Chapter 1
Introduction

Abstract This chapter places the contemporary maritime disputes in the South China Sea in the context of the debate on "Asian Regionalism" and the rise of China. Special attention is given to how the configurations of an entity called "Chinese characteristics" in international relations, and that of a "civilizational state", have given new directions to the concept of "China's Dream" and the "Asian Dream", with consequences for ASEAN as a regional organization and for member states embroiled in maritime disputes. The current tension can only be overcome through an interdisciplinary approach to research and policy that takes on board the social transformation of transborder issues.

Keywords South China Sea · 3-D warfare · Asian regionalism · China · ASEAN · Civilizational state · Legal alchemy · Transborder

The South China Sea—a semi-enclosed stretch of water located between the Indian and Pacific Oceans—has played a major role in facilitating societal interactions in Asian history. During the Second World War it was a major military theatre, and during the Cold War it became an area for surveillance and containment of China by the US. Since the turn of the millennium, in addition to its importance for facilitating intra- and inter-regional trade routes or *Sea Lines of Communication* (SLOCs),[1] this sea has become a field of competition regarding access to, and control over, both marine and mineral resources.

Lack of consensus on the interpretation of specific clauses of the *United Nations Convention on the Law of the Sea* (UNCLOS)—which came into force in 1994 and to which all countries with territorial claims to areas of this sea (China, Vietnam, Philippines, Brunei and Malaysia) are party—plus China's insistence on bilateral

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[1]According to Kaplan (2011), roughly two-thirds of South Korea's energy supplies, nearly 60 % of Japan's and Taiwan's, and about 80 % of China's crude oil imports are transported across the South China Sea. Proven oil reserves below the seabed amount to seven billion barrels, and the estimates of natural gas are put at 900 trillion cubic feet. Foreign Policy; at: http://www.foreignpolicy.com/articles/2011/08/15/the_south_china_sea_is_the_future_of_conflict (1 March 2012).

negotiations are stalling efforts to move towards conflict resolution. Unresolved conflicts have broader implications for the region as a whole. Though hydrocarbons and *liquid natural gas* (LNG) discovered since the 1970s have contributed to economic growth in East and Southeast Asia, maritime tension can put a block on such development. Economic integration and successful patterns of growth during the last decades have much depended on the maintenance of maritime order—ensuring the security of maritime routes that strategically connect the seas of North-East Asia with the Indian Ocean, and the Arabian Sea with the Mediterranean. Competing maritime claims—a legacy of the post-Second World War order—have been kept under control but remain unresolved. With the rise of China as an economic power and as the world's largest oil consumer[2] these competing claims are gaining momentum, bringing deeply-rooted geopolitical tensions to the surface. Failed negotiations and uncontrolled unilateral actions by claimants have metamorphosed into potential geopolitical confrontations, on a scale which could countermine the peaceful coexistence that has supported the trajectory of economic growth in this region.

1.1   The South China Sea Seen from the Perspective of Asian Regionalism

Unlike European regionalism implemented through treaty-based cooperation,[3] for cultural and historical reasons legal and political cooperation among countries of Pacific Asian regions remains weak. What has been called 'Asian Regionalism' so far remains basically a market-driven formation of tightly knit economic cooperation fostered between different actors at intra- and inter-industrial levels both within the region and beyond (Hatch 2010; Grinsburg 2010). This form of regionalism has neither the necessary institutions for resolving intra-regional disputes—especially territorial ones—nor cooperative security arrangements, nor multilateral arrangements to protect the SLOCs.

The *Association of Southeast Asian Nations* (ASEAN) formed in 1967 is the only intergovernmental organization with an explicit commitment to peace and security. Apart from two legally binding instruments—the *Treaty of Amity and*

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[2]China's dependence on oil imports is growing due to the finite limits of domestic production combined with an explosion in car ownership. Oilprice; at: http://oilprice.com/Energy/Energy-General/Whose-Oil-Will-Quench-Chinas-Thirst.html (1 March 2012).

[3]Starting with the *European Coal and Steel Community* (ECSC) in 1951, cooperation was furthered by the establishment of a common market—the *European Economic Community* (EEC), which included a *European Atomic Energy Commission* (EURATOM)—set out in the Treaty of Rome in 1957. Political cooperation proceeded with the Single European Act, which supplemented and amended the Treaty of Rome and came into action in 1986. After the fall of the Berlin wall in 1989, a new chapter in the process of European unification led to the Maastricht Treaty in 1992, paving the way for the enlargement of the community as well as a deepening of economic integration and the setting up of a common currency.

Cooperation in Southeast Asia (TAC) in 1976 and the Southeast Asia Nuclear Weapon-Free Zone in 1995—the organization has traditionally relied on informal diplomacy, good will and patience to resolve conflicts between members. Appealing to international law is considered a measure of last resort.[4]

Concerning territorial disputes in the South China Sea, the main achievement had been the informal process of confidence-building known as the "Workshop Process on Managing Potential Conflicts in the South China Sea", initiated by Indonesia in 1990. This process had produced a joint Declaration on the Conduct of Parties in the South China Sea, otherwise known as the *Declaration on the Code of Conduct* (D of CoC) signed in 2002 by the foreign ministers of ASEAN member countries and China, two years after Vietnam and China finalized the demarcation of the Tonkin Gulf, altering the borderline delimited in the 1887 Franco-Chinese Treaty.[5]

In this Declaration the parties committed themselves to work towards a Code of Conduct in line with the 1976 TAC and the 1995 Southeast Asia Nuclear Weapon-Free Zone to which all five claimants (China, Vietnam, Philippines, Malaysia and Brunei) are parties. In the meantime, to maintain peace and stability in the region, the parties also agreed to keep the status quo regarding the control by claimant states of the islands, islets, and atolls. A key premise underlying the D of CoC is the commitment to pursue peaceful means of resolving conflicts in line with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea (UNCLOS III).[6]

A turn of events took place in 2007 when China's State Council approved the proposal initiated by the Hainan Provincial Government to set up a new city to be called Sansha to administer the Paracel Islands (Xisha), the Macclesfield Bank (Zhongsha) and the Spratly Islands (Nansha), all considered to be within China's sovereign territory. Two years later, China submitted a map to the United Nations that depicted a maritime boundary line (a U-shaped line consisting of nine dashes), which encompasses nearly 90 % of the South China Sea as its territory.[7] This move

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[4]Following ASEAN's unsuccessful engagement under Indonesia's chairmanship to mediate the conflict between Cambodia and Thailand over a long-disputed area of land near Cambodia's 900-year-old Preah Vihear temple, both countries decided to bring the case to the *International Court of Justice* (ICJ) in 2011. The ICJ upheld the submissions of Cambodia concerning sovereignty over the temple in 2013. International Court of Justice; at: http://www.icj-cij.org/docket/index.php?sum=284&p1=3&p2=3&case=45&p3=5 (2 March 2012).

[5]The absence of public debate in Vietnam on these negotiations remains a major flaw from a political point of view, especially regarding the merit or demerit of bilateral negotiations to settle both land and sea border issues.

[6]The purpose of UNCLOS III is to establish a comprehensive set of rules governing the oceans and to replace previous UN Conventions on the Law of the Sea (UNCLOS I in 1958 and UNCLOS II in 1960), which were considered inadequate. China was excluded from the United Nations at the time of UNCLOS I and II.

[7]Along with these administrative and legal declarations, other signs of the country's assertion of its successful image have included the Beijing Olympics (2008), the National Parade (2009), and the Shanghai Expo (2010). China's incumbent President—Xi Jinping—directed all three events (Callahan 2014).

has raised much anxiety among Southeast Asian claimant states about China's position and intention as conveyed through these actions. A key concern is whether the U-shaped line should be taken as representing China's view on the status quo over the sea area enclosed by it in addition to the occupied islands previously agreed upon as the status quo. Apart from seeking clarification from China through diplomatic channels and civilian protests, some claimant states have used various other means to assert their presence on the islands under their control.[8] These events have, in turn, triggered a new surge of nationalist sentiments and historical memories of conquest and domination—shaped and reshaped by new interpretations of state responses. Ethnicity, culture and political systems are becoming intertwined through the media's construction of social identities.

An issue that has received much attention since the beginning of this decade is the idea of China's nationalism being more than an identity attached to the modern state. As a social construct, China's nationalism is an issue of 'identity' built on the notion of a 'civilizational state'—an ancient civilization in the contemporary body of a modern state. Accordingly, a 'civilizational state' distinguishes itself from others in terms of its ancient history, culture, value system, identity, and mode of thinking, despite the transformation of its territorial boundaries through time. In this view, China as a civilizational state is to be considered as having its own intrinsic logic of evolution and capability of generating its own standards and values in order to make unique contributions to the world (Wei-Wei 2011).

This form of nationalism expresses something deeper and more ambitious than the term 'nation state' attached to 'sovereignty' as a key concept in the repertoire of political science influenced by the Westphalian framework of international relations. The civilizational state defined by Wei-Wei[9] expresses a vision with two time frames, retrospective and prospective. The retrospective frame implicitly builds itself on both the long history of this country and a well-documented overcoming of its pains experienced during the fall of the Qing Empire—a period termed as 'Unequal Treaties' with the West—and its defeat in the 1885 war with imperial Japan. 'Unequal Treaties' became interwoven with a 'Century of Humiliation', a

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[8]Some examples are: visits to claimed islands by Philippine politicians in 2011 and the Scarborough Shoal stand-off in 2012; Vietnam's renovation of Buddhist temples abandoned since 1975 and construction of new temples in 2012 on a couple of islands in the Spratly Islands that were under its control; China's construction of Sansha city on Woody Island (13 km^2 of land area) in the Paracel archipelago in 2012 to administer a sea area of more than two million square kilometres or a quarter of that country's total land area; the placement and eventual withdrawal of mega-oil rig HD–891 in May 2014 in Vietnam's Exclusive Economic Zone in July 2014. The most recent initiative by China is the implementation of a large land reclamation project, involving dredgers on at least five features, that aims to turn tiny reefs into islands big enough to handle military hardware, personnel and recreation facilities for workers. On one reef (Fiery Cross), the construction of a runway—long enough to accommodate fighter jets and surveillance aircrafts—is ongoing ("China Building Aircraft Runway in Disputed Spratly Islands"; in: *The New York Times, Asia Pacific*, 16 April 2015: A8).

[9]Wei-Wei Zhang is currently Professor of International Relations at Fudan University in Shanghai. In the mid-1980s he served as a senior English interpreter for Deng Xiaoping and other leaders.

sister term which chronologically documents the key events harming China's identity as the Middle Kingdom known for its perseverance and civilization. Stored in the nation's memories and periodically re-enacted in rituals, these events have created China's geo-body (Callahan 2010) and reinforced its fear of being dismembered (Hu 2000: 147).

The prospective frame draws on the rise of China following the successful reforms since 1978 known as the 'Four Modernizations' initiated by Deng Xiaoping. First articulated in 1984, the theory and practice of 'building socialism with Chinese characters' consisted of mixed forms of public and private ownership competing in a market environment under the rule of a single-party state. Subsequent to the successful transformation of its economy and society, explications of China's remarkable achievement became extended to include the causal relationship between the country's strong philosophical roots and beliefs and economic efficiency. Labelled as 'market fundamentalism' and 'democratic fundamentalism', the Western model is considered less able to respond to the expected transformations in the twenty-first century.[10] The contrast is drawn between the current system driven by current international norms and an approach that takes cognizance of, and adapts to, local conditions (Wei-Wei 2012: 85). The concept of a 'civilizational state' boils down to a projection of China as a country capable of producing a new model of 'development', guided by a political discourse based on 'Asian Values', which resists the Westphalian system of international relations as an alien construct externally imposed on its culture.[11]

Brady (2011) provides a new insight from the perspective of communication sciences. She and her team illustrate how China has made an intelligent move to reshape its propaganda system to 'rebrand' itself in a new image aiming to change perceptions of 'China' as an entity, both at home and abroad. After the crisis of Tiananmen and the dissolution of the Soviet Union, China's leadership needed to set up a friendly image to the world while maintaining the ideals of state communism to maintain order. The rebranding is based on two key slogans: harmony and inclusiveness. Both values are intrinsic to Confucianism as a philosophy. Having been rescued from its vilification by the Cultural Revolution, Confucianism now returns to produce two new notions, 'State Confucianism' and 'Chinese-ness', based on which a new discourse on modernity is being constructed. These two notions are woven together with the imperative of maintaining socialist theory to

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[10]On close reading, Wei-Wei uses the term Western to refer mainly to the US and tends to conflate a wide range of theorizations on the economic and the political into one frame labelled as 'Western'. His measure of 'civilization' contains a mixture of quantitative and qualitative variables, some of which are doubtful: (1) population size; (2) size of territory; (3) rate of economic growth; (4) enduring traditions; (5) a unique society built on the family and community-based structure; (6) a unique language; and (7) a unique political system that blends Western economics with China's humanist traditions. For a discussion on the downside of Chinese traditional culture for innovation see: Van Someren/Van Someren-Wang (2013).

[11]China especially resists the Western-based norms of democracy, good governance and human rights.

ensure internal compliance and broad support through the language of social redistribution. The goal of the rebranding is to bring the message, both to its own society and to the world, that China is an orderly, market-friendly, scientific, high-tech, non-aggressive country (Brady 2011: 1–10).

Initially aimed at fostering affinity with Taiwan's nationals and overseas Chinese, the discursive shift in identity to Confucianism is gradually finding new forms of expression in China's foreign policy, aiming to make its new ideals more appealing and thereby to dispel fear about its rise as a power (To 2011). One of the key instruments of current cultural diplomacy is the Confucius Institute Project,[12] a form of state-sponsored and university-piloted initiative that strives to create a platform for China's projection of its "soft power", despite tension and paradoxes (Pan 2013). The diffusion of China's millennium-old worldview notion of *Tian Xia* (All Under the same Heaven)[13] aims at providing an alternative moral basis for reconsidering the existing form of international relations. Attempts to embed *Tian Xia* in broader debates on contemporary international relations and world order[14] find their manifestation in the discourse on China's responsibility to the world, which emphasizes not only a country amassing economic and military capabilities, but also one capable of creating new world concepts and new world structures (Callahan 2008). The latest articulation of China's new image was expressed in President Xi Jinping's key concept of the 'China's Dream' during a meeting with US President Barack Obama in June 2013. The term was readjusted to the 'Asian Dream' during the *Asia–Pacific Economic Cooperation* (APEC) meeting in November 2014.

The projection of the notion of a 'civilizational state' on to neighbouring countries has produced mixed reactions. At one level, it can be perceived as a general attempt to extend China's sphere of influence. Along with the unfolding disputes in the South China Sea, the concept of a civilizational state has been

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[12]Between November 2004 and August 2011, the People's Republic of China established a total of 353 *Confucius Institutes* and 473 related Confucian classrooms in 104 countries, all of which are "aimed at developing Chinese language and culture teaching resources and making services available worldwide, meeting the demands of overseas Chinese learners [and other learners] to the utmost degree, and contributing to global cultural diversity and harmony" [PRC Ministry of Education 2012, cited by Pan (2013: 2)].

[13]Debating *Tian Xia* as a cosmology and moral discourse merits a separate discussion. Callahan noted the progression of views of the prominent Chinese philosopher Zhao Tingyang, starting with elaborating the meanings of *Tian Xia* in China's ancient thought through to his recommendation that contemporary China should draw on its own cultural resources to build the All Under The Same Heaven system for a unified global government, which will guarantee peace and harmony for China and the world (Zhao 2005, 2009, 2011 in Callahan 2014). For a comparative discussion on Confucian cosmology and the conceptualization of security, see Brauch, Oswald Spring, Mesjasz et al. (2008: 173–310).

[14]Interest in the building of an *international relations* (IR) theory with Chinese characteristics dates back to Mao Tse-tung's call in 1965 when he advocated such a theory under the guiding principle of Marxism. This call was dropped after the start of the Cultural Revolution (Chan 1998: 17–18).

received in some countries as embodying the protection of China's identity and territoriality as well as its perceptions regarding security. Within the Asia–Pacific region sovereign states are also sensitive to China's ancient tributary system—a means of promoting trade and culture that also expresses the legitimacy China's domestic rule and ensures security at the frontiers (Zhang 2009). There are underlying reservations in some neighbouring countries about the implications of the revival of the tributary system under *Tian Xia* in modern-day international relations. The Chinese world view of *Tian Xia* is firmly based on the Confucian concept of the universe, in which there is neither a defined entity with a finite boundary and related concepts such as sovereignty and territorial integrity, nor a notion of legal equality between the constituent units (Qin 2009: 26–50). This world-view places China as the dominant actor responsible for maintaining stability between member polities. The appeal to the wisdom of *Tian Xia* in China's geopolitical strategy to regain its millennium-old status has caused concern among some neighbours regarding the norms imperial China had deployed to restrict the diplomatic autonomy of its tributes, and in some cases also internal governance. Ancient Chinese thinking on foreign relations combines benefits and sanctions provided to the sub-powers for overcoming inter-state conflicts to ensure China's own stability in the regional hierarchical order (Chun 2009). Without a clear assessment of China's contemporary norms in international relations relative to others, the position of China's neighbours as legal equals in negotiations on the resolution of maritime conflicts risks being undermined.

The entity called 'Asia' is actually a heterogeneous region with multiple cultural frameworks that have interacted and built on each other historically, producing many layers of civilization with subtle differences. This makes 'Asian Values' a slippery analytical category in itself (Cauquelin et al. 1998)—apart from how people practise these 'values' in their daily lives, as well as the tensions that ensue from the different interpretations. In that respect, it must be noted that Southeast Asian countries have developed complex structures of relations between their polities. With the exception of Vietnam's being China's vassal state for a millennium, with periodic autonomous rule and a shared notion of sovereignty based on land boundaries defined in terms of mountains and rivers, other polities might have entered China's tributary system on occasion but they did not necessarily see themselves as an actual part of the East Asian hierarchical system of foreign relations. Engagement with any major power was often a means of constructing a favourable regional set-up for themselves rather than submission (Manggala 2013).

Although contemporary China may have in mind the process of constructing one 'Asian' identity, ASEAN countries are actually too heterogeneous to presume a mono-principled and durable mode of regional cooperation based on Chinese characteristics labelled 'Asian'. Despite the clear commitment to the rules of open trade made prior to its entry into the *World Trade Organization* (WTO) in 2001—a commitment which earned the support of the US—China's attempt to restore civilizational glory tends to goes hand in hand with a mixed record with respect to

compliance.[15] Analytical attention to the subjectivism embedded in the category of 'Asian Values' is necessary to explain the merits of the underlying norms that guide policy practices, as compared to other forms of subjectivism such as the Westphalian framework of international relations.[16] On the maritime front, despite its commitment to resolve boundary disputes through international law, China has also promulgated its own maritime laws with excessive claims. In the South China Sea haphazard evidence of its "historical rights" based on its tributary system has been used (Hayton 2014). To date, China's foreign policy guided by the concept of 'civilizational state' appears to have allowed the government to dodge international law while being party to UNCLOS.

The lack of progress in translating the Declaration of the Code of Conduct—a document of intent—into a fully binding Code expresses the character of power imbalance in the region. At one level, there is a notable absence of strength expressed through a style of diplomacy known as the 'ASEAN Way'—a form of bilateral persuasion that avoids confrontation by according due respect to one another's situation and cultural dispositions (Djalal 2001). This exposes ASEAN individual member states to China's political pressure and economic influence. The fact that the US—a hegemon in the post-Second World War order—initiated the laborious work on UNCLOS, and signed the agreement in 1994 but has not yet ratified it, does contribute to the climate of ambivalence. This has not only weakened US political credibility in the region but perhaps also given China, as a rising power, the chance to emulate this behaviour by deploying its norms concerning bilateral negotiation using its national maritime law as a standard, since it cannot backtrack its ratification of UNCLOS.

Nearly two decades ago, the eminent scholar Johnson (1997) prophetically warned that failure to understand China's rise and America's lack of a serious long-term view regarding its relations with the East and Southeast Asian regions could create an environment unlikely to foster a peaceful resolution. He suggested that China's attempt to recover maritime territories, some of which were lost to foreign powers during Qing rule, plus any delay in clarification and substantiation of these claims, would likely exacerbate nationalism, potentially bolstering willingness to employ military means to balance its sovereignty issues with its economic and security interests.

What Johnson did not foresee was a 'three-dimensional warfare' process, distinct from the conventional craft of war, which uses step-by-step strategies in a long-term time frame and aims at keeping the US Navy at bay to create an alternative maritime order favourable to China. The defence concept of '3D warfare' was proposed in 2003 by the *People's Liberation Army* (PLA) and approved by the Chinese Communist Party, its Central Committee and the Central Military Commission. It embodies legal, psychological and persuasive tools built on the belief that war is not

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[15]Some major issues are the restrictions on the export of various forms of rare earths, intellectual property rights, and failure to enforce its own law on food safety (Aaronson 2010).

[16]For a debate on non-Western international relations, see Acharya/Barry (2010).

simply "a military struggle, but also a comprehensive engagement in the political, economic, diplomatic and legal dimensions" (Walton 2009: 15). The concept considers nuclear weapons to be of dwindling potency due to problematic outcomes and 'un-won' wars; war has thus to be fought with other means (Halper 2013).

Countries that are parties to the maritime territorial disputes in the South China Sea are generally aware of China's military strategic culture derived from Sun Tzu's *Art of War*—a practice which aims at creating a favourable disposition of forces such that fighting becomes unnecessary or undesirable (Mahnken 2011). Bilateral quiet diplomatic practices based on mutual interest between states without the recognition of legal equality can face their limits when an agreement on a legal framework of conduct cannot be achieved among the parties in dispute. The Philippines became the first claimant who, in November 2013, rejected bilateral negotiation with China and sought international arbitration as the last resort.[17] China immediately responded with a curt announcement of its *Air Defence Identification Zone* (ADIZ) covering disputed territories with Japan and South Korea, and soon afterwards a senior Chinese military officer and researcher at a Military Academy of the *People's Liberation Army's Navy* (PLAN) caused further anxiety by stating that the establishment of an ADIZ over the South China Sea "would be necessary for China's long-term national interest".[18] These announcements raised new concerns about the apparent link between the notion of a 'civilizational state' and the concrete reality of 'resource nationalism' which can have an extended meaning that also covers the SLOCs and overflight.

The articulation of 'national interests' by state actors at different levels of administration has raised new questions about how 'nationalism' may be used as a frame to implement three types of warfare—psychological, media and legal—to achieve the political end of expanding the maritime frontier (Halper 2013). The success of these types of warfare has found its expression in China's recent and massive land reclamation activities in the South China Sea on at least seven disputed reefs and atolls within the Spratly Islands group. When seen from the vantage point of the previous agreement to maintain the status quo, the 2014–2015 construction on Fiery Cross Reef may now be considered as a *fait accompli* of a 'land-grabbing' effort by means of landfilling to realize a 3,000 m-long airstrip—enough to accommodate fighter jets and surveillance aircraft and to ensure sea and air control.[19] To psychologically reassure its neighbours, China links the notion of territorial rights to its international responsibility. Its Ministry of Foreign Affairs explained the main purpose of this ongoing construction work in terms of enablement of its international responsibility "to provide all-round and comprehensive services to meet various civilian demands besides satisfying the need of

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[17]Although the Philippines invited other claimants to join the initiative, none had come forward at the time of writing (May 2015).

[18]In: *The Diplomat*; at: http://thediplomat.com/2014/02/pla-officer-china-must-establish-south-china-sea-adiz/ (1 March 2014).

[19]HIS Jane's 360; at: http://edition.cnn.com/2014/11/24/world/asia/china-south-china-sea/index.html (27 December 2015).

necessary military defence in their functions".[20] China's Chief of Naval Operations, Wu Shengli, subsequently clarified to his US counterpart that the United States and other countries would be welcome to use these civilian facilities for search, rescue and weather forecasting "when conditions are right", and that the building work would not affect freedom of navigation or overflight.[21] Carl Thayer, an expert in the Law of the Sea and the South China Sea, has reformulated what had been called "land grabbing" as China's success in legal alchemy, notably the transformation of UNCLOS rules into "international law with Chinese characteristics".[22]

The relationship between China's sovereignty claim in the South China Sea and its definition of this sea as a 'core interest', considered to be on a par with Tibet, needs to be treated as an object of research in its own right, by discerning those extant internal and external relations which have provided the necessary material and ideational conditions for its emergence. As noted by Mahnken (2011: 12), one of the four features of the strategic culture of China is the figurative definition of the 'natural' position of the Middle Kingdom depicted by Emperor Gaozu (566–635) of the Tang Dynasty as follows: "China is to the lesser peoples as the Sun is to the stars." Foreign policy thus consists of "keeping a firm rein on the territory of inner China; neutralizing Mongolia, Tibet, and Turkistan; achieving hegemony over outlying regions, such as Korea and Vietnam; and working out a relationship with the rest of the world". Although the South China Sea did not figure in this 'natural' position, it has now acquired the status of a "core interest" (Yoshihara/Holmes 2011). The emergence of this new 'core interest' should be placed in an appropriate temporal frame to discern (a) the transient or enduring aspect of its character, and (b) the conditions that may shape a new consciousness and motivation in pursuing, or altering, the declared interest along with implications for the conduct of international relations in the future.

1.2 A Critical Realist Approach to Research on the South China Sea

The unfolding events in the South China Sea, particularly since 2007, necessitate a new research approach that can come up with rigorous explanations of the social transformation that has enabled China to adopt a relatively persistent conduct that foils its actual intention. Practices of 'soft power' to disable the resistance of its opponents have enabled new achievements in its maritime frontier south of its land

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[20]In: *The Diplomat*; at: http://thediplomat.com/2015/04/beijings-fait-accompli-in-the-south-china-sea/ (15 April 2015).

[21]South China Morning Post; at: http://www.scmp.com/news/china/diplomacy-defence/article/1783156/china-says-us-welcome-use-bases-built-disputed-areas (1 May 2015).

[22]In: *The Diplomat*; at: http://thediplomat.com/2015/06/no-china-is-not-reclaiming-land-in-the-south-china-sea/ (12 June 2015).

border. In China's contemporary parlance, the concepts of 'sovereignty' and 'interests' can be treated neither as given nor as social construct. They must be subject to historical and sociological analysis to reveal their enduring meanings plus the ongoing modes of structural elaboration. Acknowledgement of the social roots of knowledge—its epistemological origins and the role of self-reflection in human cultures—is important in order to discern those aspects with the potential to generate, reduce or transform conflict.

The current tendency in research on the South China Sea is to draw on the Westphalian framework of international relations to frame issues in distinct domains of concern such as: (1) sovereignty, the Law of the Sea and its administration; (2) the regional political economy; (3) security and transboundary issues (under-seabed and marine resources such as hydrocarbons and fishery; safe navigation for commerce); (4) the codification of meanings related to the legitimacy of control and to conflict. Each approach has its own epistemology and its own ways of establishing empirical regularities and explaining causation, thereby generating its own internal conversation about validity without paying sufficient attention to transdisciplinary and trans-cultural challenges.

Built on a unified ontology comprising the real, the actual and the empirical, *Critical Realism* (CR) provides a coherent guiding meta-approach that requires clarification about social ontology before proceeding with methodology and explanation. Forms of knowledge are to be treated as something nested within their distinct 'supra-discourses', ontological and epistemological beliefs. The ways in which a society (or a group of people) understands the nature of the world and how it can be known cannot be taken as given, but must be subject to analysis. This clarification is not only scientifically significant but also politically relevant.

Observable changes in governing the seas and oceans only make manifest a temporal aspect of an enduring reality: a spherical earth with a punctured surface embraced by a body of water, of which the South China Sea is a part. Human activities past and present have generated different frameworks for understanding the seas and will continue to do so. Just as space and time are not absolute concepts, neither are governmental borders and the methods of asserting them. Actual practices of claiming and controlling, based on certain norms (Westphalian, *Tian Xia*'s, or others), are historically and sociologically produced. They have their own timeline, strength, and internal contradictions. Recognizing this invites us to question current thinking about 'maritime space' and the historical practices of demarcating borders, as well as the relations and processes leading to disputes as manifested today. How self-centred perceptions, whether based on individualism, ethnicity, class, nationality, or a given civilization, arose and became linked to particular political agendas constitutes an object of research, especially into how these perceptions have eclipsed the reality of the earth and the body of water embracing it.

Chapter 2 provides an overview of *Critical Realism* (CR) as a philosophy, emphasizing the added value of considering a unified meta-ontological frame. Additional insights contributed by Archer's (1995) morphogenetic approach to historical and social analysis are discussed in the light of social transformation. This

approach may help to deepen comprehension of the current state of affairs in the maritime domain in question. Chapter 3 offers a Foucauldian genealogical analysis of the emergence of the sea situated south of China's land border as an international problem subject to different perspectives and actions at different points in time.[23] Changing patterns of use and identification reflect the underlying continuities and discontinuities of ideational corpuses and power relations operating through the centuries over this body of water.

Chapter 4 draws from the debates on UNCLOS to show China's strategy for claiming sovereignty in the South China Sea as an evolving process with periodic adjustments to the conditions on the mainland. It will show how 'historical facts' were used in combination with a unique way of interpreting UNCLOS to defend China's position in contemporary disputes, and that this calls for more scrutiny about the understanding of 'borders' in the transition from an empire to a republic (Hayton 2014). This is a major question needing careful research and consideration.

Though China's contemporary position regarding the South China Sea might be interpreted as an active revival of cultural and ideational forms of suzerainty characteristic of the tributary system during imperial times, a major temporal difference in the defining of borders is to be noted. Whereas in imperial times China considered itself as the centre of a land-based universe with Hainan Island representing its edge,[24] today the same island is established as a province tasked with the responsibility of administering and overseeing the country's incremental moves to control the South China Sea. Contemporary China's maritime policy towards the South China Sea could be seen as a 'structural elaboration/reproduction' (in Archer's terms) of a deep-seated tendency for self-protection by securing its physical, economic, cultural and emotional borders.

This may nowadays also be seen as a 'technical project', one that seeks to persuade neighbouring countries to welcome a Chinese-led 'Asian' identity—a normative entity to counter the Westphalian system of international relations on which postcolonial societies were built. Meeting the challenge posed by China to the Westphalian concepts of sovereignty and the nation state under international law requires an understanding of the concept of 'interests' as an outcome of complex interactions between material, ideational and emotional elements, and of how the two moral values of 'harmony' and 'inclusiveness', advocated under the term of 'civilizational state', are contingent on, and informed by, practices of an ancient culture. Their validity has to be evaluated to avoid the claims being considered misleading, misunderstood, or perhaps illusionary.

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[23]In ancient times, Chinese scholars called the East China Sea *Donghai* (東海) or the 'Eastern Sea', and the South China Sea *Nan Hai* (南海) or 'Southern Sea'. The contemporary names of the East and South China Seas are used here without any intention to prejudice any party among the claimants.

[24]Hainan was also known as *Tianya Haijiao* (天涯海角) or 'The Edge of the Sky' and 'The End of the Sea'. *Tianya Haijiao* is used today in promotional campaigns by the tourist industry for its remoteness and beauty. Sanyaweb; at: http://www.sanyaweb.com/sight_sanya_the_end_of_earth.html (1 March 2014).

Chapter 5 concludes with a proposal to address seriously the danger of onto-logical fallacies that may serve as the seeds of violence. Just like any other state system in the evolution of human civilization, both the Westphalian framework of international relations and China's 'civilizational state' have their distinctive timelines and ontological assumptions about 'being human'. Norms derived from these assumptions define the nature of ruling and institutional concerns in inter-state relations. The measure of 'civilization' should not be restricted to material and cultural wealth, but should also be defined in terms of motivation to achieve sociability plus the capability to draw insights from different traditions for co-learning. Reorienting the structural tendency to dominate and control towards practices which benefit humankind writ large requires awareness of the different views of 'humankind' within a particular ontology of state power. Though the 'All-Affected Principle' of cosmopolitan democracy may find its counterpart in the Confucian notion of *Tian Xia*, 'All under the Same Heaven', there is a substantive difference in the notion of the supreme authority: constitutional law in the former and 'Heaven' embodied in an emperor as a wise ruler in the latter. In practice, Confucian wisdom has often partnered itself with the legally sanctioned absolute power of the emperor, a centralised state, a meritocratic government, and unity of form of thought—the basic measures to maintain an enduring community of grand harmony often at the expenses of innovation (Van Someren/Van Someren-Wang 2013).