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# RSIS COMMENTARIES

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## **Asian Diplomatic Ambiguity – Calming the South China Sea?**

By Alan Chong and Emrys Chew

### **Synopsis**

*The ongoing standoff between Beijing and Manila over their rival claims in the Spratlys may never be resolved through standard frameworks of international law. The best way forward may lie in the Asian way of diplomatic ambiguity.*

### **Commentary**

RECENT ATTEMPTS to prescribe solutions to the ongoing standoff between Beijing and Manila over their rival claims to the Spratly Islands in the South China Sea combine large doses of good intentions with a clinical approach to international law. These are unlikely to be taken seriously simply because they ignore the thick political contexts entangling the rival claimants.

For starters, some international legal consultants have suggested that Chinese positions may well be untenable according to baselines asserted under the United Nations Convention on the Law of the Sea (UNCLOS) that are drawn from a submerged “Macclesfield Bank”. Likewise, Filipino claims to Scarborough Shoal via the argument of an Exclusive Economic Zone (EEZ) extending from the Republic’s main islands are equally contestable in a court of international law. Then, in late April, an International Crisis Group report attributed Chinese aggression to severely inadequate inter-ministry coordination and the political exploitation of nationalism by the Chinese Communist Party.

All these prognoses assume, dangerously, that history, memory and informal maritime practices on the ground are marginal to the current standoff. The reality is that these non-litigable and non-technical factors loom very large in the daily practice of Asian international relations.

### **History and memory in Asian international politics**

Many policy circles forget that 21st century Asia still grapples with the crippling legacies of past centuries. The traumas of alien jurisdiction imported under colonial conditions from the West have left scars etched deeply into both psychological mindscapes and political landscapes.

China, expressed in terms of the collective destiny of a People’s Republic unified in 1949, was heir to a grand nationalist revitalisation project. Commencing in the late 1880s with Sun Yat-sen’s global outreach to rally the Chinese diaspora towards a modern political awakening, such nationalism brooked no compromise in pursuing

a restoration of unity to the Chinese people. It was emphatically territorial: from the xenophobic attempts to regain sovereignty conceded from opium wars, gunboat diplomacy and unequal treaties over a “century of humiliation”; through the studied obstinacy of Chinese communist officialdom towards Chris Patten’s policies in the run-up to Hong Kong’s handover; to the non-negotiable goal of “recovering” Taiwan.

The Filipino struggle, expressed militarily and intellectually, first against Spain and then the United States, was about proving themselves ready for national independence. Ironically perhaps, it would take José Rizal’s writings to demonstrate how a Chinese-Filipino mestizo could become the equivalent of a Johann-Gottfried Herder of the Filipinos, awakening a spiritual nationalism that located its homeland in the Philippine archipelago.

For Filipino and Chinese nationalist alike, World War Two was significantly about fighting a just war for one’s pride and home against an imperial foreign power. The Cold War reiterated the territoriality of Philippine nationalism when the United States concentrated a vital part of its Cold War containment facilities at Clark Air Base and Subic Naval Base. The US military had to evacuate those bases by 1992 owing to resurgent Philippine nationalism in a more fluid post-Cold War order. Both the Chinese and Philippine nation-states would thereby embody a collective spiritual need to defend or recover “lost” territories.

### **Porous borders, fluid frontiers**

The collective nationalist urges to dominate and demarcate territory notwithstanding, history has also yielded boundary-defying patterns of social commingling between peoples on the ground. Before the militarisation of rival claims in the mid-1970s, virtually all reports on the Spratlys indicate that fisherfolk from claimant countries availed themselves regularly of the abundant fish stock in these waters without heeding the maritime boundaries. Commercial vessels of all sizes and flags have transited the disputed waters on their cargo routes.

Significantly, Beijing and Manila have both promoted tourism in the disputed zone, even though both governments argued simultaneously that such activities reinforce territorial sovereignty. It emerges that the nature of human social activity has added a seemingly universalistic layer of virtual claim on a “regional commons,” thereby defying any straightforward assertion of sovereignty.

Yet such mixed-usage, boundary-defying patterns of human activity are rooted historically in Asian political cultures, pre-dating even the Western import labelled as the nation-state. Itinerant traders, nomadic fisherfolk, international tourists and pan-Asian missionaries of every religious persuasion have crisscrossed Asian maritime frontiers without regard to sovereignty as we know it. Occasionally, these travellers and traffickers were subjected to piratical attack, but just as frequently, they put into ports along their transit routes in the South China Sea and Malacca Strait on the basis of the port’s reputation for just governance, religious piety, and “value added” commercial services.

An informal variant of “proto-soft power,” to use today’s fashionable term, thus attracted respect for territoriality on the open maritime commons since ancient times. It is hardly surprising that the sources of piracy in Asian waters continue to baffle modern Asian governments.

### **Virtue of diplomatic ambiguity**

The current impasse in the Spratly Islands dispute is therefore unlikely to be resolved through neo-Westphalian, legalistic frameworks. Both Beijing and Manila, alongside the remaining four claimants, will need to reconcile the conjoined histories and memories that drive their sovereign territorial nationalisms with the informal maritime practices on the ground.

There is already a guide to handling this – the structural face-saving ambiguity inherent in the ASEAN Way. Both Manila and Beijing could find some non-political reason such as maritime safety (or specifically, safety of fishermen on the open seas) to produce a common reason to stand down. Even the ongoing third party-involved joint oil exploration and extraction ventures could be considered a continuation of the time-honoured practice of sharing an Asian commons.

Ambiguity is not necessarily a political taboo, much less a sin against national public opinion. Rather, it presents an alternative way out of complex entanglement that cannot be unravelled through legal technicalities. Indeed, the Chinese would do well to heed their own peaceful slogan – “shelf disputes, jointly develop” – thus laying to rest the spectre of a gunboat diplomacy that recalls their own troubled past.

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