Fishing in Troubled Waters: the U.S. “Pushback” Against China’s Claims in the South China Sea

04/11/2015

The warship, built around the Aegis Combat System and the SPY-1D radar system, came within the 12-nautical-mile zone of territorial waters that China claims around Subi Reef.

Subi Reef (Zhubi Jiao) is a 16 square kilometer atoll in the northern Spratlys surrounding a huge lagoon. It has been built up to feature wharfs and a helipad and support a weather observation station and four-story building housing 200 Chinese troops.

During the unwelcome guests’ visit into the 12-mile-limit surrounding the island, a Chinese guided-missile destroyer and a naval patrol ship shadowed the U.S. warship, issuing warnings through bridge-to-bridge radio. The U.S. crew responded blandly that the Lassen was in international waters exercising its rights.

A “Freedom of Navigation Operation”

What was the purpose of this display of intimidating naval force in waters so far from U.S. shores? It wasn’t, after all, exactly a routine exercise.

The Department of Defense reports that in 2014 the U.S. Navy conducted so-called “freedom of navigation operations”—FONO—designed to assert its navigation rights in waters claimed by 20 countries. But the last similar FONO foray by U.S. forces into the South China Sea was three years ago. According to the *Washington Post*, this latest move followed “months of deliberation” at the Pentagon. So this was a very deliberate signal.

The purpose, according to Secretary of “Defense” Ashton Carter, was to demonstrate that the U.S. “will fly, sail, and operate wherever international law allows, as we do around the world, and the South China Sea is not and will not be an exception.” It was specifically a challenge to China’s interpretation of the United Nations Convention of the Law of the Sea (UNCLOS) as it pertains to territorial waters.

UNCLOS—everyone should be aware—was signed in 1994 and ratified by 163 countries (including China). It is the fundamental set of documents establishing international laws pertaining to international or contested waters. The convention has not however been ratified by the U.S. so the U.S. remains a non-signatory. Nevertheless, when it criticizes China’s actions in the South China Sea it tends to reference UNCLOS.

(Repeat: The U.S. has not committed to the observance of UNCLOS. But it demands others do so. This is a good example of the “U.S. exceptionalism” Obama actively champions.)

The Law of the Sea states, as the U.S. notes: “artificial islands…do not enjoy the status of islands.” But it does distinguish between artificial islands built on submerged formations and those built on coral reefs that had (originally) been submerged in water only part of the time. The latter type, the Chinese assert, can claim the 12-mile limit.

The U.S.’s provocations (what else can you call them?) in the South China Sea are based on the principle that China has no right to enforce either the 12-mile territorial waters principle or the 200-mile EEZ claim around any “artificial” island it claims.

(And based too on the principle that Washington has the right to challenge such claims with warships and surveillance aircraft, to show its allies and the world that it has the will to do so and to prevent China from getting too arrogant in asserting its claims in its own backyard.)

Admiral Harry B. Harris, Jr., commander of the U.S. Pacific Command, referred last May to “China’s preposterous claims to [lands] and land reclamation activities in the South China Sea.”

But this is not really about China’s claims to various islands. If we want to talk about “preposterous” ones, we should note that Vietnam also claims nearly all of the Paracel and Spratly Islands. The Philippines lay claim to some of both, and Malaysia and Brunei both claim some of the Spratlys. And in any case, the U.S. officially “has no position” on the island territorial conflicts, which are obviously none of its business.

(The 1951 “mutual defense treaty” between the U.S. and the Philippines however does appear to commit the U.S. to assist the Philippines if the latter are attacked in the islands Manila claims in the Spratlys. Similarly the U.S.-Japan Security Treaty apparently obliges the U.S. to support Japan should it come to blows with China over the Daioyutai/Senkaku Islands in the East China Sea.)

Despite Washington’s affectation of indifference towards a far-off tangle of claims over reefs, atolls, shoals, lagoons, uninhabited islets without fresh water, the U.S. State Department and Pentagon have been acting surprised and shocked about the PRC’s extensive claims land reclamation activities on and around the isles in recent years.

“Transgressions”: from Ukraine to the Spratly Islands

In June Deputy Secretary of State Tony Blinken, addressing something called the Center for a New American Security, called China’s island-building activities a “transgression.” He called on the world to unite against China’s island building, and demanded its cessation “in accordance with the rule of law.”

But there is in fact nothing illegal about building up maritime possessions you claim as your own. Another nation may challenge you, as when PRC warships clashed with Vietnamese transport ships in the Spratlys in 1988. (Right was established by might; 70 Vietnamese died and some reefs changed hands.) But if you can acquire control over reefs you can surround them with as much concrete as you want.

Washington and some of its regional allies see all this construction as “provocative.” Blinken—as though striving to conjure up memories of the Sino-Soviet alliance of the 1950s—strangely oddly compared it in his think tank speech to Putin’s imagined “provocations” in Ukraine!

Think about that for a minute. What did happen in Ukraine? A democratically elected president was toppled in a violent putsch in Kiev on February 22, 2014. The U.S. had devoted $ 5 billion to support the “opposition,” including prominently the Svoboda Party and the Right Faction, openly neo-fascist organizations. There is good evidence that sniper fire on civilians and security forces in the course of the coup came from the neo-fascists and was intended to generate panic.

When President Yanukovich fled in terror, the handpicked choice of the State Department Victoria Nuland Arseniy Yatsenyuk was sworn into power as prime minister in violation of the Ukrainian constitution. Among the first acts of the new regime was to revoke the longstanding law protecting the linguistic rights of Russian-speakers who predominate in the Donbass region.

It should surprise no one that a secessionist movement arose, (although you notice Russia is discouraging hopes for the separatist regions’ incorporation into the Russian Federation). Historical, linguistic, economic, family and other ties link eastern Ukraine to Russia, so there is naturally Russian input into the separatist forces in Ukraine. It would not require any provocation from Moscow to make that happen. The early attack on linguistic rights was enough to alienate the Donbass, along with the nakedly anti-Russian declarations of the neo-fascists.

It should also surprise no one that the overwhelmingly ethnic Russian population of Crimea, which was Russian territory from 1783 to 1954, and has been the center of the Russian Black Sea Fleet ever since, would favor reunification with Russia.

After the dissolution of the USSR in 1991, Russia had retained control of the naval base at Sevastopol by agreement with Kiev. But the new Ukrainian leadership favored by the U.S. wanted to both join NATO and to expel the Russians from their only southern port. Sevastopol could then become a U.S. naval base and the Black Sea a NATO lake.

In acting to contain the new regime in Kiev, and to secure control over Sevastopol, was Moscow “transgressing”? If you follow Blinken in supposing so, then perhaps you’ll find similar transgression in the actions of some people reclaiming land from the sea, in waters their ancestors frequented, and where they face no violent opposition—like around Subi Reef.

Lots of Nations Are Building on South China Sea Islands

But then, you’ll also find multiple parties building on (formerly) uninhabited rocks in the South China Sea. In fact, the People’s Republic of China started to act on long-standing claims to the Paracel and Spratly Islands desultorily, and only joined in South China Sea island construction projects late in the game.

Mira Rapp-Hooper of the Asia Maritime Transparency Initiative notes that the Taiwan, the Philippines, Vietnam and Malaysia had all built airstrips on previously uninhabited islands in the sea before Beijing even got started.

The largest natural Spratly island, Itu Aba, is occupied by the Republic of China (Taiwan) and has been since 1946, when the Japanese left. The only island in the archipelago blessed with a fresh water supply, it has hosted a permanent military base since 1956. 100 ROC Coast Guard troops are there year round; it boasts a 12,000 meter runway for cargo planes and will soon be able to accommodate frigates and coast guard cutters. Washington has been silent about such construction.

Vietnam seized Southwest Cay from the Philippines in 1975 and has since built a harbor there. The Philippines has occupied Thitu island since the 1970s, building bunkers, an airport and pier. Malaysia occupied Swallow Reef in 1983 and has engaged in considerable construction and reclamation activity. Again, Washington has had no comment.

Aside from Subi Reef, the PRC controls Fiery Cross Reef, which due to reclamation beginning in 2014 has grown to three times the size of Itu Aba. It is now the largest Spratly island. Beijing stations 200 troops there, maintaining a surveillance facility, and is constructing an airstrip for a military base. The U.S. is upset.

On Gaven Reef, China has placed a troop and supply garrison since 2003. Here too reclamation has expanded the island’s territory, and it now features a supply platform with gun emplacements, radar and communications equipment and docking facilities. On Johnson South Reef—a submerged reef built up into an artificial island—there is another concrete platform housing a communications facility connected to a pier.

Yongxing or Woody Island in the Paracel (or Xisha) Islands is inhabited by 1000 Chinese fishermen and military personnel and has an artificial harbor, airport, school, school, bank, hospital, post office, shops and budding tourism industry. These are modest PRC achievements, comparable to those of other nations in the region that are using the South China Sea islands for various economic, recreational and military purposes.

I noticed in the Sunday paper that the aforementioned Deputy Secretary of State Blinken—who again, sees “transgression” here—provided further evidence of his qualities of mind and judgment in an interview on Syria with the French press.

He was quoted as declaring that the Russians “cannot win in Syria” and that “there is no military solution in Syria.” He supports, however, the announced dispatch of 30 U.S. Special Forces to Syria to “direct, train and assist” certain Syrian armed forces in that country.

These forces are perhaps arriving as we speak, without receiving the permission of the internationally recognized government of Syria (the Syrian foreign minister has indeed denounced the deployment) nor that of the United Nations Security Council; nor even a Congressional resolution authorizing the use of U.S. military force in Syria.

In other words, while Moscow is assisting an internationally recognized sovereign state at its government’s request, to preserve it against the worst imaginable Islamist terrorists, the U.S. is helping anti-government armed groups (including those aligned with the al-Qaeda chapter al-Nusra), to fight the professional Syrian state forces that have so far been the most effective against the terrorists.

Without the authorization of the Damascus government or a UNSC resolution, U.S. military actions in Syria are all illegal. If Blinken does not see transgression here, it is perhaps natural for him to find it instead in China’s South China Sea building activities. This is true Foggy Bottom thinking.

But really: what, if any of this island construction, threatens world trade, global security or even the U.S. power structure? Have there been any reports that China is threatening the freedom of navigation in the South China Sea? Does the U.S. really fear that Beijing wants to thoroughly “militarize” the islands? Didn’t President Xi Jinping just reiterate to Obama the other day at the White House that this is not the Chinese plan?

Containing the Chinese Competitor

I don’t think island “militarization” is the issue. I think the cause of mounting South China Sea (and East China Sea) tension is more fundamental. The U.S. is not concerned with the construction of “artificial islands” (in a broader or narrower definition), or even with China’s claims to a 12-mile territorial waters limit around some islands, so much as with China’s rise as a global economic competitor.

In 1950 China had around 4% of the world’s GDP, and the U.S. around 28%. In 1980 the figures were around 5% and 22% respectively. In 2014 they were 13% and 22%. China, having eclipsed Japan several years ago, is expected to eclipse the U.S. as the number one economy by 2030 if not 2021. I imagine this frightens some people in the U.S. ruling class, especially those most infected by nationalism and residual phobias about a (long gone) “Red China.”

Some remember the policy of “containment” of China after the 1949 Revolution, surrounding it with bases in Japan, South Korea, Taiwan, the Philippines, South Vietnam, and Guam. They remember when there were vigorous communist insurgencies in Malaya, Indonesia, the Philippines and Thailand, backed by Beijing (but gradually suppressed with U.S. assistance).

You know how some people can’t seem to accept the fact that the Soviet Union dissolved itself in 1991, and that today’s Russia is a multiparty parliamentary democracy with an oligarchic form of capitalism controlled by the top one-tenth of Russia’s top One Percent? (In other words, a country much like our own and surely no ideological or geopolitical threat to it.)

You know how such people keep slipping up and saying “Soviet Union” when they mean to say “Russia,” because they have an emotional need to posit Russia as an enduring “enemy’? You know who I’m talking about: the Cold War Russophobes who just can’t get the suspicion and enmity out of their systems.

Similarly, there are people who have a hard time letting go of Cold War-era images of an aggressively expanding Red China. In the 1960s we were warned that China, already bordered by other Asian “communist bloc countries”—North Korea, Mongolia, North Vietnam—would, if South Vietnam were to fall, be able to expand communism to all those fellow-Asians in Indonesia, Malaysia, Thailand, the Philippines, etc. (This sensationalistic prediction, recalling

the “Yellow Peril” Kaiser Wilhelm II had warned of in 1895, was called the “domino effect.”)

State Department functionaries who have been to China repeatedly know that it’s a capitalist country much like the U.S. It has been for some decades now. It competes with the U.S.—but not in the realm of ideology. It’s certainly not trying to spread “communism” anywhere; its leadership has indeed been won over by the teachings of Harvard Business School.

And Beijing is not interested in jeopardizing its international trade and investment ties by incautious behavior. Still, even people who grasp this with one part of their minds are so plagued with an “us vs. them” mentality in the other part that it just seems right to send an Arleigh Berke-class guided missile destroyer with all the accoutrements into Chinese-claimed waters, if only to annoy, show these people who’s boss and keep them in line.

On the other hand, there are surely also within this the ten-percent of the one-percent of the people who steer U.S. policy— alongside the Sinophobic war mongers—some so personally invested in China and the preservation of its status quo that they would never want to provoke confrontation in the South China Sea.

The U.S. ruling class does not speak with one voice on China. And there is no single western voice either. Hasn’t British Prime Minister Cameron, welcoming President Xi on a state visit, just proclaimed a “Golden Age” in Sino-British relations? And hasn’t the U.K., the U.S.’s “best friend,” eagerly joined the China-led Asian Infrastructure Investment Bank, resisting Washington’s strong pressure?

The role of the nation-state and its ruling cabinet in committing nations to war is changing due to globalization. Lenin’s famous pamphlet on “Imperialism, the Highest Stage of Capitalism” was written almost a century ago, in 1916. In it, he depicted modern war as a result of contending blocs of bourgeois-led states, driven by the logic of capitalist competition, to re-divide the world’s markets and resources from time to time.

It has been indispensable reading for a century. It certainly helped shape my understanding, as a young man, of the Vietnam War and U.S. wars and interventions that followed. But it’s hard to understand the recent conflicts in the Middle East in terms of inter-imperialist competition. The incipient proxy war in Syria is not fundamentally about U.S.-Russia contention over Syrian markets and resources.

Nor is it, and the other ongoing conflicts from Afghanistan to Libya, rooted in a struggle between capitalism and socialism. It is about State Department plans (which despite the embarrassments and career setbacks of their authors, never die) for regime change in the Middle East versus primarily secular forces.

But maybe what’s going on in the South China Sea is best understood in terms of old-fashioned capitalist competition. There’s a lobby in Washington urging confrontation with China as a good in itself. China’s now the number one investor in African mineral resources. It’s arguably morphed from a socialist republic into a capitalist-imperialist state different from, but in some ways fundamentally similar to, the U.S.

Charles W. Freeman, a former U.S. ambassador to China, told the *American Prospect’s* Robert Dreyfuss in 2006 that Stephen Yates, Dick Cheney’s top China advisor, saw in China “the solution to ‘enemy deprivation syndrome’” after the Cold War.

Dreyfuss reported that top Defense Department officials Paul Wolfowitz and Douglas Feith agreed with this assessment. (This should not surprise anyone; the two are career fear mongers. And their careers demonstrate how energetic ideologues operating as a cabal can lead this particular imperialist country to launch wars that don’t actually even very well serve the One Percent.)

(And the fact that the neocons, these two among them, so deeply responsible for the public packaging of the Iraq War—as one to seize the [non-existent] weapons of mass destruction, and to end Iraq’s [non-existent] al-Qaeda ties—can still teach at universities, receive appointment as “fellows” in tiny “think-tanks” and thus in such officious capacity get interviewed by the media as an “expert” on this or that, and get elder-statesman treatment just shows you: They can get away with anything.)

Imagine if people (including Yates, say, appointed to a key State Department post) wanting to ratchet this up a notch higher planned an incident designed to make China appear (like Russia in Ukraine) an aggressor. Most people would probably buy the media pabulum, at least initially: Russia over here, invading Ukraine; China over here, threatening our freedom of navigation. (Damn it’s a dangerous world. And then there’s the Middle East too!) If there are crazies keen to make the “Asian pivot” a pivot from Middle East chaos and failure to Southeast/East Asia chaos and failure, here’s their chance.

“This Will Be a Regular Occurrence”

Why? Because the Pentagon has committed itself to making these “freedom of navigation” exercises routine. “This is something that will be a regular occurrence, not a one-off event,” an official told the press. That greatly exacerbates the prospects for an “incident.” Modern Chinese history is replete with numerous such episodes, including the Manchurian Incident (1931), Shanghai Incident (1932), and Marco Polo Bridge Incident (1937) in which Japanese forces incited local nationalistic responses that were used as pretexts for more Japanese land-grabbing.

In preparations for such incidents, and explosions of Chinese nationalist sentiment, the Pentagon and State Department are pursuing a concerted propaganda campaign centering around the term “Great Wall of Sand” in the South China Sea.

This “Great Wall of Sand” is of course supposed to call to mind the Great Wall of China constructed over centuries in a vain attempt to keep the barbarian peoples of the northern steppes at bay. It’s supposed to convey an image of exclusion: a chain of artificial islands dubiously claimed by an aggressive (or paranoid) China, militarized to keep out unwanted shipping from its claimed waters.

The “freedom of navigation operations” are all about sending unwanted warships into waters China claims as its own. Although they might also pass through waters claimed by the Philippines or Vietnam (to convey an impression of impartiality) make no mistake: these operations are designed to “contain” China.

China’s Caribbean

But think about it this way. To the south of the continental United States there’s a large body of water called the Caribbean Sea. It covers about a million square miles. For over two hundred years the rulers of this country have seen this as their backwater, their sphere of influence.

Few countries’ governments have seriously contested the U.S. insistence on Caribbean hegemony, questionable though it may be from the standpoint of international law or just commonsense morality. And it’s occasionally been resisted, as when Spain sought to hang onto Cuba—the pearl of its declining empire—and Puerto Rico during the Spanish-American War in 1898. (You remember, that war based on the lie that Spaniards had blown up the USS Maine docked in Havana Harbor?)

But opponents in that sea have been smitten, time and time again. Within my own lifetime alone the U.S. military has intervened to achieve its aims in the Caribbean region, directly or through proxies, in Guatemala, Cuba, the Dominican Republic, El Salvador, Grenada, Nicaragua, Honduras, Panama, and Haiti (and I am probably leaving some out). Effecting regime change in the Caribbean (to protect U.S. agri-businesses and to “prevent the spread of communism”), wreaking regional havoc and spreading suffering among brown people, is a time-honored feature of U.S. imperialist culture.

In 1983, in something called “Operation Urgent Fury” the U.S. military invaded the tiny island nation of Grenada. Washington had accused the island’s left-leaning government of building a runway designed to service Soviet military aircraft. No matter that there were already ten other runways of equal capacity in the Caribbean; or that the runway had been suggested by the former colonial power, Great Britain; or that the financing for the Canadian-designed airport came from Britain, among other nations.

No matter that a Congressional fact-finding mission had determined that the runway was for civilian, not military use. The Reagan administration wanted regime change on the island, made a big deal about a supposed Soviet threat, and took advantage of a coup to announce that U.S. medical students’ lives were in danger such that some U.S. fury was urgently required.

By comparison: to the south of China—a great and vast nation for over 2,200 years—is a body of water a bit larger than the Caribbean. The South China Sea (as it’s generally called) covers about 1.4 million square miles. Like the Caribbean, it’s dotted with islands. Not big ones; large islands such as those constituting the Philippines, and the Indonesian archipelago, border it but are not considered within it by geographers. They are its boundaries.

For over two thousand years the rulers of China have seen this South China Sea as their backwater, their sphere of influence—you might say, their Caribbean. But they have rarely used military force in this sea, feeling no need to do so.

As of 1947, the Republic of China (led by Chiang Kai-shek, then—once again—battling the Chinese Communist Party headed by Mao Zedong) asserted its sovereignty over most of the South China Sea Islands. The claim was based, as it happens, on maps prepared earlier by western geographers who had given the seaway its very name.

This is when the “nine-dashed line” map indicating Chinese territorial claims, constituting a U-shape encompassing most of the South China Sea, was first officially presented to the world, clarifying China’s claims.

At the time the map adduced little comment from China’s western allies. The U.S. was keen on nurturing a close friendship with Chiang Kai-shek, building up China as its great postwar Asian ally, and looking forward to exploiting the boundless Chinese marketplace.

That all changed, of course, with Mao’s triumph in 1949. Thereafter China became “Red China,” targeted and vilified along with the USSR for its audacity in rejecting capitalism, and for its attempts to build a socialist alternative. But the People’s Republic merely reiterated the claims that the Republic of China had made it 1947. And Beijing and Taipei remain united in asserting these claims.

Contested Islands and the “Pivot to Asia”

Today sovereignty over some of these islands and atolls is contested between China (within which, at least for this purpose, we must include Taiwan), the Philippines, Brunei, Malaysia, and Vietnam.

The two main island clusters are referred to in English as the Paracel Islands and the Spratly Islands. (Let’s omit discussion of the three Pratas islands off Hong Kong, occupied by Taiwan; the small sunken atoll called the Macclesfield Bank or Zhongsha Islands east of the Paracels, claimed by China and Taiwan but unoccupied for now; and the Scarborough Shoal claimed by China and the Philippines.)

The Paracels and Spratlys extend from the zone just south of China’s Hainan Island, adjacent central Vietnam, to the waters west of the Philippines’ Visayas island group, north of Borneo. Again—this area is about the size of the Caribbean.

If China successfully presses its case for sovereignty, these possessions could push its southern boundary from around 20 degrees north latitude to around 5 degrees north latitude. They would also allow China, by the terms of UNCLOS, to claim 200 nautical miles around each formation recognized as an “island” as an Exclusive Economic Zone (EEZ).

There are major economic stakes here—not that China’s economy is hurting that badly, or that Beijing is in any rush to exploit the potential riches of these claims. And there are also military applications of the islands if China firmly grasps them. This is what most concerns the U.S. State Department and Pentagon, and the reason they are making a stink, challenging every Chinese claim to sovereignty with an implicit endorsement of the opponent’s claim, whether the latter be Vietnam, the Philippines, Malaysia or Brunei.

As Antiwar.com’s Jason Ditz put it Nov. 1: “The U.S. usually doesn’t get involved in those [territorial] disputes unless one of the parties involved in China, in which case the U.S. always [has] backed the other party.”

Concern about China’s supposed “expansion” into the South China Sea—as well as the East China Sea, where it confronts Japan over rival claims of island sovereignty—is a key reason for the Obama administration’s vaguely conceived “pivot to Asia.” (This “pivot” is widely understood to be an expression of exasperation with expensive, unfruitful and failed military ventures in the Middle East and the will to focus on retaining hegemony over regions of greater import. That does not make it any less dangerous.)

The South China Sea is of extraordinary geostrategic importance. Ships from the Indian Ocean enter through the Strait of Malacca. To the northwest lies the long coast of Vietnam, then the China coast; to the northeast, the Philippines archipelago and Taiwan. Further north, Korea, Russia, and Japan. Ships from Australia (the world’s twelfth largest economy) reach China (Australia’s number one trading partner) through the South China Sea.

This sea is a hub of the world economy. Fully one-third of the world’s shipping transits the South China Sea. Half of the world’s liquefied natural gas exports, around a third of crude oil exports, and about $ 5 trillion in trade pass through it every year. Indonesian and Australian coal reach China and Japan through this body of water. The area is rich in fisheries and contains huge gas and oil reserves beneath its seabed. By one estimate, there are some 17 billion tons of natural gas and oil reserves here, as compared with 13 billion in Kuwait.

It’s no wonder that Washington would insist on the U.S.’s right to traverse this zone at will—not that China contests that, or that this is really the issue. The issue for China is to establish Chinese sovereignty over islands, atolls and shoals that Chinese have visited, described, mapped, used, sometimes inhabited and claimed as theirs for centuries. After the century of humiliation, from the Opium Wars to Liberation in 1949, Chinese naturally aspire to more militantly assert sovereignty over what most perceive as long-claimed territory.

In the northern part of the sea, the Paracel (or Xisha) Islands constitute an archipelago of 130 tiny isles and reefs scattered over 6000 square miles. Beijing has established control over almost the entire chain, and 1000 fishermen and military personnel inhabit the main island (Yongxing or Woody Island). This island has an artificial harbor, airport, school, school, bank, hospital, post office, shops and budding tourism industry.

Vietnam also claims this territory. But while Chinese references to the islands date to the third century BCE, Vietnamese references apparently begin in the fifteenth century, and the Chinese record of visitation and mapping seems much more extensive. The Li dynasty of Vietnam asserted sovereignty over the islands in 1686, 1753 and 1816; Qing China reasserted its claim in 1885; the French colonialists having taken Vietnam claimed it in 1887. As noted above, the Republic of China repeated its assertion of sovereignty in 1947.

In 1956 North Vietnam announced its acceptance of Beijing’s claims that the Paracels as well as the Spratlys were historically Chinese. (Hanoi has subsequently backtracked on this position.) The following year Beijing “transferred” sovereignty over one of the Paracel islands (Nightingale Island or Bach Long Vi Island) to Vietnam. This now hosts a fishery operated by a cooperative of 93 people. There is no real sovereignty dispute about this island with Beijing at this point. But Beijing has since taken control of all the other Paracels.

The Spratly (Nansha) islands, located over 300 miles to the south of the Xisha archipelago cover a much greater expanse (164,000 square miles). Some of their 750 isles and reefs are claimed by Brunei, Malaysia, the Philippines and Vietnam. And as noted above, Vietnam as boldly as China and Taiwan claim them all.

Some Deep Historical Perspective

The Chinese argue, with good evidence, that the Paracel Islands were inhabited by Chinese (subjects of the Tang and Song empires), between the seventh and thirteenth centuries CE. They were patrolled by the Chinese navy in the eleventh century. The Mongol emperor of China, Kubilai Khan, dispatched a geographer to map the islands in 1279. Thereafter the islands were always included on maps of the Chinese empire.

Some of the Spratlys served as Chinese fishing grounds from the Han period (206 BCE to 220 CE). Many of them were named by the Chinese from at least the first century of the Common Era. By the third century a Chinese Buddhist monastery was established on one of the islands. An administrative map of Chinese Empire during the Tang Dynasty, dated 789, includes these

islands.

Both the Paracels and Spratlys were referred to as Chinese territories in a twelfth century Chinese text, and appear on at least five Chinese maps dating from 1724 to 1817. (In contrast, the record of Vietnamese visitation and cartography seems to date to the seventeenth century at the earliest.)

The South China Sea sovereignty claims of the Philippines and Malaysia were presented in the late twentieth century, and based upon the (western) legal principle of *res nullius*. (This term, which means “nobody’s property” in Latin, is used to justify the seizure of unprotected and supposedly unclaimed land.) To this claim the Nation of Brunei adds the argument that some of the islets fall upon its continental shelf and hence belong to it.

It’s not up to me, and I don’t want to deny the claims of countries more proximate than China to some of the rocks they covet. But—there being no general applicable law governing such matters—it seems to me that claims to earliest documented visitation, and evidence for historical awareness unmatched by others, trump claims based on shared continental shelf or assertions of sovereignty based on the *res nullius* principle.

You might object: but there IS applicable law, in the form of the Law of the Sea we keep invoking. But the documents of this convention are quite vague, and do not address some relevant questions. UNCLOS does not, for example, forbid building up reefs that you claim, forming artificial islets suitable for such things as runway construction. It does say that by claiming a reef (such as a coral reef that is submerged in water part of the time, and incapable of sustaining life) a nation acquires the right to claim the surrounding 12 miles as territorial waters and 200 miles as an Exclusive Economic Zone (EEZ).

But it’s not clear on what happens after a submerged formation becomes an island through human agency. The U.S.’s provocations in the South China Sea are based on the principle that China, having created artificial islands over submerged reefs and shoals, has no right to enforce either the 12-mile territorial waters principle or the 200-mile EEZ claim. Thus the U.S. Navy has the right to breach China’s 12-mile claim and test its willingness to defend rights that Beijing (plausibly) believes ascribed to it under the UN’s Law of the Sea.

In any case, as you know, the People’s Republic of China and indeed all the nations quarreling over islands in the South China Sea are parties to the Law of the Sea. The U.S., however (repeat!), is not a signatory, sharing that distinction with a mere handful of nations including Peru, Uganda, and Kazakhstan. Think about that the next time you hear a Pentagon or State Department spokesperson invoking the Law of the Sea to criticize China.

Diplomacy before Western Imperialism: the Sinocentric Tribute System

Looking at the big picture: China has for over two thousand years been known as the “Central Country” (Zhongguo). This is the literal meaning of the term used throughout East Asia to refer to China. It has in fact always been the center of East Asian civilization, spreading out from its inception in the Yellow River basin over three thousand years ago in all directions.

China expanded through a mix of conquest, the cultural transformation of numerous tribes who would come to comprise the Han nationality, and the absorption of non-Han peoples who embraced the Chinese written language and accompanying culture. Its territory reached the coast of the South China Sea by the third century BCE, and during the Han period (206

BCE-220 CE) it came to govern the whole northern coast of the sea including part of what is now Vietnam.

By the first century CE this China had a population of some 50 million, about that of the Roman Empire.

The Chinese—and not just Chinese of Han ethnicity but Chinese Dais who pressed from Yunnan into what is now Thailand, and Yue people from Zhejiang who wandered down to establish “Yue-south” or Vietnam—were always seeking to expand to the south. While the Han Empire incorporated Hainan Island, Chinese fishermen ventured further south to islands that China’s rulers have claimed ever since.

During these two millenia, the rulers of the countries surrounding China—including Korea, the Vietnamese kingdoms, the Ryukyuan kingdom, Southeast and Central Asian states, and (intermittently) Japan—generally viewed themselves as tributary states of the Central Country. That was the theory of international relations then: there was one acknowledged center of wealth, power and legitimacy; trade relations were governed by the Chinese court, so it behooved the trading nation to maintain cordial relations with the court; and in a bilateral disagreement with a third state, China’s support or opposition could be significant.

Before the nineteenth century and the arrival in force of western imperialism there was no “international diplomacy” in this region. There was merely the general, practical recognition of China’s staggering size, wealth, power, military prowess, scientific superiority and general intellectual leadership.

Kings from Korea to Annam to Central Asia sought the Chinese emperor’s seal of approval; it was the premise for trade and friendship. Slavish acknowledgment of the Chinese emperor’s preeminent status (as “Son of Heaven”) brought many advantages in a geopolitical system totally unlike the early modern European concept of equal states. The current rulers in Beijing—unlike the emperors of old—do not feel the need to confer legitimacy upon anyone else; on the contrary, they emphasize China’s principle of non-interference in other countries’ affairs.

But they have surely inherited the expectation that other, neighboring nations so indebted to China culturally would defer to China on territorial issues and—as a matter of course—recognize China’s maritime boundary as indicated in the “nine-dash map” of 1947,—endorsed by the Republic of China (Taiwan) as well as the People’s Republic.

It might in part reflect Han chauvinism and the history of (bullying) Chinese interactions with Vietnam and with Malay peoples. But there’s no doubting Beijing’s contention that the Chinese claims have the deepest historical roots. In her fine book, *When China Ruled the Seas*, Louise Levathes describes the voyages undertaken by colossal Chinese fleets of Zheng He between 1405 and 1433, which reached the coasts of India and Africa. They also of course visited the Paracels and Spratlys. The South China Sea was then, more than ever, unquestionably ruled by the (Ming) Empire’s maritime forces, its islands frequented and sometimes settled by its subjects. China did, in fact, once rule the seas. That is the undoubted and relevant history.

So in short: if any country has a legitimate, historically rooted rationale to lay claim to these mostly uninhabited islets and reefs in this vast stretch of ocean, it is China. Why should this surprise anyone?

Calls for “Peace and Stability”

Echoing the Pentagon, Hillary Clinton’s State Department harped on “peace and stability, respect for international law, freedom of navigation, [and] unimpeded lawful commerce in the South China Sea.” (As though China has actually been impeding commercial navigation or provoking confrontation.) It warned that Beijing “threatened commercial shipping” in the region.

In 2012 the “Center for a New American Security (CNAS)”—one of those innumerable “think tanks” easy to set up and sell to the media as the source of “expert” commentary—called for the U.S. warship number to expand from 285 to 346.

The story got attention, not because anyone knew what CNAS was, but because it combined its hawkish recommendation with the statement, “Diplomacy and economic engagement with China will work better when backed by a credible military posture.” So the U.S. is to strengthen its “military posture” in the South China Sea—to augment “peace and stability” there?

There, where the U.S. has no territorial claims. There in that sea, where the PRC, ROC, Vietnam, Philippines, Malaysia and Brunei all occupy and claim islands.

There—where the PRC and Vietnam have both converted reefs to islands through reclamation, in order to build structures including military runways—the U.S. wants to “strengthen its military posture.” Why?

There has not, in fact, actually been a huge naval buildup (such as suggested by CNAS) since 2012. But from that year the U.S. has maintained a military base in Australia’s Northern Territory, facing the South China Sea. 2500 troops are currently stationed here. Lim Lobe calls this deal with Australia “the first long term expansion of the US military presence in the Asia/Pacific region since the Vietnam War.”

In April 2014 Daniel Russel, the U.S. Assistant Secretary of State for East Asia, threatened the PRC with sanctions (like those the U.S. had applied to Russia) “to put more pressure on China to demonstrate that it remains committed to the peaceful resolution of the problems in the South China Sea.’

In May 2015 Obama accused China of using its “sheer size and muscle” to pursue its South China Sea claims versus Vietnam and the Philippines. In the same month a CNN team was given “exclusive access to join” a surveillance flight over “contested waters” in the South China Sea “which the Pentagon allowed for the first time in order to raise awareness about the challenge posed by the islands and the U.S. response.”

Think of that. The Pentagon was letting the free press tell you about how important these islands are to the U.S., where the Chinese are so intent on challenging us. The breathless embedded reporter—honored no doubt by the Pentagon’s trust—added: “They have learned that the Chinese are themselves displeased by this U.S. pushback.”

So: here CNN glorifies U.S. aerial surveillance over Chinese-claimed territory, embraces (unthinkingly) the notion that China “challenges” the U.S. in the South China Sea, and depicts these flights as a U.S. “pushback”—some sort of rational response to a provocation.

How many hundreds of years ago did this provocation (by China, of the United States) begin? With that Buddhist monastery during the Han period, when the ancestors of what became North

American Anglo-Saxons were worshipping Wodin in the German forests? When did the Chinese start getting uppity with the U.S. over the South China Sea?

The need for pushback’s occurred only recently, as it turns out. As China presses its claims—so far mainly through PR exercises—Washington has adopted the policy of what Beijing used to call “fishing in troubled waters.”)

The Making of an Alliance?

Washington’s closest allies are doing likewise. Japan, which occupies the Senkaku (Diaoyutai) Islands in the East China Sea claimed by China, is seeking support from Vietnam, Philippines, Malaysia, and Brunei in its clash with the PRC. In June 2014 Japan’s Prime Minister Abe Shinzo told ASEAN countries that Japan would (in turn) back them in their own territorial disputes with Beijing.

(Presumably this meant that regardless of the historical documentation China might adduce, Tokyo would take the other’s side simply as a matter of policy.)

A year earlier Abe had written an op-ed in which he warned about the South China Sea becoming “Lake Beijing” and advocated a “diamond” alliance between Japan, Australia, India and U.S. to prevent China from building upon its claims.

In July Philippines president Beningo Aquino requested the U.S. to conduct surveillance flights in the South China Sea on Manila’s behalf. The U.S. State Department announced at the time it supported “the Philippines in enhancing its maritime domainal awareness.” (Read: The U.S. encouraged Manila to proclaim as national “domain” more Spratly islands claimed by the PRC… thus becoming more “aware” of how it can help the U.S. test China’s limits.)

The “pivot to Asia” is indeed a “pushback” against China, a rising economy and a—so far restrained and conservative—re-ascendant military power. It’s a preposterous pushback, an effort to represent the PRC’s reclamation and island-building activities in the region as illegal and as some sort of threat to the freedom of navigation in the South China Sea.

Repeat: the U.S. itself is not a signatory of the UN’s Law of the Sea. Its freedom of navigation in the South China Sea has never been impeded by Chinese claims or construction activity. This is about the exertion of naval military power pitting a rising regional power with an actual interest in developing territorial islands and an external imperialist with regional allies pressing competing territorial claims fishing once again, dangerously, in troubled waters.