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EAST ASIAN HISTORY AND CULTURE REVIEW

REVIEW ESSAY

Disputes about Disputes: Understanding the South China Sea

Bill Hayton, Chatham House

Steve Chan. *China's Troubled Waters: Maritime Disputes in Theoretical Perspectives*. Cambridge, UK: Cambridge University Press, 2016. 250 pp. \$100 (cloth).

Do Thanh Hai. *Vietnam and the South China Sea: Politics, Security and Legality*. New York: Routledge, 2017. 262 pp. \$136 (cloth); \$44 (e-book).

Introduction

There are two sets of legal disputes in the South China Sea: disputes about the “islands” themselves and disputes about the spaces in between the islands. Looming over both are geopolitical contests about which state (or states) will set the rules in East and Southeast Asia. Then, within states, there are disputes about what constitutes the “national interest” and how best to achieve it. Finally, and least importantly, there are further disagreements about how best to characterize and describe all of the above.

The South China Sea has become the perfect sandpit for theoreticians to develop their ideas about how the world does, and should, work. Are humans, and the states they create, simply anarchic individuals who rampage over the land and sea until others of similar ilk bring them to heel? Or are we social beings who form communities and alliances and moderate our dealings with one another in the interests of collective well-being? Are we ego, or superego? Much like the sea itself, the academic sandpit is an environment where rival ideas can coexist until some development forces them into collision.

The first academic discipline to pay attention to the South China Sea disputes was international law, following the 1974 Battle of the Paracel Islands. International relations entered

the sandpit soon after. Sadly, debates on the South China Sea within those disciplines have taken place in academic silos, isolated from insights elsewhere. As I have argued elsewhere, writing on the South China Sea within those disciplines has been predicated on poor evidence bases and a flawed historical narrative of Chinese origin that emerged from the Spratly Island annexation crisis of 1933 (Hayton 2017, 2018).

International relations was founded as a discipline to enable societies to better understand problems such as the South China Sea disputes and to help decision makers resolve them. But it is not clear to this writer that it has the analytical tools necessary to do so without a better engagement with the critical insights available from historians and geographers, among others.

The Perils of Nomothetism

The two books under review here demonstrate some of the diversity of writing within the discipline of international relations. In *China's Troubled Waters: Maritime Disputes in Theoretical Perspectives*, political scientist Steve Chan, following Kant, describes his style as “nomothetic,” “which emphasizes attention to classes of events rather than specific episodes” (vii). Strategic and defense studies scholar Do Thanh Hai's *Vietnam and the South China Sea: Politics, Security and Legality* is an example of what Chan calls the “idiographic approach,” focusing “on the more unique or specific aspects of the situation” (vii). Chan wants to be able to generalize and compare, and he explicitly eschews narratives of “who did what to whom.” Hai, on the other hand, is keen to make clear that it is China who did something to Vietnam. The most obvious criticism to make of his book is that it is written from an overtly Vietnamese perspective. That is a weakness, but also potentially a draw for those interested in the formulation of Vietnamese policy. Chan writes from an ostensibly neutral position, but, as we shall see, his analysis is rooted within a Chinese world view.

Chan's focus is on the Chinese use of force; he doesn't explicitly define this, but his choice of examples makes clear that he means military force. He argues, following the work of political scientist Taylor Fravel (2008), that as China has become economically and militarily stronger, it has been less inclined to use force. He extrapolates from this proposition that as China continues to rise, the prospects for regional peace will become ever better. But is this a useful frame of analysis? What matters to China's neighbors is less the use of force per se than

the use of various forms of coercion—particularly economic pressure. On this, Chan has much less to say. He makes the point that

When China has used armed force, it has fought or confronted the strongest opponents bordering it (e.g., the USSR, India, Vietnam, and, in the Korean War and crises across the Taiwan Strait, the US). In contrast, in those cases where it has enjoyed the greatest military advantage (e.g., over Hong Kong and Macao, as well as when dealing with weaker neighbours such as Afghanistan, Burma, Mongolia and Nepal), it has refrained from using force. (172)

But this tells us nothing about China's bargaining techniques. It was precisely because Afghanistan, Burma, Mongolia, and Nepal are weak states that China was able to get its way without the use of military force. In the case of Hong Kong, the UK was well aware that China could turn off the territory's water and food supplies (Cheung 2012), or impose other forms of coercion, if it didn't get what it wanted in the handover negotiations. It wasn't necessary for China to use force. In the other cases, one might turn the argument around: China resorted to armed conflict because it was unable to get its way by exerting other forms of pressure. This view of the evidence does not tell us that a strong China will be a force for stability; rather, it tells us that a strong China will use its economic and other leverage to demand concessions from its adversaries. That might well create the conditions for the weaker states to respond with force: the opposite of Chan's expected outcome.

By narrowing his concerns to the risk of open conflict, Chan has less to say about the issues that most concern East and Southeast Asian states—the effect of China's rise on their own strategic autonomy. Blandly describing the regional situation as “increasing economic interdependence” (7) overlooks the power dynamics that lie within. The narrow focus on force disguises the many other mechanisms through which China actually exerts influence, ranging from diplomatic pressure and economic leverage to forms of direct coercion (such as the implied threat of military action) that fall short of actual force. There are plenty of examples of actual instances of “economic coercion”: for example, the embargo on rare earth exports to Japan during the Senkaku/Daioyu dispute in 2010; measures taken against Philippine fruit exports during the Scarborough Shoal standoff in 2012; and pressure on South Korean companies during the THAAD anti-missile system dispute in 2017. Power comes in many forms.

Chan's book is intended to offer a new perspective on debates within international relations over theories of "offensive realism" and "power transition." He makes use of an analogy from psychology: the "prospect theory" of Daniel Kahneman and Amos Tversky, "which claims that people tend to accept greater risks in order to forestall a setback or recover from a loss whereas they tend to behave conservatively in the domain of gain (i.e., when they have improved or expect to improve their relative position)" (28). My question is whether a theory designed to explain the actions of individuals can be useful as a guide to the actions of states. This would seem to require a particular view of the way states operate: as monolithic actors. As we shall see, that is not a very good description of the states involved in the South China Sea disputes.

Chan wants to bring insights from other countries' experiences to make predictions about the future trajectories of China's maritime disputes. While one can see that this might be helpful in theory, it is also hard to see how useful comparisons can be made across different geographical and historical contexts. The South China Sea disputes are entirely over rival interpretations of geography and history. If one takes the "history" out of the South China Sea disputes, what does one have left? Can an understanding of geopolitics as a form of Newtonian physics in which states act according to various impersonal forces be useful? Chan states that "the persistence of China's maritime disputes with the other claimants is a result of their discordant expectations" (9). No, it isn't: it is a result of their rival conceptions of history, justice, and strategic interests.

Reducing the disputes to a game of poker removes any understanding of what makes them disputes in the first place. If the South China Sea disputes were simply about reaching a deal, then the deal would have been done by now. Instead, they are about preserving rights to resources, about defending the rights given to states by the international system, about domestic arguments over political orientation, and, ultimately, about national self-definition. It may well be that one doesn't need to understand all of these factors to explain any one decision or episode, but to remove them from the overall explanatory framework just weakens the framework.

Chan states that "one cannot easily explain why Beijing has been more inclined to settle most of its land borders in contrast to its ongoing disputes over the control of small islands to its east and south" (175). What he means is that his chosen analytical framework cannot easily explain it. However, a framework that pays proper attention to history and geography can do so

quite easily. On land, there were states that pushed back against early twentieth-century Chinese territorial dreams and forced compromise. By contrast, the nature of water prevents the permanent presence of state authority, and so Chinese nationalist dreams could coexist in the maritime domain alongside the nationalist dreams of neighboring states. It was only when economic and technological development made it possible for states to have a near-permanent presence out at sea—and particularly after the new rules on maritime resources incorporated within the 1982 United Nations Convention on the Law of the Sea (UNCLOS) incentivized them to do so—that they came into physical collision.

A substantial part of Chan's book deals with internal debates within the field of international relations, and a smaller part with Taiwan. Detailed consideration of the South China Sea disputes is really confined to just four pages of chapter 6 (175–178). Unfortunately, Chan's treatment of the subject is an indictment of the “nomothetic” approach and a strong argument in favor of the idiographic. His characterization of the dispute entirely follows the Chinese perspective. He tells us that “the focus of contested sovereignty... centres on the Spratly archipelago” (175) and dismisses the dispute over the Paracels as a non-issue. Vietnam sees the situation very differently. Chan makes almost no mention of the Scarborough Shoal dispute between China and the Philippines, again taking the Beijing line.

In Chan's account, “China does not have a physical presence in areas claimed by Malaysia” (176). Tell that to the Malaysians! A Chinese Coast Guard ship has been anchored at the Luconia Shoals since mid-2013, and other vessels have obstructed Malaysian oil surveys and rammed their Malaysian equivalents. He also tells us that “China has expressed little opposition to Brunei's oil exploration” (176). Tell that to the Bruneians! A little research would reveal the opposite. Chan also blandly mentions “Beijing's concessions to Malaysia and Brunei” without demonstrating that any such concessions exist. His point of view follows that of the Beijing leadership, which says that China's claims are legitimate and that any acknowledgment of other countries' interests represents a concession.

Chan's characterization of the Philippine international arbitration case against China is also awry. He tells us that Beijing “had specifically opted out of the relevant provision for compulsory dispute settlement (Article 298) when agreeing to the UNCLOS (United Nations Convention on the Law of the Sea)” (177). This is just Chinese spin. The Philippine case was carefully constructed to avoid that particular opt-out, and it required no rulings on boundaries,

merely on which rocks and reefs were capable—under the rules of UNCLOS—of generating which kind of boundaries. This is detail, but it's important to get it right if one wants to take a nomothetic approach and draw generalizable conclusions from the evidence.

Chan's assertion that the claims of Brunei and Malaysia are "more in conflict with the Philippines and Indonesia" (176) than with China is also wrong. Brunei has no maritime border disputes with Malaysia, Indonesia, or the Philippines. Malaysia has settled its continental shelf boundary with Indonesia (although not its exclusive economic zone). The Philippines continues to claim the Malaysian province of Sabah as part of its territory, which prevents the two countries from agreeing on maritime boundaries. However, both governments are far more concerned about China's actions in the South China Sea than they are with each others' actions.

The passage continues with an overtly sympathetic attitude toward the Chinese position. Chan tells us that "Hanoi had agreed with Beijing's sovereignty claims over the Paracels, Pratas and the Spratlys when both countries were allied in their opposition against the United States in the 1950s and 1960s" (177). This is a particularly partisan interpretation of a letter sent by Vietnamese prime minister Pham Van Dong in 1958. The only reason to mention it here must be to try to delegitimize the Vietnamese claim. Similarly, when Chan describes the shooting incident at Johnson Reef in the Spratlys in March 1988, he blithely mentions that it resulted in "several dozen fatalities," without noting that all of those fatalities were on the Vietnamese side, as Chinese warships machine-gunned troops standing knee-deep in rising waters. This impression of affinity with the Chinese position is reinforced by Chan's decision to give us the Chinese name for the disputed features but not to bother with the Vietnamese or Philippine names.

Overall, this passage gives the reader the strong impression that Chan is more familiar with the metaphysics of debates within international relations than with the details of the South China Sea disputes. This is a problem particularly since he proceeds to make global statements based on the evidence of concrete examples. How can one trust an assertion grounded in a claim such as, "From the perspective of at least some of the [Southeast Asian] countries caught up in the maritime disputes in the South China Sea, their own closer neighbors present a more relevant security concern than China, which is farther away" (183). This is the kind of statement that can only be made by someone who hasn't interviewed any policy makers but simply looked at a map and had an idea.

Chan's overall conclusion is strikingly similar to the Beijing leadership's publicly stated view of the regional situation: "I see bilateral and regional ties in the Asia Pacific moving generally in the direction of greater stability and mutual accommodation" (26). It all sounds very cozy—a "win-win situation," as the Beijing leadership would probably put it. Suffice it to say that if the states around China's periphery felt equally confident in the rosy prospects ahead, they would not be reaching out to other states for support, as they currently are. Vietnam, Indonesia, Malaysia, and even the Philippines are all deepening their diplomatic, economic, and military relations with the United States, Japan, India, Australia, Russia, and many others: a clear sign that their leaderships are not confident that there will be a mutual accommodation. The problem they have with China is not its rise per se, but the form of its rise—a rise that comes with particular historicism and an overt territorial agenda. In this, it is not offering a "win-win" outcome but a zero-sum one.

The Joys of Idiography

Do Thanh Hai is a senior fellow at the Diplomatic Academy of Vietnam, the think tank of the Ministry of Foreign Affairs. His book, based on his PhD thesis at Australian National University, is firmly idiographic. It is an account of the evolution of Vietnam's policy toward the South China Sea from the mid-1980s until 2015, a thirty-year period during which relations between Vietnam and China traveled from open conflict to uneasy peace and in which Vietnam transformed itself from an impoverished, closed society to an internationally integrated, middle-income economy. The world still awaits the definitive account of how that transformation came about. Vietnam scholar David Elliott's *Changing Worlds* (2012) was a significant step toward this end, but without direct access to individual memories or to Communist Party and state archives there are limits to what can be known by outsiders.

Given that Hai is an employee of Vietnam's Ministry of Foreign Affairs, his book is, in places, a daring piece of writing. Remarkably, for a work written by a Vietnamese civil servant, it tackles the taboo subject of how leadership policy is formed and changed. One particular marker of Hai's outlook is the use he makes of the unpublished memoir of Tran Quang Co, who was appointed Vietnam's deputy foreign minister at the start of the "reform era" in 1986 and who witnessed the ideological battles within the highest levels of the Communist Party of Vietnam (CPV) as it grappled with reform in foreign as well as domestic policy. David Elliott

(2012) identified three crucial changes in the collective political thinking of the party leadership in this period: the rejection of central planning (which required dropping the notion that the party was always correct); the move away from confrontation and toward accommodation in regional security matters (crystallized in Politburo Resolution 13 of May 1988); and the adoption, in 1991, of the policy of becoming friends to all, rejecting the “two camps” world view in which the socialist camp was locked in permanent struggle with its capitalist rival.

Co, together with the foreign minister Nguyen Co Thach, argued for a “pragmatic” rather than an “ideological” foreign policy. The two then argued strongly for normalizing relations with the United States but lost the argument to the Communist Party’s old guard. In the summer of 1990, Foreign Minister Thach camped out in New York for several weeks, hoping to meet U.S. government officials. It wasn’t until the end of September that he finally got to meet Secretary of State James Baker. By then he had already been outflanked.

On September 2, General-Secretary Nguyen Van Linh, Prime Minister Do Muoi, and his predecessor and party éminence grise, Pham Van Dong, had absented themselves from their own Independence Day celebrations and flown to Chengdu to meet Chinese leaders for the first time since the mid-1970s. Vietnam had turned toward Beijing in preference to Washington. The following year, at the Seventh Party Congress, Thach was dismissed from the Politburo. Co was offered the foreign minister’s job but instead became the first, and apparently still the only, person to voluntarily resign from the Central Committee.

Hai’s view of Vietnam’s policy making toward the South China Sea is strongly marked by Co’s memoirs. He identifies two enduring “schools of thought” within the Vietnamese leadership: “ideologically conservative leaders who prefer a policy of bandwagoning with China for the sake of defending the Communist regime, and nationalist pragmatists who advocate a policy of reaching out beyond the Communist block to hedge against China’s territorial ambitions” (15). It’s pretty clear that Hai puts himself in the latter camp. He is careful to note, however, that “except for the few extremists on the margins of Vietnamese politics, the advocates of both schools agree on the dual goals of preserving the status quo in their neighbourhood and perpetuating Communist rule in Vietnam. However they disagree on the best way to achieve it, especially how best to handle rising China” (15).

For Hai, this ideologue–pragmatist cleavage explains the meandering path of Vietnam’s engagements with China and the United States. This is extremely helpful for foreign analysts,

since the CPV is a cautious, secretive, and sometimes paranoid institution. Having a Vietnamese official such as Hai describe the contours of its internal debates in these terms opens a window into the leadership's collective head. Based on Hai's account, the CPV believes its brothers in Beijing do not want to see it replaced by a non-Communist regime. The Communist Party of China is therefore regarded as an ally against domestic and international subversion, attested to by the two Communist parties' long-standing cooperation on many issues. Seen through this lens, the United States and other Western powers have been regarded, historically, as sources of ideological subversion and threats to party rule.

At the same time, the CPV also fears the consequences of China's economic and military rise. They are nationalists who wish to preserve their independence. While most international attention is focused on the South China Sea disputes, the perception in Hanoi is that this is just one incarnation of a perpetual struggle for freedom. In this struggle, the PRC is the adversary and the United States and Western powers are potential supporters. However, the CPV leadership fears being co-opted into an American "anti-China" agenda that would complicate its own multidimensional engagement with Beijing. Ultimately, the CPV leadership wants Beijing to see it as a bulwark against U.S. interference in the region and the United States to see it as a potential partner in its strategic competition with the PRC. Vietnamese foreign policy is, in essence, the simultaneous pursuit of contradictory goals.

None of this is exactly news to observers of Vietnamese foreign policy, but it is remarkable that a serving employee of the Vietnamese government is prepared to say it in print. It's highly unlikely that this book will get a publication license in Vietnam. Hai quotes a wide range of sources—including "dissident" ones, such as the critical blog *Bauxite Viet Nam*, which emerged in 2013 before being suppressed, and writing by Pham Doan Tran, a journalist often in trouble with the authorities. In places, there is even testimony from unnamed Vietnamese officials.

In a freer society, this book would be almost entirely based on such evidence. Vietnam is not that kind of society. As a result, Hai has to adopt a tactic familiar to Vietnamese journalists: using foreign sources to make the relevant points, in order to avoid any accusations that he is revealing official secrets or taking unpatriotic positions. So, for example, a revealing quote about Vietnam's use of a "larger regional network of interlocking economic and political interests"

(20) to try and constrain China's behavior toward it is attributed to a "Vietnamese diplomat," but the actual source is a 1994 article by the Australia-based analyst Carlyle Thayer.

While the frankness of Hai's account is refreshing, I am unhappy with the terms in which he discusses the Vietnamese leadership's policy choices. In Hai's account, the two schools of thought—"conservative ideologues" and "nationalist pragmatists"—are associated with two distinct strategies for dealing with China: "bandwagoning" and "hedging," respectively (15–19). But these are not indigenous Vietnamese concepts. These terms (along with many others) are the products of international relations schools in Europe and North America. When Vietnamese officials research PhDs in Australia and elsewhere, they are obliged to translate the domestic perception of foreign policy challenges into language that may not directly equate with the original meaning. Does the CPV leadership think of its relationship with China in terms of "bandwagoning" and "hedging"? Probably not, since they are Communists and have a range of Marxist-Leninist terminology with which to express their ideology.

Ideally, analysts such as Hai would be able to interview serving and retired leaders and officials about their perspectives and policy choices. However, in Vietnam, academic access to such figures is almost completely closed. That said, some of the evidence is publicly available—such as the turgid articles published in the CPV's main theoretical journal, *Tap Chi Cong San*, and the equally dull texts approved by party congresses and plenums. Translating the real meanings of these superficially boring documents and exposing the debates and compromises through which they are constructed would be one way to help outsiders understand Vietnamese foreign policy debates from Vietnamese perspectives.

Some key phrases have become reasonably well known. Guidelines for CPV strategy toward the United States and China were laid down by a meeting of its Central Committee in July 2003 through the concepts *đối tác* (object of cooperation) and *đối tượng* (object of struggle) (Thayer 2012). The Vietnamese phrase that is translated as "hedging" is *đa dạng hóa, đa phương hóa*—literally, "diversify, multilateralize." However, the international relations community would benefit from a glossary of Vietnamese foreign policy terms, their literal meanings, how different schools of thought use them, and how their use has shifted over time.

Security studies scholars Alexander Vuving (2006) and Le Hong Hiep (2016) have both done valuable work in this area, but there is still much to do. Hai could do it, but it would lead him into potential conflict with his employer. Instead, we have to discern echoes of his

understanding of the Vietnamese system based on the quotations he chooses from Co's memoir and non-Vietnamese sources and the emphasis that he gives to their various arguments. The summary he provides on page 203 is most eloquent in this regard. Discussing the 2014 oil rig standoff in the South China Sea, he notes, "Vietnamese leaders repeatedly restated the twin objectives: to defend its sovereignty and legitimate maritime interests and to keep peace and preserve friendship with China.... Hanoi calibrated a mixture of defiance and deference to prove to Beijing that its coercions were not worthwhile."

It is not clear to me how useful terms such as "bandwagoning" and "hedging" are in describing real world behavior. I have yet to read an article that discusses the strategies used by a particular state and doesn't conclude that it uses a mixture of them. Leaderships need to be flexible to remain in power, and they will adopt policies based on their needs rather than on abstract academic models. Many officials who work for outward-facing parts of the Vietnamese one-party state, such as the Ministry of Foreign Affairs, have attended Western universities. It would be interesting to know more about how they translate ideas and policy between the liberal models of understanding they must get to grips with abroad and the Leninist world view that dominates policy making at home.

Hai's account demonstrates that the choices Vietnam makes in its foreign relations can be deeply ideological, and not simply the result of impersonal forces acting on a monolithic state. To understand them requires an understanding of the leadership's world views. We need to hear more from the "conservative ideologues" and their conception of foreign policy and learn more about the processes of bargaining through which CPV policy is actually agreed. As Adam Fforde (2017) has explained in the economic sphere, policy in Vietnam—that is, what is formally written down on paper—is what emerges after all the practical fights have taken place and consensus has been reached. We need an academic account of the CPV's understanding of foreign policy written in terms that the CPV would recognize. If Hai had been able to do this, he would have done us a great service; however, he would probably also have lost his job.

Right up until 2001, Vietnam was run by ideologues who put socialism before nationalism. It was the combination of policy failure (a decline in economic growth), an ideological mistake (an attempted turn to China to shore up the "red" position that Beijing rebuffed), and, crucially, the delegitimizing of part of the security establishment resulting from

its involvement in the “Department 2” military intelligence phone-tapping scandal that created the moment for the “nationalist pragmatists” to take over at the Ninth National Congress in 2001.

We might have expected the ideologues to be marginalized after that, but the way the current party general-secretary, Nguyen Phu Trong, orchestrated a sophisticated campaign to prevent Prime Minister Nguyen Tan Dung becoming the next general-secretary at the CPV Party Congress in January 2016 demonstrates that they never disappeared. In a demonstration of how international relations can misinterpret evidence, the visit by General-Secretary Trong to the White House in July 2015 was initially seen as evidence of a change of mind-set by Vietnam’s conservative ideologues. In hindsight, it may simply have been a way for Trong to gain acceptance by the U.S. leadership before embarking on a purge against Dung and his network that he was planning for after his Congressional victory.

Vietnam now has a political leadership dominated by the “conservative ideologue” school of thought, yet its foreign policy orientation was set by the “nationalist pragmatists” at the 2011 Party Congress. That meeting officially made national interest the sole basis of Vietnam’s foreign policy and was followed by “Resolution 22” at the Party Plenum in April 2013, which made “pro-active international integration” a “major strategic orientation of the Party,” according to Hai (208). Nonetheless, the “national interest” is now defined by a leadership that values its close relationship with China and acts accordingly. It’s a prime example of what Chan would call the “principal-agent” problem: the interests of the party are more important than the interests of the state, even though Vietnam is a one-party state.

Vietnam, China, and the South China Sea

Hanoi now faces the problem of fashioning a strategy to protect and maximize its interests in the South China Sea against a much more powerful neighbor. One might ask, “Why bother?” What is so important about a few tiny islets, reefs, and rocks? There are several ways to answer that question: some refer to the islands, and others to the spaces in between the islands.

From a material perspective, the approval of UNCLOS in 1982 created new rights in the sea based on the ownership of coastlines. At the time, it was thought that some of the islands in the South China Sea might be large enough to warrant Exclusive Economic Zones (EEZs) around them. The EEZ concept was created by UNCLOS: it allocates to the owner of an island the rights to the oil, gas, and fish in the waters in a circle up to 200 nautical miles (400

kilometers) in radius around it. Governments quickly realized the importance of consolidating their control of the islands simply to prevent others from claiming them. There are indeed some rich fishing grounds and a few scattered hydrocarbon deposits in the disputed areas.

However, the ruling by an international arbitration tribunal in July 2016 in a case brought by the Philippines against China changed the situation radically. The five judges found that none of the features in the Spratly Islands were actually large enough to be considered full islands. These features were, in the words of UNCLOS, “incapable of supporting human habitation or an economic life of their own.” The tribunal also ruled that the “U-shaped line” (sometimes known as the nine-dashed line) drawn on Chinese maps of the South China Sea since 1948 could not be a legitimate claim on natural resources either.

Taken together, the ruling made the legal position on the ownership of those resources quite clear. Those lying within, at most, 12 nautical miles (about 24 kilometers), of any feature that remains above water at high tide in its natural state belong to the owner of that feature. Outside these little circles, the rights to the resources belong to the nearest coastal state. The effect of this ruling, based on UNCLOS—a piece of international law painstakingly negotiated over nine years by almost every country in the world and intended to be a completely neutral arbiter for disputes between rival states—has delivered big wins to the Southeast Asian states at the expense of rights that many in China had come to believe were theirs. This is exactly what the Philippines had hoped for when it launched the arbitration case in 2013. The large natural gas deposits under an area of seabed known as the Reed Bank now unequivocally belong to the government in Manila.¹ Although Vietnam was not party to the case, it hopes to reap the same benefits in an area of sea off its southeastern coast known as the Vanguard Bank, which is also rich in natural gas. For a state with a rapidly growing economy and a ballooning energy deficit, this is an issue of national security. And then there are all the fish...

The obvious problem for the region, and the wider world, is that the Chinese government, while professing allegiance to UNCLOS, refuses to abandon its claims to the resources within the U-shaped line. Instead, it funds think tanks and academics to imagine new arguments that will provide some quasi-legal basis for its sense of entitlement. The dominant argument currently being put forward is that China enjoys “historic rights” to the resources and navigation rights in the South China Sea. Ironically, this “historic” argument was first made less than thirty years ago, originally in the writings of a Taiwanese academic, Professor Fu Kuen-chen (1996). It was

briefly taken up by the government in Taiwan before being dropped and finding a new home in China. Professor Fu's arguments have, in effect, created the ideological underpinnings for renewed conflicts over resources in the South China Sea, conflicts that UNCLOS was intended to resolve.

The spaces in between the islands are clearly important economically, whereas the value of the islands themselves is almost entirely symbolic, although no less important. They have become markers of identity. I would argue that this became true for Vietnamese in early 1974 and for Chinese as far back as the summer of 1933, in episodes that were both critical moments in the articulation of new geo-bodies for embryonic nation-states.

I borrow the concept of geo-body from Thongchai Winichakul, who used it to explain the emergence of a popular consciousness of "territoriality." In his words,

Geographically speaking, the geo-body of a nation occupies a certain portion of the earth's surface which is objectively identifiable. It appears to be concrete to the eyes as if its existence does not depend upon any act of imagining. That, of course, is not the case. The geo-body of a nation is merely the effect of modern geographical knowledge whose prime technology is a map. (Thongchai 1994, 16–18)

Historian Liam Kelley (2016) has written about the modern Vietnamese geo-body in an earlier issue of *Cross-Currents*. He links its origins to the publication, in 1908, of a geography textbook, *Geography of the Southern Kingdom* (Nam Quốc địa dư), by reformist scholar Lương Trúc Đàm. Dam's focus was on land. What happened in 1974 would extend the geo-body to islands hundreds of kilometers offshore.

France had occupied some of the Paracel Islands during the 1930s in the name of its protectorate Annam. After the Second World War, it reoccupied the western half of the archipelago, while Chinese forces occupied the eastern half.² At the partition of Vietnam in 1956 the islands came under the control of the southern Republic of Vietnam, but they were largely forgotten about. In January 1974, prompted by talk of oil fields and concerned about Vietnam's swing toward the Soviet Union, Chinese forces attacked the Vietnamese-occupied features, capturing the marines garrisoned there and defeating a small naval force. Although a defeat, this battle, which took place a few days before the Tet festival, was portrayed by the Saigon

government as a great patriotic confrontation, a rallying point for a regime that was increasingly threatened by a renewed offensive on land from the “Chinese-backed” Communists.

The sea battle only reinforced a feeling of national violation. The returning sailors and released marines were splashed across the national media as heroes in the Vietnamese nation’s perpetual struggle against China. Weeks later, the Saigon government deployed marines on several of the Spratly Islands (in the southern part of the South China Sea) to prevent China from seizing them as well. By then, attitudes toward China had begun to shift in Hanoi, too. Even before they seized Saigon, Communist forces took over the South Vietnamese garrisons on the Spratlys, also to prevent China from seizing them.

It should be clear, even from this abbreviated history, that these events made the islands a focus for national identity during a time of tumultuous change in Vietnamese society. For the dying anti-Communist regime, the islands became a site of heroic sacrifice. In its narrative, the Paracels were seized by the Chinese allies of their Communist enemies. Evidence of collusion between the two—in particular, their diplomatic dealings in the 1950s—was (and still is) offered as proof of the treacherous nature of the Communist regime. For the Communists, their subsequent role in protecting other islands from Chinese advances allows them to claim that, by standing firm, they were—and are—the most effective defenders of the national interest. Anthropologist Edyta Roszko has brought the story up to date with her accounts of the use of seafaring narratives to this end in contemporary Vietnam (Roszko 2015, 2016).

The islands have played a similar role in modern Chinese identity formation, although the history is more convoluted. I outline the story in detail in a forthcoming article (Hayton forthcoming), but, briefly: Nationalists in southern China first took up the cause of offshore islands in 1909, in the context of disputes with Japan. The Qing authorities annexed the Paracels in June of that year but lost interest in them almost immediately afterward. Chinese attention returned only in the late 1920s, as rivalry with both Japan and France intensified. In mid-1933, when France publicly annexed several of the Spratly Islands, demonstrations broke out in the streets of several major cities and national debate was seized by the perceived need to defend these pieces of “Chinese territory” from foreign invasion.

However, an examination of newspapers and official documents from this time makes clear that few people in China even knew where these islands were! In fact, the Chinese government had to ask the French and American governments for maps to find out which islands

had been annexed. In many newspaper articles, journalists, politicians, and experts confused the Paracels (which China had previously claimed) with the Spratlys (which it had never claimed), and sometimes even the Taya Islands (C: *Qizhou*), which lie just off the northeastern corner of Hainan.

Nonetheless, over the subsequent decade, the Chinese government became convinced that it had a long-standing right to claim all the islands south of its coast, almost as far as Borneo, 1,500 kilometers away. The struggle to “recover” those islands (even though there was no evidence that they had ever been under Chinese administration previously), particularly after the Second World War, became a nationalist cause célèbre for another regime facing Communist advance. Being seen to reclaim the ancestral land from the predations of the imperialist became a badge of honor for the Chinese Nationalists under Chiang Kai-shek. The Chinese expedition to claim the islands in late 1946 was a moment of particular celebration. Later, after the success of the 1949 Chinese Revolution, the Chinese Communists felt the need to assert their own patriotic defense of the islands with innumerable articles and at least one feature film.

This, I would argue, is why the fate of tiny, virtually uninhabitable rocks and reefs has become so important to both regime and people in China and Vietnam. My research has shown how the claims were retrospectively constructed by governments and activists decades ago to justify a newfound sense of attachment to the islands. In both countries, the struggle to claim the islets became bound up with the process of constructing new national identities. China’s claim emerged out of its conflict with imperial powers during a period when the country was being torn apart ideologically and geographically. Vietnam’s claim was also asserted in the midst of a civil war and against an enemy—China—that seemed to pose an existential threat.

In both countries, claims that were constructed during struggles for national independence subsequently became markers of belonging, as fragile, postcolonial states attempted to forge unity after decades of division. The claims evolved into public expressions of national identity. It is no surprise that they became imbued with cultural and political power. For their advocates, historical evidence is less important than emotional certainty.

Particular historical narratives are critical foundations of the legitimacy of the Communist parties in both Vietnam and China. Until the late 1980s, they both claimed to be leading their peoples on a revolutionary road to liberation. After that time, both Communist parties discovered the need to compromise with the capitalist countries and then lead their own

societies to become more capitalistic. Their narratives of national legitimacy had to shift away from the struggle for future socialist utopia toward the delivery of material benefits to their people in the present, underpinned by a story of national salvation in which they saved their countries from foreign invasion and oppression. Hai outlines some of the efforts of the Vietnamese authorities to do this by constructing and reinforcing the notion of a Vietnamese maritime geo-body in the minds of the population (156–163). Just as in China, the key factor is to tell the audience that they are learning about something that has always been true, rather than something that was recently fashioned.

The occupation of the islands is now part of both parties' victory narratives, and the importance of completing that victory—by “recovering” the remainder of the islands for the nation—is reinforced daily in school lessons and the official media. And yet neither party is willing to risk war to force the issue to conclusion. The territorial claim is a journey without end.

The Communist parties in China and Vietnam promote and manipulate national sentiments to one end above all: to remain in power. Nonetheless, they are not entirely cynical in their endeavors. After years of exposure to their own nationalist narratives, they no doubt believe it to be true. The problem for the region is that the “official histories” propagated by each side are mutually exclusive. The claims are framed in terms of rights to entire archipelagos—claims to all of the Paracels and all of the Spratlys. There are shelves full of historical research that refute such exclusivist positions. A more informed approach would tell a story of the ways an ungoverned sea became a partially governed one during the twentieth century. No state ever exerted “historic rights” over faraway waters. The South China Sea has always been a shared domain.

Conclusion

Recent developments—in particular, China's siege on the Philippines' outpost at the Second Thomas Shoal in 2013–2014 and its ongoing blockade of Scarborough Shoal—reveal that the Beijing leadership is intent on occupying more territory. The Beijing leadership apparently remains convinced that China is the rightful owner of every feature within the U-shaped line. This sense of entitlement is derived from an unsubstantiated historical narrative that emerged episodically during the first half of the twentieth century. It is now imperative for peace

in the South China Sea that China is directly challenged to provide verifiable evidence for its claim.

Despite the certainty it expresses domestically, neither China nor any other government is sufficiently confident of its historic claim to ask an international court to rule on the territorial questions at the heart of the South China Sea disputes. To lose in such a public forum would unsettle domestic public opinion, with unpredictable consequences. It is much easier for regimes to act as if they are continuing along a journey toward eventual victory. In both China and Vietnam, the fate of the Paracels and the Spratlys is used to generate popular support for the ruling party—but this is risky. Do the two Communist parties intend to permanently maintain their populations on the edge of nationalist anxiety in order to remain in power and signal their diplomatic resolve to their adversary? If the levels of popular passion become too high, they could become demands for total victory and then criticism of the party for failing to deliver it.

Perhaps the parties believe this is a viable strategy, but both countries—and the region more widely—also need a stable and peaceful South China Sea in order to develop and prosper. This will require de-escalating the disputes. Managing a process through which rival governments recognize that their claims are not exclusive and that others may also have rights will be politically difficult and time consuming. It will, however, remove the key source of conflict and unlock the problem of how best to share the limited resources of the sea.

Given how much national pride has been invested in these tiny islets, it is unreasonable to expect any of the claimants to abandon those they currently occupy. And if none will be given up voluntarily, then none can be peacefully “recovered” by any claimant. The best hope for a peaceful future in the South China Sea therefore is to maintain the status quo—despite vocal criticism from below. All the Southeast Asian claimants have informally reached the same conclusion. China has not—and that is why it poses the largest threat to peace and security in the South China Sea.

International relations was founded as a discipline to enable societies to better understand problems such as this and to help decision makers resolve them. How will the books under review contribute? The work of Do Thanh Hai offers us insights into the contradictory motivations that guide and constrain the Vietnamese leadership. It does not, however, offer any route toward resolution. Instead, it asserts the Vietnamese view of the country’s claims in the South China Sea and frames the issue in terms of Vietnam’s pursuit of strategic autonomy in the

face of rising China. It concludes that “the seeds for strategic partnership between Vietnam and the United States have been sown and the ground is being fertilized because China fails to change its behaviour in the South China Sea” (227). In this, Hai takes a “state” rather than a “party” perspective, one that can be easily situated within mainstream international relations analysis. My question is whether this is sufficient to actually explain the decisions made by the CPV leadership. Although the book does break new ground for an “internal” Vietnamese analysis, it needs a more explicitly “political” explanation to become the definitive account of Vietnamese policy making vis-à-vis the United States, China, and the South China Sea.

Steve Chan’s analysis dismisses the idea that China is “fertilizing the ground” for resistance to its own ambitions. In his view, there is nothing for China’s neighbors, nor other countries, to be concerned about: “The historical pattern of [China’s] foreign conduct suggests that it has become less bellicose and more moderate as its international position has strengthened over time” (208). This bland assurance echoes innumerable official Chinese statements about “win-win solutions” for China and its neighbors. This inability to understand the concerns of those neighbors is what political scientist Edward Luttwak calls “great-state autism,” “the specific effect [of which] is to reduce the ability of the regime as a whole to perceive international realities with clarity, and notably the mounting hostility tracked even by commonly available opinion polls” (Luttwak, 2012, 100). In sum, neither author offers us a way out of the disputes. Hai describes a Vietnamese strategy of resistance, whereas Chan offers only a China-friendly option of submission to the regional hegemon.

The two books also tell us something about international relations as a discipline. Hai makes use of the field’s discourses to analyze Vietnam, but, to me, those discourses obscure, rather than reveal, what is uniquely Vietnamese. Chan positions his book as a critique of some of those discourses, but his point of view is, perhaps unknowingly, anchored within official Chinese state discourses. Taken together, these two perspectives—in effect, the “Vietnamese” and the “Chinese” views of the regional situation—tell us that the problem will endure.

These are the kinds of issues that need to be tackled for peace to prevail in and around the South China Sea. A critical understanding of the historical geography of the region is crucial to get us there. Only with a detailed understanding of how the various claims came to be made and of how the debates around policy are constructed within the rival claimant states can we hope to move forward.

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Notes

- 1 For more on the Reed Bank, see Muscolino (2013).
- 2 For more on these events, see chapter 2 of Hayton (2014).

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