989 in which Chinese trawlers were fired upon, detained or driven away. In 2009, for example, Vietnamese vessels reportedly fired three times on Chinese boats, wounding three Chinese fishermen. That same year, 10 Chinese trawlers reportedly were seized.<sup>27</sup> Similarly, Vietnam and the Philippines routinely detain fishermen from each other’s countries.<sup>28</sup>

#### *Petroleum*

Similar dynamics affect the exploration activities of oil companies in disputed waters. As discussed above, Vietnam’s development of offshore oil sparked demarches and at least a few threats from China against foreign oil companies. In the first half of 2011, China interfered with seismic surveys conducted by Vietnam and the Philippines within their claimed EEZs. China’s Marine Surveillance Force (MSF, *haijian budui*), which is part of the State Oceanographic Administration, has been the principal Chinese agency involved in this series of confrontations. As with the Bureau of Fisheries Administration, one mission of the MSF is to “safeguard maritime rights and interests,” in addition to enforcing Chinese laws regarding maritime affairs.<sup>29</sup> The South China Sea branch of the MSF was established in 1999 with responsibility for the waters adjacent to Macao, Hong Kong, Guangdong, Hainan and the disputed islands; it now has 13 ships. According to the State Oceanographic Administration, the MSF started regular (*dingqi*) law enforcement cruises to “protect rights” in 2006.<sup>30</sup> In April 2010, for example, MSF vessels conducted a cruise in southern portion of the South China Sea, dropping a sovereignty marker on James Shoal.<sup>31</sup>

Information about the scope and frequency of MSF patrols in the South China Sea is not



available in unclassified sources. In the first half of 2011, however, MSF ships were involved in two separate incidents in which they challenged and disrupted seismic survey activities by Vietnam and the Philippines. The first incident occurred in March, when two MSF vessels “expelled” (*ganqu*) a Philippine seismic survey vessel in the Reed Bank area in the northwestern portion of the Spratly Islands. According to Philippine press reports, the MSF vessels aggressively maneuvered around the ship and forced it to leave the area. The second incident occurred in late May, when an MSF ship cut across the stern of the seismic survey vessel Binh Minh 2, owned by PetroVietnam, and severed its towed cable. According to Vietnamese reports, three MSF vessels had been shadowing the Binh Minh 2, which was operating 120 nautical miles off the coast of central Vietnam.<sup>32</sup>

A third incident involving Chinese fishing boats and SSRFAB vessels occurred in early June, but accounts differ. According to Vietnam, a Chinese fishing boat with a “specialized cable-slashing device” became ensnared in the towed cables of the Viking II, a Norwegian ship that was surveying an exploration block for Talisman Energy (Canada) off the coast of southern Vietnam in the southwestern portion of the South China Sea.<sup>33</sup> According to China, the fishing boat’s net became tangled with the sonar equipment on the Viking II, suggesting that poor seamanship might be to blame.<sup>34</sup>

These confrontations demonstrate three important points about the competition over maritime rights. First, China escalated its efforts to exercise and enforce its maritime rights when it severed those cables. No similar incidents were reported in previous years, although after the May incident, a Vietnamese official stated that similar acts had occurred in 2010.<sup>35</sup> Second, the official response to the May incident from China’s Ministry of Foreign Affairs (MFA) suggests that the cable-cutting was intended to deter Vietnam from asserting its claims and to bolster China’s own claim to

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jurisdiction. The MFA spokesperson suggested that the action was a deliberate attempt to enforce China’s claims. The day after the incident, the spokesperson stated, “The law enforcement activities by Chinese maritime surveillance ships against Vietnam’s illegally operating ships are completely justified.”<sup>36</sup> Third, all three incidents occurred after survey activity by other claimants increased, underscoring the dynamic nature of the current competition over maritime rights. The Philippines initiated a new survey of Reed Bank in February 2011, just before the March 2 incident. The incidents involving Vietnam occurred following new surveys that began in March.

#### **THE MILITARY DIMENSION**

As discussed above, most of the confrontations among the claimants have involved commercial actors and civil maritime law enforcement agencies. By contrast, military forces have played an indirect and secondary role in the competition over maritime rights in the South China Sea, principally as an important reminder of China’s growing capabilities that could be used in the dispute. The key components of the military dimension of the recent tensions are the steady modernization of China’s naval forces and displays of China’s enhanced military power through cruises and exercises.

### *Military Modernization*

Although China and Vietnam have both modernized their naval forces during the past decade, China's efforts have exceeded those of Vietnam to a substantial degree. Within the People's Liberation Army Navy (PLAN), the South Sea Fleet (SSF) based in Zhanjiang, Guangdong, now boasts some of China's most capable surface combatants, including five of the seven modern destroyers that China developed indigenously in the past 10 years.<sup>37</sup> It also includes the Kunlunshan, China's first modern landing platform dock, which displaces 20,000 tons and can transport one battalion of marines.<sup>38</sup> The SSF is the most capable of the PLAN's three fleets. Since 2008, six ships have participated in at least one escort mission in the Gulf of Aden to conduct counter-piracy patrols, which has been the first sustained overseas use of China's naval forces, and the SSF has organized half of the eight flotillas to the Gulf of Aden.

The SSF's infrastructure has also been upgraded recently, including the expansion of the important Yulin naval base at Sanya on Hainan Island. Although the base was enlarged to accommodate China's expanding fleet of modern submarines (including the new Jin class of ballistic missile submarines, or SSBNs, developed at the end of the 2000s), it also has new docks for surface combatants. For many regional observers, enlarging the base symbolized China's expanding naval forces and its focus on projecting naval power throughout the South China Sea. To be sure, the main reason for the expansion of the Yulin naval base was to strengthen China's nuclear deterrent (by serving as a base for SSBNs) and to house its expanding submarine fleet (which would play a crucial role in a Taiwan conflict). Nevertheless, given the base's location on Hainan Island, China's southernmost province astride the northern portion of the South China Sea, the expansion also demonstrated the new capabilities that China

could bring to bear in the South China Sea disputes and the potential to deploy even more forces in the region in the future.

On a much smaller scale, Vietnam has also been modernizing its air and naval forces, largely by acquiring foreign weapons. Because of its modernization effort, defense spending in Vietnam increased from 1.9 percent of its GDP in 2005 to 2.5 percent in 2009.<sup>39</sup> The most significant development was the decision in December 2009 to purchase six Kilo class submarines from Russia. When the submarines are delivered in 2014, Vietnam will have a small but advanced submarine force. Vietnam also ordered two Gepard class frigates in 2006 that were delivered in 2011 and 37 fighter aircraft between 2004 and 2010, including 24 advanced Su-30MKs.<sup>40</sup> Taken together, these advances show that Vietnam is developing the means to deter China from using its naval forces in disputes in the South China Sea.

### *Increased Naval Presence*

The scope and content of PLAN exercises display China's growing naval power in the region. The PLAN has increased the number of exercises by task forces (*biandui*) of several ships operating together and the number of exercises in the South China Sea, including the disputed waters. Many, if not all, of these exercises reflect the growing capabilities of the PLAN that were produced by the modernization drive in the late 1990s. Although recent tensions have not led to military action, reports of these exercises increase regional fears that China will use force to defend its claims – especially when these exercises occur in disputed waters.

During 2010, the PLAN conducted a number of high profile and publicly reported exercises in the South China Sea. In March 2010, the North Sea Fleet conducted a long-distance exercise with a task force of six ships, including one destroyer, three frigates, a tanker and a salvage vessel. The

task force traveled from Qingdao through the Miyako Strait and then turned south, passing through the Bashi Channel between Taiwan and the Philippines before stopping at Fiery Cross Reef in the South China Sea.<sup>41</sup> In July 2010, the SSF organized a large-scale live-ammunition exercise held in an undisclosed location in the South China Sea that involved ships from all three fleets and included China's most advanced surface combatants.<sup>42</sup> In November 2010, the SSF organized another large-scale exercise, named Jiaolong-2010, which involved 1,800 marines and included more than 100 armed helicopters, mine sweepers, subchasers, landing craft, amphibious armored vehicles and assault boats, and pieces of "direct fire" (*zhimiao*) weaponry. The exercise simulated an amphibious landing and breakthrough on a beachhead, although the location was not specified.<sup>43</sup> These exercises demonstrated new capabilities that China could potentially use to defend its claims in the South China Sea.

### **Is China Becoming More Assertive in the South China Sea?**

Analysts often see the tensions in the South China Sea as evidence of growing Chinese assertiveness. As Michael Swaine and I have argued elsewhere, however, it is not actually clear that China has become more assertive.<sup>44</sup> On the one hand, China has not altered or expanded the content of either its sovereignty claims or maritime rights claims in the South China Sea. In a contrast to events during the late 1980s and early 1990s, China has also not used armed force to resolve the current competing claims on its own terms. On the other hand, China now possesses greater capabilities to defend its claims and has been more willing to use these capabilities, especially since 2009. Other claimant states have also asserted their claims more actively. China views its actions as responding to the assertiveness of other states that challenge Chinese claims.

Assertiveness implies new and unilateral actions to change the status quo in a dispute or relationship.

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Although China's claims to maritime rights encompass most of the South China Sea, the content of those claims has not changed. The People's Republic of China (PRC) has claimed sovereignty over the Paracel Islands and Spratly Islands since 1951 and draws on the claims of previous Chinese governments. The PRC first began to claim maritime rights from these features in 1958 during the crisis over Jinmen. China's sovereignty and maritime rights claims were later codified in a series of laws regarding territorial seas and EEZs that were passed by the National People's Congress in 1992 and 1998, respectively. China's sovereignty and maritime rights claims were reiterated in the May 2009 note verbale that China submitted to the CLCS. China submitted this note, however, not because it had chosen to press its claims more assertively but because other states had submitted claims that overlapped with China's. As noted earlier, claimant states had strong incentives to challenge each other's submissions in order to defend their own claims.<sup>45</sup>

Some observers argue that China expanded its claim by including a map with the nine-dashed line in the May 2009 submission. The line and its inclusion on Chinese maps, however, are not new. The line first appeared in an atlas published by the Republic of China in 1947 and was formally



announced in 1948. At the time, however, the line was not defined officially, and it remains undefined today. The note verbale submitted with the map, for example, did not define the line or even refer to it. The contested islands were the only geographic features that were both contained in the note and named on the map. In addition, the map submitted to the CLCS was the first map of the region that China had ever submitted to the U.N.; none of the previously submitted documents about maritime claims had included any maps.<sup>46</sup> Had China submitted a map with its 1992 law on territorial seas, for example, it would have included the nine-dashed line because the line appeared on official Chinese maps at the time. Finally, as Greg Austin has noted, the use of dashed marks on Chinese maps suggested “indefinite or uncertain boundary.”<sup>47</sup> Consistent with this view, the PRC removed two of the original dashes in the Gulf of Tonkin in 1953, indicating that the line itself was subject to change.

In April 2010, reports surfaced that China had labeled the South China Sea as a “core interest” on par with Taiwan and Tibet. Yet no senior Chinese leader has ever publicly described the South China Sea as a core interest, although it may have been discussed in one or more private meetings between U.S. and Chinese officials.<sup>48</sup> By contrast, senior Chinese leaders frequently have described Tibet and Taiwan as core interests.<sup>49</sup> The only exception appears to be an English-language article published on the Xinhua News Agency website in August 2011, which stated that China “has indisputable sovereignty over the [South China] sea’s islands and surrounding waters, which is part of China’s core interests.”<sup>50</sup> In this context, the article most likely referred to territorial sovereignty over the islands and the related 12-nautical-mile territorial seas (maritime space over which states exercise sovereignty), not to the South China Sea as a whole or the waters enclosed by the

nine-dashed line. To date, no senior Chinese leader has repeated this statement.

As discussed previously, China has been increasingly able and willing to enforce its claims to maritime rights in the South China Sea. In particular, the expanding fleets of the Bureau of Fisheries Administration and MSF in the South China Sea have enabled China to respond to what Beijing perceives as multiple challenges to its claims (see Table One). The diplomatic demarches to foreign oil companies in 2006 and 2007, for example, were a response to increased Vietnamese exploration in waters claimed by China. Likewise, the dramatic increase in the detention of Vietnamese fishing boats in 2009 coincided with an increased presence of Vietnamese ships in the waters around the Paracels, often within the territorial seas that China claims around these islands.

The one Chinese action that stands out as new and unilateral involves harassing seismic survey vessels and interfering with their operations, especially the cable-cutting incident in May 2011. Based on the number of Chinese ships from the MSF that were involved and the content of the MFA’s response, this appears to have been an effort to clearly signal China’s opposition to such Vietnamese activity. An increased frequency of similar incidents in the future would indicate greater Chinese assertiveness in the South China Sea.

Furthermore, China has chosen not to undertake other provocative measures. Diplomatically, top Chinese leaders have not publicly visited any of the Spratly Islands. Militarily, China has not actively used naval forces to enforce its claims to maritime rights nor has it sought to use armed force. Instead, China has relied on its civil maritime law enforcement agencies, especially the Bureau of Fisheries Administration and the MSF.<sup>51</sup> Relying on these civilian agencies appears to be a deliberate choice and suggests that China has sought to limit the potential for escalation

**TABLE ONE: PERCEIVED CHALLENGES TO CHINA'S CLAIMS**

DATE	ACTIONS OF OTHER SOUTH CHINA SEA CLAIMANTS
2006-2007	Vietnam increases offshore petroleum exploration projects in waters claimed by China.
Jan. 2007	The Fourth Plenum of the Vietnam Communist Party's Central Committee adopts a resolution mandating the development of a national "Maritime Strategy Towards the Year 2020." The strategy envisions that maritime industries, especially fishing and petroleum, would account for 55 percent of GDP in 2020, up from 48 percent in 2005.
April 2007	Vietnam elevates Trường Sa (Spratly Island) to the level of a "township" under the Trường Sa District.
Nov. 2007	The Philippine legislature begins debate on an archipelagic baselines law, which includes 53 features from the Spratlys as part of the Philippine archipelago.
June 2008	The 2004 joint seismic survey agreement with the Philippines and Vietnam expires, dashing China's hopes for "joint development" (Deng Xiaoping's guideline for managing these disputes).
Feb. 2009	The Philippine legislature passes an archipelagic baseline law, which includes claims to some of the Spratlys. The bill is signed into law in March 2009.
March 2009	Malaysian Prime Minister Badawi makes a public visit to Swallow Reef, a feature in the South China Sea occupied by Malaysia, to demonstrate Malaysia's claim.
May 2009	Vietnam and Malaysia submit claims to the U.N. for extended continental shelves in the South China Sea.
Nov. 2009	Vietnam's Foreign Ministry hosts a large international academic conference on the South China Sea to launch its campaign to "internationalize" the dispute.
Dec. 2009	The number of Vietnamese fishing vessels taking refuge in the Paracel Islands, controlled by China since 1974, increases (many are detained by China).
Jan. 2010	Vietnam assumes the rotating chairmanship of ASEAN and begins a public effort to build consensus within ASEAN regarding the South China Sea.
March 2010	The Vietnamese Prime Minister makes a public visit to one of the Vietnamese-held Spratly Islands to demonstrate Vietnam's claim.
April 2010	Approximately 20 Vietnamese fishing and coast guard vessels surround a Chinese fisheries administration patrol vessel.
July 2010	The United States and 11 other countries express concern about the situation in the South China Sea during the annual meeting of the ASEAN Regional Forum.
Nov. 2010	Vietnam's Foreign Ministry hosts a second international academic conference about the South China Sea.
Feb. 2011	The Philippines begins a seismic survey in the waters near Reed Bank.
March 2011	Vietnam begins seismic surveys in waters claimed by China.
April 2011	The Philippines submits a note verbale to the U.N. contesting China's claims from its May 2009 note to the U.N.
June 2011	Five legislators from the Philippines visit Thitu Island. Vietnam holds live-fire naval exercises in the South China Sea.

Source: Michael D. Swaine and M. Taylor Fravel, "China's Assertive Behavior – Part Two: The Maritime Periphery," *China Leadership Monitor*, 35 (Summer 2011).

through how it chooses to assert and enforce its claims to maritime rights. A shift to using naval forces – and not law enforcement agencies – against civilians from other claimant states would indicate greater Chinese assertiveness.

In sum, China has not been as assertive in this dispute as many observers contend. China has not changed either the content or the scope its claims, although ambiguity continues to surround the meaning of the nine-dashed line. Overall, with the exception of the cable-cutting incidents, China has generally responded to perceived challenges to its long-held claims and has chosen to do so through its civil maritime law enforcement agencies rather than its military forces.

### **Diplomatic Pause? China's Efforts to Moderate its Approach Since July 2011**

Concern among the claimants about growing tensions in the South China Sea produced an agreement between China and ASEAN in July 2011 on guidelines for implementing the 2002 Declaration on the Conduct of Parties in the South China Sea (DoC). Although the implementation guidelines lack substance, they were intended to decrease tensions and prevent any further escalation. When combined with other recent developments, the guidelines suggest that China may have started to moderate the manner in which it asserts and exercises the maritime rights it claims. China has sought to improve its tarnished image in the region and to reduce the role of the United States in the dispute, a role which had increased following Secretary of State Hillary Rodham Clinton's statement about U.S. interests in the region at the July 2010 meeting of the ASEAN Regional Forum (ARF).<sup>52</sup>

The guidelines specify only confidence-building measures, including workshops on environmental protection, navigational safety and search and rescue operations, and transnational crime.<sup>53</sup> This limits their utility in three ways. First, they were designed to implement the 2002 DoC, which itself

was intended only as a first step toward a binding Code of Conduct for activity in the South China Sea. Second, the 2002 DoC (and any resulting Code of Conduct) does not address the conflicting claims to territorial sovereignty or maritime rights. It is intended only to manage tensions, not to resolve the underlying conflicts of interest. Third, the guidelines are unimpressive even in the context of implementing the DoC because they only involve a limited set of activities.

Nevertheless, the guidelines are symbolically important. The agreement shows that China and Vietnam, the principal antagonists, are seeking to prevent tensions from escalating. China and ASEAN had been discussing these guidelines for several years, but they disagreed over whether the guidelines would state explicitly that ASEAN would follow its standard practice of meeting as a group before holding talks with China. Within ASEAN, Vietnam was most adamant about including this provision in the guidelines. In late June 2011, a breakthrough occurred when Vietnam's deputy foreign minister Ho Xuan Son traveled to Beijing as a special envoy. According to a statement released following his visit, China and Vietnam agreed to accelerate bilateral negotiations over maritime issues and to "boost the implementation of the [DoC] ... so that substantial progress will be achieved soon."<sup>54</sup> It is likely that China and Vietnam agreed to halt their standoff over the implementation guidelines during Ho's trip. A few weeks later, Vietnam reportedly dropped its insistence that such language be included in the guidelines, and China agreed that ASEAN would continue its practice of meeting as a group before meeting with China (as happened at the July 2011 ASEAN meeting). Although this agreement was not included in the implementation guidelines, it was included in the official summary record of the meeting. The diplomatic breakthrough over the guidelines allowed all sides to demonstrate their commitment to limiting the escalation of tensions.



China has also moderated other aspects of its behavior. As discussed previously, China has detained fewer Vietnamese fishing vessels since 2009: China detained 33 ships in 2009 but only seven in 2010. As of this writing in the fall of 2011, China has not detained any Vietnamese ships and crews this year, although the SSRFAB continues to confiscate the catches and equipment of ships operating in Chinese waters. Vietnamese reports confirm this change in China's rules of engagement for the vessels from the Bureau of Fisheries Administration that regulate China's fishing industry.<sup>55</sup> The SSRFAB detentions were consistent with its domestic operations, as it routinely boards, inspects, fines and detains Chinese fishing vessels, in addition to foreign ones. Thus, the change in its approach to Vietnamese ships in 2011 can only be explained as a response to pressure from outside the bureau to harmonize its actions with Chinese diplomacy and reduce tensions in the South China Sea.

Top Chinese leaders have subsequently reaffirmed that China's approach to the disputes in the South China Sea should remain based on Deng Xiaoping's guideline of "sovereignty is ours, set aside disputes, pursue joint development."<sup>56</sup> Shortly after the July 2011 meeting of the ARF, the print edition of the *Renmin Ribao* included a full page devoted to the importance of pursuing joint development; this was described as an "authoritative forum" (*quanwei luntan*).<sup>57</sup> Such a collection of essays on the South China Sea in the official newspaper of the Chinese Communist Party may be unprecedented and was likely designed to signal "unify thought" (*tongyi sixiang*) within the party on this issue. Likewise, Hu Jintao emphasized this approach during the August 2011 visit of Philippine President Benigno Aquino III. Hu stated, "Before the disputes are resolved, the countries concerned may put aside the disputes and actively explore forms of common development in the relevant sea areas."<sup>58</sup> Hu apparently did not stress the first element of Deng's guideline, which

emphasizes Chinese sovereignty; this may have been a further effort to reduce tensions. Finally, during General Secretary of the Communist Party of Vietnam Nguyen Phu Trong's trip to China in October 2011, China and Vietnam signed an agreement on basic principles for guiding the resolution of maritime issues, including the disputes over the Paracels and Spratlys.<sup>59</sup> The agreement was apparently concluded when State Councilor Dai Bingguo visited Vietnam in September 2011.<sup>60</sup>

It remains to be seen whether the change in China's behavior will extend beyond fishing to offshore petroleum and other sectors. The May 2011 cable-cutting incident seemed intended to signal China's opposition to what it views as Vietnam's unilateral development of offshore petroleum. It is not yet clear how China will respond to similar seismic survey work that both Vietnam and the Philippines plan to undertake in the future and whether China will continue to interfere with these operations. The cable-cutting episode may be similar to the 2009 USNS Impeccable incident, when Chinese naval, civil maritime law enforcement and fishing ships maneuvered dangerously around a noncommissioned and unarmed survey ship of the U.S. Navy and attempted to snag its towed cable. Yet following this clear signal of opposition to U.S. activity in China's EEZ, no further incidents have occurred even though U.S. surveillance activities continue. China has not interfered with these surveillance activities in order to manage the potential for escalation. China may have made a similar calculation after the hydrocarbon incidents in May and June 2009, choosing to reduce tensions after signaling its opposition to such activities.

### **Potential Areas of Cooperation Over Maritime Rights in the South China Sea**

Competing claims over territorial sovereignty are always difficult to resolve and are even more challenging in the Spratly Islands because so many states have overlapping claims. In principle, however, conflicting claims over maritime rights

should be easier to resolve than claims over territory, as they involve resources that are more easily divided or shared. As a result, temporary or even permanent agreements can help manage this element of security competition in the South China Sea. There are at least four possible areas of cooperation, which draw on China's cooperative efforts with some of its maritime neighbors beyond the South China Sea.

#### **JOINT REGULATION OF FISHING IN DISPUTED WATERS**

China has signed fishing agreements with most of its neighbors; some of these agreements create joint fishing zones for fleets from both countries. In 2000, China and Vietnam established a cooperative zone with shared jurisdiction over fishing and also established mechanisms to govern this zone. Such an agreement could be extended to include a broader area where Chinese and Vietnamese EEZs overlap south of Hainan Island and east of Vietnam. In addition, as Peter Dutton has suggested, a multilateral fishing organization could be established using the Northwest Atlantic Fisheries Organization as a model.<sup>61</sup>

#### **JOINT CIVIL MARITIME LAW ENFORCEMENT ACTIVITIES**

One promising model for joint civil law enforcement is the North Pacific Coast Guard Forum, which includes organizations from China and the United States. Participants in the forum have conducted joint exercises and operations relating to maritime law enforcement.<sup>62</sup> This organization could provide a model for claimants in the South China Sea.

#### **JOINT DEVELOPMENT OF PETROLEUM RESOURCES**

A June 2008 agreement between China and Japan contained a formula for the joint exploration and development of petroleum in the East China Sea. Of course, the agreement has not been implemented, reflecting the challenges inherent in this type of cooperation. Nevertheless, it does indicate

how such an agreement could be drafted, perhaps starting with the area in which the joint seismic survey was conducted or a part of this area.

#### **NAVAL FORCES**

Since 2005, Chinese and Vietnamese naval forces have conducted 11 joint naval patrols in the Gulf of Tonkin.<sup>63</sup> As a first step, the scope of these patrols could be extended farther south to encompass a broader area. Such patrols could also be expanded in a multilateral setting to include forces from other claimant states.

Cooperation in all of these areas demands political will and diplomatic creativity, and will almost certainly require participating states to agree that these activities would not prejudice each other's claims to maritime rights and territorial sovereignty. The South China Sea claimants have already established some form of cooperation in several of these areas, but it may still prove quite difficult to expand cooperation in these ways. Nevertheless, any combination of these joint endeavors would help to limit the competition over maritime rights in the region, which would enhance regional stability.

#### **Conclusion**

A number of states – including China – have increased their efforts to claim, assert, exercise and enforce competing claims to maritime rights in the South China Sea. This competition over maritime rights is related to but distinct from other components of maritime security in the region, including competing claims to territorial sovereignty over island groups, freedom of navigation and naval modernization. Although some observers focus on China as the primary antagonist, the competition stems from an increasing willingness of all claimants, especially Vietnam, to assert and defend their claims. The July 2011 agreement between ASEAN and China over guidelines for implementing the 2002 DoC has created breathing space that might be exploited to reduce the competition over maritime rights through a variety of cooperative

mechanisms. Political will and diplomatic creativity, however, will be necessary for such initiatives to move forward.

The United States has a direct stake in freedom of navigation in the South China Sea and in regional stability more generally, including the peaceful resolution of disputes. Nevertheless, the disputes over maritime rights and territorial sovereignty in the South China Sea pose distinct challenges that the United States must navigate. On the one hand, the United States should reaffirm its interests in the region when they may be challenged. At the July 2010 meeting of the ARF, for example, Secretary Clinton clearly articulated U.S. interests in the South China Sea, including freedom of navigation, unimpeded commerce, respect for international law and peaceful dispute resolution.<sup>64</sup> The unprecedented expression of American interests in the region helped produce China's July 2011 agreement with ASEAN on implementing guidelines. China seeks to limit the U.S. role in resolving the South China Sea dispute and hoped to limit discussion of the issue at the 2011 ARF meeting by instead concluding the agreement with ASEAN (which does not include the United States). In this instance, U.S. diplomacy helped prevent tensions from escalating further.

Yet on the other hand, the United States should maintain its longstanding principle of neutrality and not taking sides in the territorial disputes of other countries. The disputes in the South China Sea are complicated and multifaceted. To the extent that U.S. policy takes sides in these disputes – or is perceived as taking sides – it risks transforming these disputes into a bilateral conflict between the United States and China. In addition, to the extent that claimant countries believe that the United States will defend their actions against China, they may take bolder and riskier actions that could increase instability in the South China Sea.

These challenges for the United States were evident just before the November 2011 East Asian Summit

in Bali. During a press conference in Manila three days before the summit, Secretary Clinton appeared to side with the Philippines by referring to “disputes ... that exist primarily in the West Philippine Sea between the Philippines and China.”<sup>65</sup> The West Philippine Sea is the name that the Philippines began to use in June 2011 to refer to the South China Sea (which is the standard name for this body of water).<sup>66</sup> Reinforcing this interpretation, Voice of America published an article entitled “US Secretary of State Backs Philippines in South China Sea Dispute.”<sup>67</sup> Similarly, the Philippines viewed American policy as supporting its position in the dispute. According to the Philippine presidential spokesperson, the U.S. presence “bolsters our ability to assert our sovereignty over certain areas.”<sup>68</sup> Clinton's statements not only appeared to undermine the principle of maintaining neutrality in the territorial disputes of other countries, but may also embolden the Philippines to be more assertive in the South China Sea.

Looking forward, the United States must balance efforts to maintain stability in the South China Sea against actions that could inadvertently increase instability, especially greater involvement in the resolution of the dispute itself – an action that would be seen in the region and beyond as moving away from the principle of neutrality. The United States should affirm the principles that Secretary Clinton articulated in July 2010 and apply them equally to all claimants in the South China Sea disputes, not just China. The United States should not take a position on what specific modes or forums should be used to resolve or manage these disputes, so long as they are agreed upon by the claimants without coercion. The United States should not offer to facilitate talks or mediate the dispute. Striking the right balance between these policies will help maintain stability and prevent conflict in the future.



## ENDNOTES

1. Robert D. Kaplan, "The South China Sea Is the Future of Conflict," *Foreign Policy* (September/October 2011).
2. For a detailed examination of these different types of interests, see Peter Dutton, "Three Disputes and Three Objectives: China and the South China Sea," *Naval War College Review*, 64 no. 4 (2011), 42-67.
3. Before the January 1974 clash between China and South Vietnam, China controlled only the islands in the Amphitrite Group in the eastern part of the archipelago. After the 1974 clash, China gained control over the Crescent Group. See M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes* (Princeton, NJ: Princeton University Press, 2008), 272-287.
4. Greg Austin, *China's Ocean Frontier: International Law, Military Force, and National Development* (Canberra, Australia: Allen & Unwin, 1998), 153-154.
5. For a recent review of these developments, see Fravel, *Strong Borders, Secure Nation*, 267-299.
6. For a more detailed discussion of China's claims, see M. Taylor Fravel, "China's Strategy in the South China Sea," *Contemporary Southeast Asia*, 33 no. 3 (December 2011).
7. By submitting claims for extended continental shelf rights to the U.N. in 2009, Vietnam and Malaysia indicated that they would not claim maritime rights from the contested islands, although they have not yet said so explicitly. In a subsequent note, the Philippines indicated that the Spratly Islands did not meet the criteria under Article 121(3) and thus could not be used to claim maritime rights. Another element of China's claim is the assertion that its 1998 EEZ law would not influence China's "historical rights." The content and geographical scope of these historic rights, however, was not defined in this law.
8. Ren Xiaofeng and Cheng Xizhong, "A Chinese Perspective," *Marine Policy*, 29 no. 2 (March 2005), 139-146.
9. Raul Pedrozo, "Close Encounters at Sea: The USNS Impeccable Incident," *Naval War College Review*, 62 no. 3 (Summer 2009), 101-111.
10. "Vietnam Aims to Become Strong Maritime Nation," Vietnam Seaports Association, May 26, 2010, [http://www.vpa.org.vn/detail\\_temp.jsp?id=1652](http://www.vpa.org.vn/detail_temp.jsp?id=1652).
11. "Qian Qichen Explains China's 'Clear-Cut' Position on Spratlys Issue," Xinhua News Agency, August 1, 1995. (Xinhua is China's official news agency.)
12. Fravel, "China's Strategy in the South China Sea."
13. The demarche was reported in the Indian press on December 3, 2007, but interviews indicate that it occurred earlier.
14. Anupama Air, "ONGC's Vietnam Foray Illegal, Says China," *The Financial Express*, December 3, 2007.
15. Greg Torode, "Oil Giant is Warned over Vietnam Deal; Beijing Asserts S China Sea Claims," *South China Morning Post*, July 20, 2009, 1.
16. Under the U.N. Convention on the Law of the Sea, a state can only exercise rights to the continental shelf if the CLCS certifies the claim.
17. *Rules of Procedure of the Commission on the Limits of the Continental Shelf* (New York: United Nations, 2008), 22.
18. A list of all submissions and objections is available on the commission's website: [http://www.un.org/Depts/los/clcs\\_new/commission\\_submissions.htm](http://www.un.org/Depts/los/clcs_new/commission_submissions.htm).
19. Within the Bureau of Fisheries Administration, law enforcement activities are supervised by the Fisheries Administration Command Center (*yuzheng zhihui zhongxin*). Responsibility for patrols and other law enforcement activities is divided among regional fisheries administrations, including the Yellow Sea and Bohai Gulf Region Fisheries Administration (*huangboqu yuzhengju*), the East Sea Region Fisheries Administration (*donghaiqu yuzhengju*) and the South Sea Region Fisheries Administration.
20. Nongyebu yuyeju, ed., 2010: *Zhongguo yuzheng nianjian* [2010: China Fisheries Yearbook] (Beijing: Zhongguo yuye chubanshe, 2010), 124.
21. *Ibid.*, 124-125.
22. Nongyebu yuyeju, ed., 2009: *Zhongguo yuzheng nianjian* [2009: China Fisheries Yearbook] (Beijing: Zhongguo yuye chubanshe, 2009), 147; Nongyebu yuyeju, ed., 2010: *Zhongguo yuzheng nianjian*, 124.
23. "Vietnam Demands Unconditional Release of Fishermen Held by China," *Than Nien News*, October 8, 2010. (*Than Nien News* is published by the Vietnam National Youth Federation.)
24. "China Seizes Vietnamese Fishing Boat," Deutsche Presse-Agentur, April 19, 2010. A Chinese source indicates that the South Sea Regional Fisheries Administration Bureau fined 19 foreign ships and confiscated four in 2009. See Nongyebu yuyeju, ed., 2010: *Zhongguo yuzheng nianjian*, 124.
25. I was unable to find a Vietnamese source that listed all Chinese detentions in 2010. My figure is based on a survey of press reports and two Vietnamese reports: "Chinese Thuggery Unabated in East Sea," *Than Nien News*, May 14, 2010; and "Vietnam Demands Unconditional Release of Fishermen Held by China," *Than Nien News*, October 8, 2010. Vietnamese reports do not indicate that the number of ships fishing around the Paracels has declined.
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27. "Yumin pinzao zhoubian weixie [Fishermen Frequently Encounter Threats]," *Huanqiu shibao*, April 4, 2010. (*Huanqiu shibao* is a commercial paper published by the People's Daily Press, a publishing group that also publishes the *Renmin Ribao*, the official paper of the Central Committee of the Chinese Communist Party.)
28. JC Bello Ruiz, "RP, Vietnam Agree on Spratlys," *Manila Bulletin*, October 28, 2010.

29. "Guojia haiyang ju nanhai fenju [South Sea Branch of the State Oceanographic Administration]," <http://www.soa.gov.cn/soa/governmentaffairs/overview/jigoushezhi/jisdw/webinfo/2007/03/1271382671414165.htm>.
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31. *Xiandai jianchuan* [modern ships], April 2010, 16.
32. "VN Condemns Chinese Intrusion," Vietnam News Agency, May 28, 2011.
33. "Regular Press Briefing by MOFA's Spokesperson Nguyen Phuong Nga on June 9th, 2011," June 9, 2011, [http://www.mofa.gov.vn/en/tt\\_baochi/pbnfn/ns110610145220#tr5qmcP0xVB6](http://www.mofa.gov.vn/en/tt_baochi/pbnfn/ns110610145220#tr5qmcP0xVB6).
34. "Foreign Ministry Spokesperson Hong Lei's Remarks on Vietnamese Ships Chasing Away Chinese Fishing Boats in the Waters off the Nansha Islands," June 9, 2011, <http://www.fmprc.gov.cn/eng/xwfw/s2510/2535/t829427.htm>.
35. Ben Bland and Kathrin Hille, "Vietnam and China Oil Clashes Intensify," *The Financial Times*, May 27, 2011. A report from Vietnam, however, suggested that such incidents had not occurred in the past. See "Russian captain condemns cable destruction," Vietnam Net, June 2, 2011. (Vietnam Net is part of Vietnam's Ministry of Information and Communications.)
36. "Foreign Ministry Spokesperson Jiang Yu's Regular Press Conference on May 31, 2011," <http://www.fmprc.gov.cn/eng/xwfw/s2510/2511/t827089.htm>. By contrast, the MFA's response to the June incident suggested that it might have been unintended. Similarly, the location of the incidents suggests that they were designed to signal China's maximal claims to maritime rights. All were located near the limits of a hypothetical 200-nautical-mile EEZ that China could claim in the South China Sea from the five largest features of the Spratly Islands (Taiping [Taiwan], Thitu [Philippines], West York [Philippines], Spratly [Vietnam] and Northeast Cay [Philippines]).
37. These include the only Luhai class destroyer (which entered service in 1997) and all four Luyang I and II class destroyers (which entered service between 2002 and 2003). The PLAN is organized into three fleets: the North Sea Fleet, the East Sea Fleet and the South Sea Fleet.
38. For information on ship deployments, see *Directory of PLA Personalities* (Honolulu: Serold, various years).
39. SIPRI Military Expenditure Database, 2011.
40. SIPRI Arms Transfers Database, 2011.
41. Regarding the exercise, see IISS Strategic Comments, "Chinese navy's new strategy in action," 16 no. 16 (May 2010); and Greg Torode, "Exercises Show PLA Navy's Strength," *South China Morning Post*, April 18, 2010.
42. Zhong Jijun, "Zhuoyan shengchang tixi zuozhan nengli, jiji tuijin junshi xunlian zhuanbian [Grasp Generating Systems Operations Actively Promote the Transformation in Military Training]," *Jiefangjun Bao*, July 29, 2010, 1. (*Jiefangjun Bao* is the official paper of the PLA.)
43. Deng Ping and Liu Fengang, "Nanhai jiandui zuzhi 'jiaolong-2010' shibing shidan yanxi [South Sea Fleet Organizes 'Jiaolong-2010' Live Fire Exercise]," *Jiefangjun Bao*, November 4, 2010, 2.
44. Michael D. Swaine and M. Taylor Fravel, "China's Assertive Behavior – Part Two: The Maritime Periphery," *China Leadership Monitor*, 35 (Summer 2011).
45. For a review of China's claims, see Fravel, "China's Strategy in the South China Sea."
46. For a list of documents that China has submitted to the U.N. relating to its maritime sovereignty claims, see <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/CHN.htm>.
47. Austin, *China's Ocean Frontier*, 207.
48. Michael D. Swaine, "China's Assertive Behavior – Part One: On 'Core Interests,'" *China Leadership Monitor*, 34 (Winter 2011). Uncertainty remains about precisely what language Chinese officials used in their private discussions – namely, whether they referred to the contested islands as part of China's core interests (consistent with Dai Bingguo's formulation of China's core interests in 2009, which included territorial integrity) or whether they referred to the waters of the South China Sea as a whole.
49. *Ibid.*
50. "China-Philippines Cooperation Depends on Proper Settlement of Maritime Disputes," Xinhua News Agency, August 31, 2011.
51. One of China's other civil maritime law enforcement agencies, the coastal defense units of the Border and Maritime Defense Force (*bianhaifang budui*), known as the "maritime police" (*haijing*), has not been active in the South China Sea disputes. These are People's Armed Police units under the Ministry of Public Security and are responsible for policing Chinese ports and coasts.
52. China's position is that the disputes among the claimants should be handled bilaterally, not multilaterally, and should exclude any role for outside powers. Clinton's statement in July 2010 challenged both of these aspects of China's approach. See Secretary of State Hillary Rodham Clinton, "Remarks at Press Availability," National Convention Center, Hanoi, Vietnam, July 23, 2010, <http://www.state.gov/secretary/rm/2010/07/145095.htm>.
53. Qin Jize and Cui Haipei, "Guidelines Agreed with ASEAN on Sea Disputes," *China Daily*, July 21, 2011. (The *China Daily* is an English-language state-run paper in China.)
54. "Viet Nam-China joint press release," June 26, 2011.
55. "PRESS DIGEST – Vietnam newspapers – May 31," Reuters, May 30, 2011.
56. Deng's guideline for this dispute was developed in the 1980s. His intent was to delay the resolution of the contested claims and focus on cooperative efforts in order to prevent tensions in the dispute from harming China's broader bilateral relations with other claimant states. Events between 2009 and 2011 raised questions about whether Deng's guideline still governed China's approach to the disputes in the South China Sea.
57. See *Renmin Ribao*, August 2, 2011, 23.

58. "China, the Philippines Agree to Downplay Maritime Disputes, Enhance Economic Ties," Xinhua News Agency, August 31, 2011.
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61. Dutton, "Three Disputes and Three Objectives," 42-67.
62. Patrick Markowitz, "A Model for International Cooperation at Sea: The North Pacific Coast Guard Forum," n.d., [http://www.jhuapl.edu/cfgms/presentations/NPCGF\\_IMSS.pdf](http://www.jhuapl.edu/cfgms/presentations/NPCGF_IMSS.pdf).
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65. "Presentation of the Order of Lakandula, Signing of the Partnership for Growth and Joint Press Availability with Philippines Foreign Secretary Albert Del Rosario," November 16, 2011, <http://www.state.gov/secretary/rm/2011/11/177234.htm>.
66. China's name for the South China Sea is the South Sea (*nanhai*). South China Sea is the name used by the Office of the Geographer at the U.S. Department of State.
67. Simone Orendain, "US Secretary of State Backs Philippines in South China Sea Dispute," Voice of America, November 16, 2011.
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