

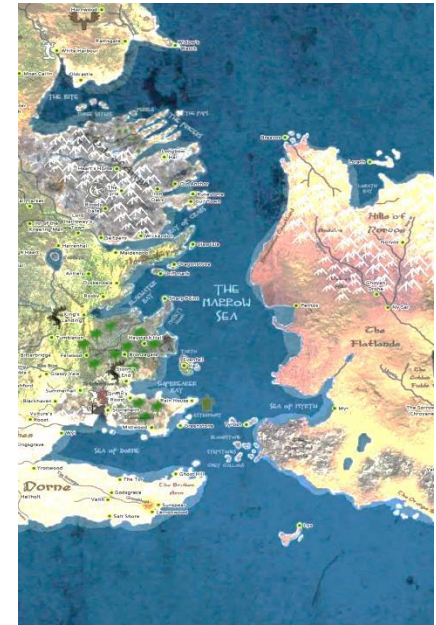
Conflict and Cooperation in Narrow Seas

Charles E. Morrison

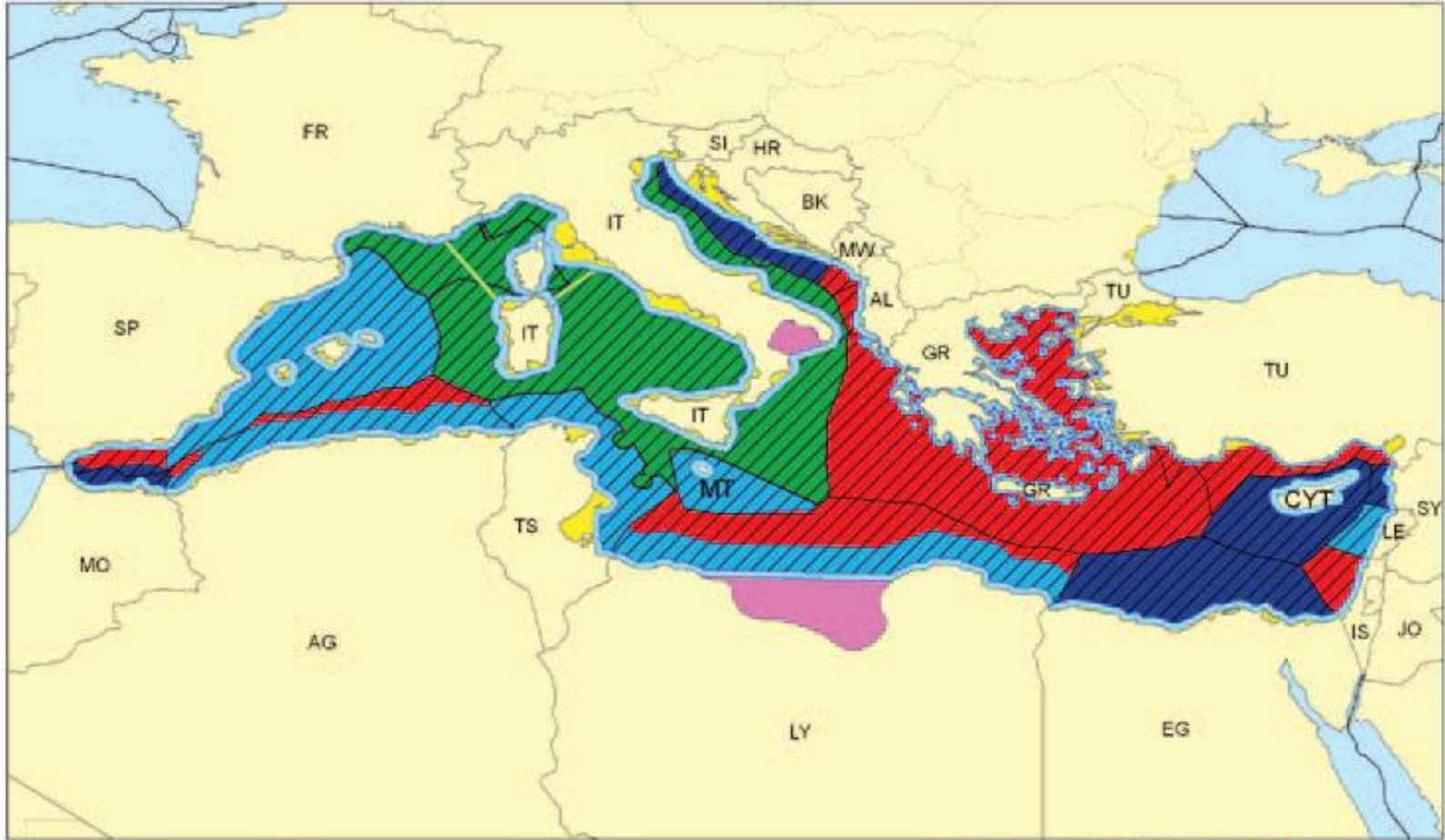
East-West Center

Characteristics of Narrow Seas

- Semi-enclosed
- Distinctive ecosystems
- Narrow or shallow so that there is no or only a relatively small proportion of marine area is high seas
- Two or more countries face each other so that EEZs often cannot extend out a full 200 miles
- There are often conflicting claims to EEZs and continental shelf areas
- Often these seas are intensely used and thus there can be a strong need for international cooperation for navigation, environmental protections, and sometimes security



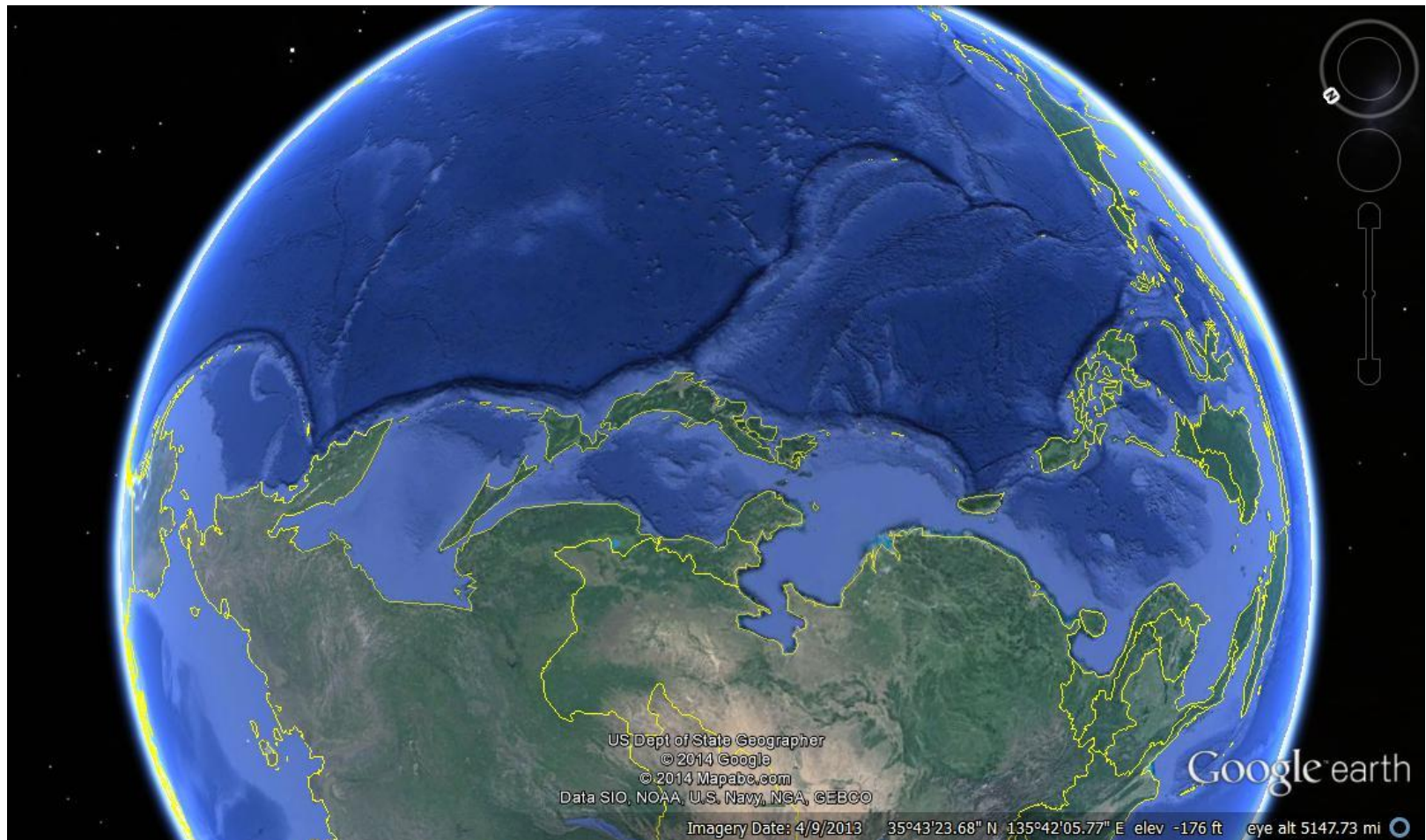
A Famous Narrow Sea: the Mediterranean



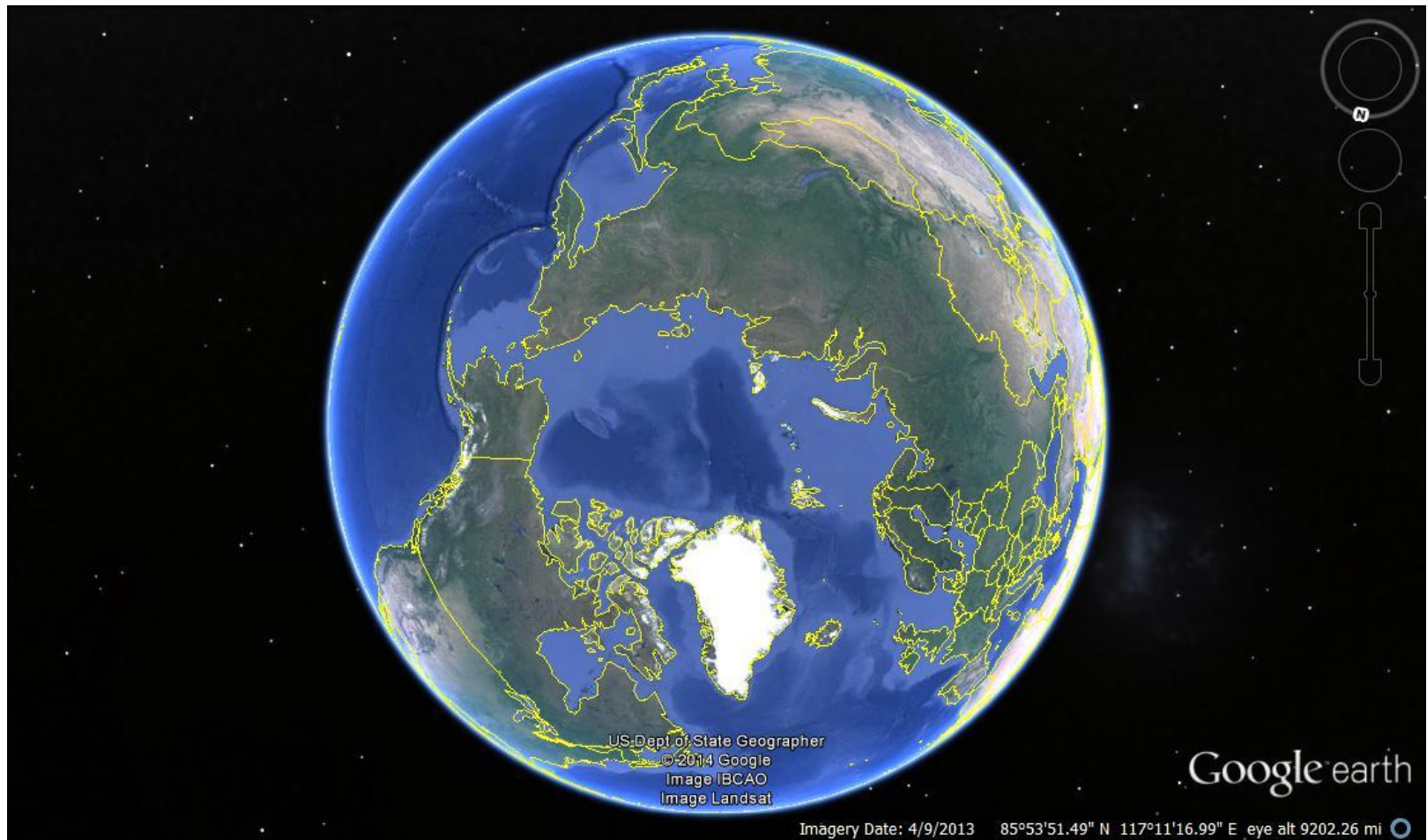
With National EEZs, No High Seas in Mediterranean or Black Seas



East Asian Narrow Seas



Arctic Ocean



Comparing East Asian and Arctic Narrow Seas

- For both, littoral states have claimed almost all usable maritime space
- For both, heavy, growing human impact on environment
- EA seas major maritime route, Arctic may be opening only seasonally in the future
- Further comparisons at end

East Asian Sea Lanes

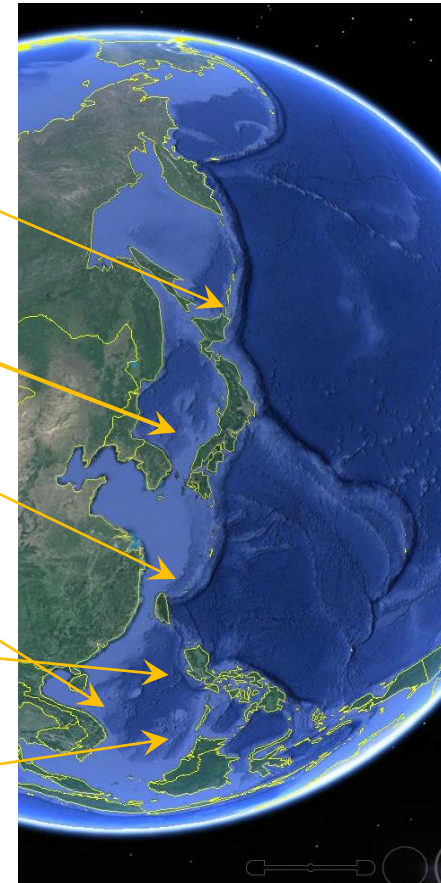


Characteristic of East Asian Seas

- Densely populated coasts on both sides until the northern reaches
- Intense resource use, especially fishing
- Growing levels of anthropogenic pollution
- International trade corridors, so non-littoral countries such as North American, South Asian, Middle Eastern and European nations, have interests in these seas

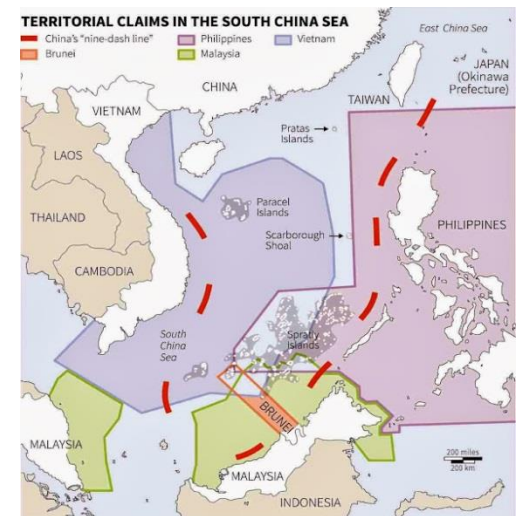
Major E. Asian Maritime Disputes

- “Northern Territories” (Russian control)
- Dokto/Takeshima islands (Korean control)
- Senkaku/Diaoyu islands (Japanese control)
- Paracels (Chinese control)
- Scarsborough Reef (Chinese control)
- Spratlys (China, Philippines, Taiwan, Vietnam, and Malaysia all control islets)



Focus on Two: Senkaku/Diaoyu and the Spratlys

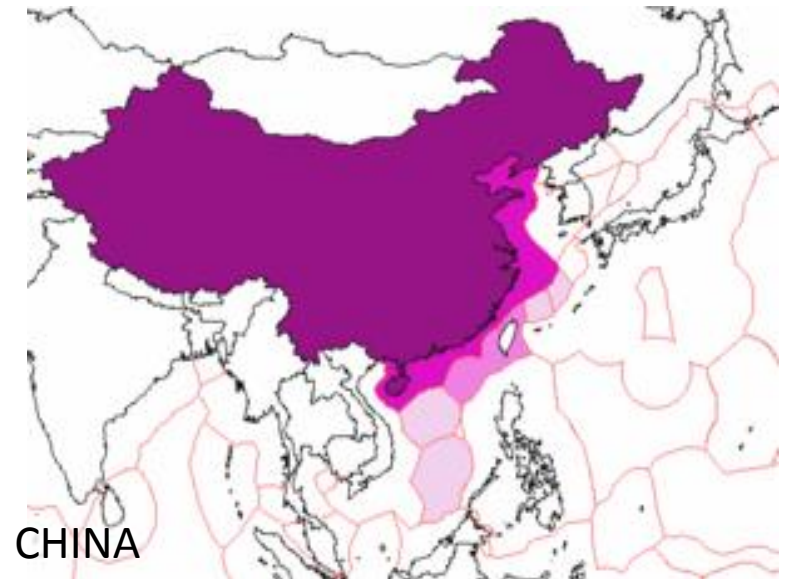
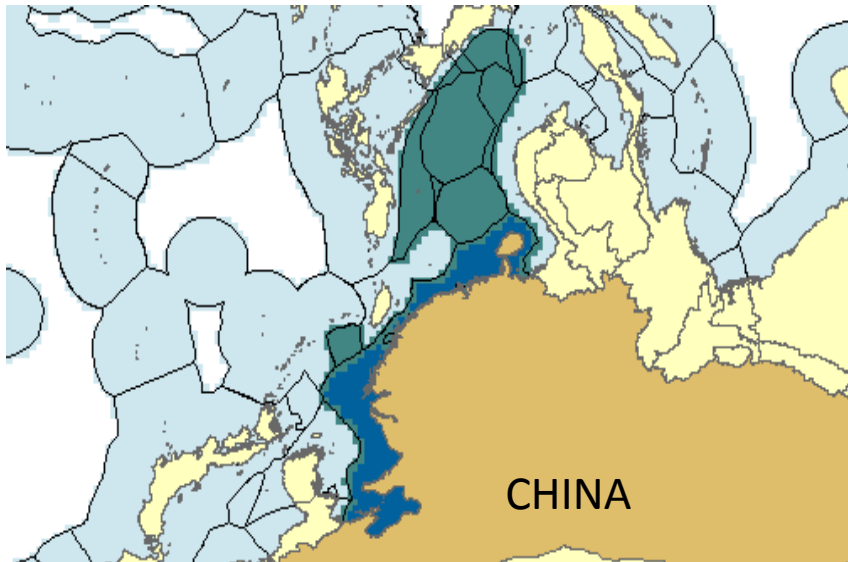
- Some commonalities:
 - No permanent inhabitants on islands
 - Islands basis for or connected with larger EEZ/shelf claims
 - Claimed by China
 - There has been escalation of tensions, periodic “incidents,” and growing use of coercive forces
 - Competing claims limit possibilities for cooperation in fisheries management, resource exploitation and environmental cooperation
 - Claims associated with nationalist sentiments in claiming countries making compromise or adjudication almost impossible



China's Claims

- Claims are decades old and based on notion of historical administrative control, especially in SCS
- China started to assert claims more actively after the Law of the Sea Convention
- Compared to past, China now has enhanced capabilities – including military and coast guard assets – to back up its claims
- China and the other parties to these claims seek to establish “facts on the ground” that might support them legally. Steps by one side seen as provocation by another.
- Note that China's undisputed EEZ claims are relatively small: 880, 000 km² compared to Japan's 4,480,000 km², and USA's 11,380,000 km²

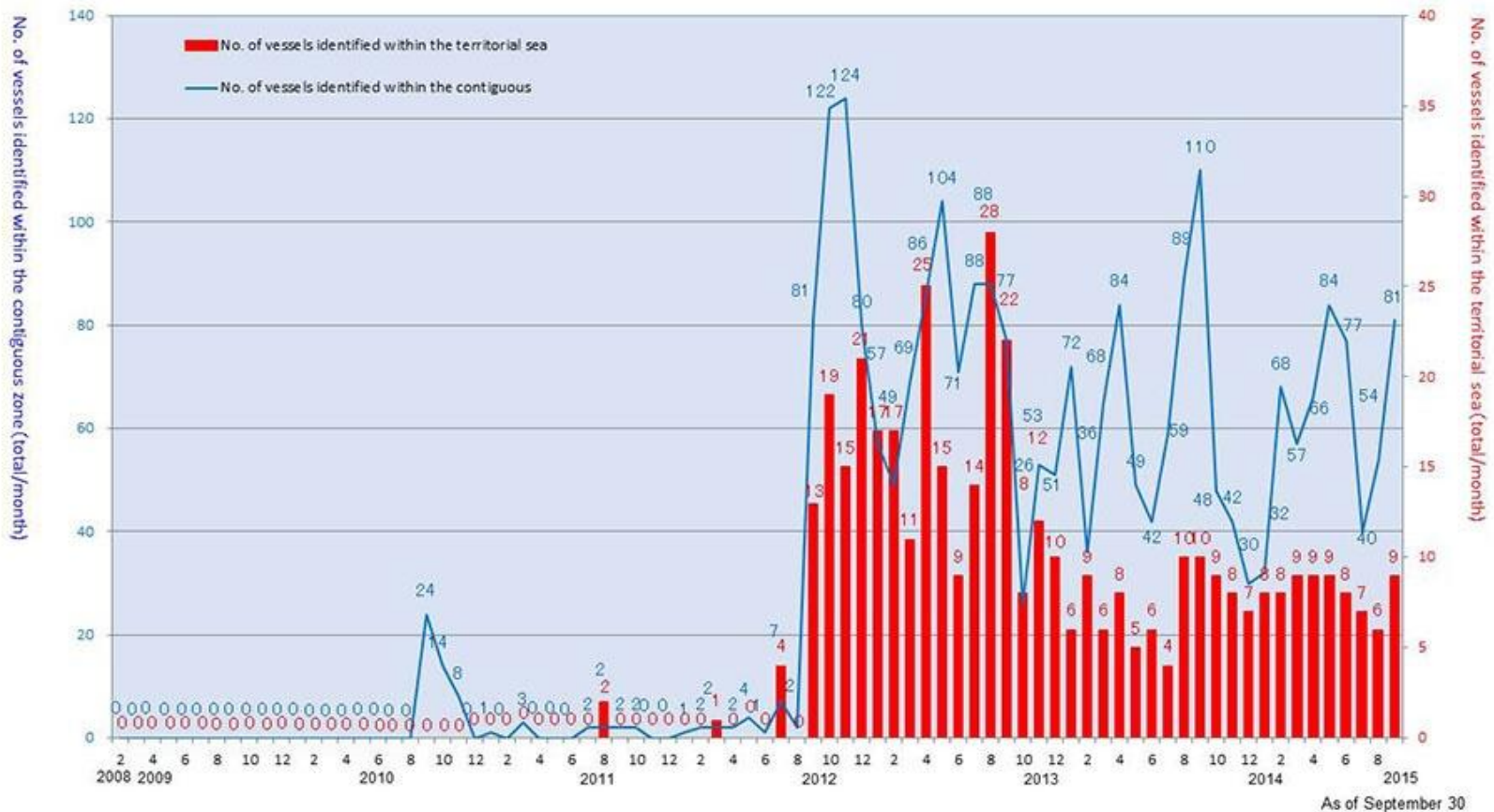
China's EEZ



Senkaku/Diaoyu islands

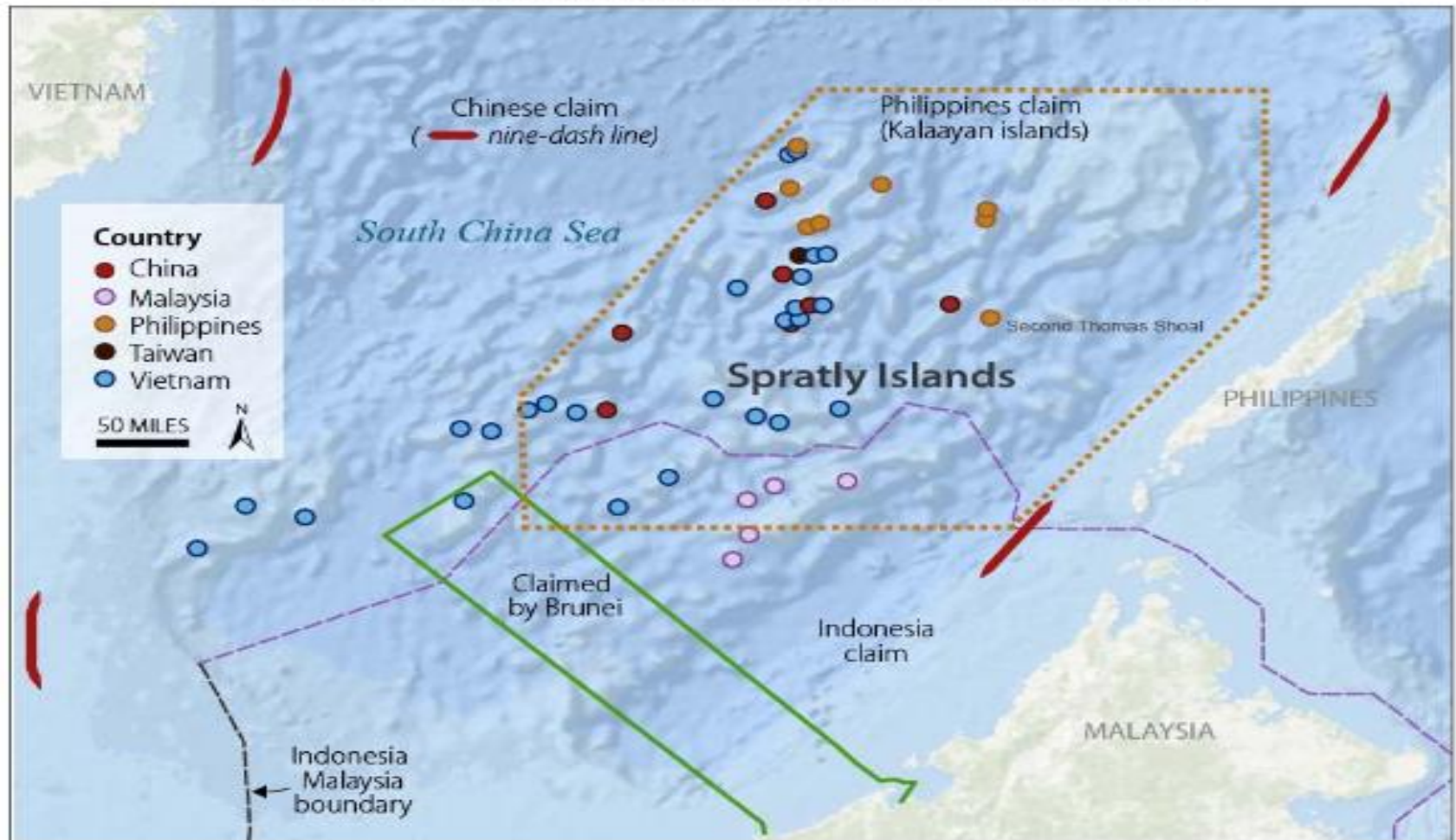
- 1403. First mention of islands in Chinese navigation records
- 1885. First Japanese surveys, no sign of Chinese control
- 1895. Japan incorporates in Okinawa Prefecture
- 1896. Koga family started bonito factory, 1932 bought islands, later sold to Kurihara family.
- 1971. China and Taiwan officially claimed sovereignty
- 1978. Japanese rightwing activists build lighthouse. Chinese protests.
- 1978. China and Japan sign friendship treaty, seeming to postpone dispute
- 1992. China includes islands in its territorial sea law
- 1996. Japan's activists rebuild lighthouse; Hong Kong activist drowned
- Sept 2010. Japanese coast guard vessels collide with Chinese fishing boat, arrest captain, many protests in China, captain released
- August 2011. Chinese patrols in Japanese claimed territorial sea
- Sept 2012. Japanese government purchases islands from private owner following effort by Japanese nationalists to purchase them. Massive protests in China
- Dec 2012. Chinese aircraft incursions
- April 2013. Japanese-Taiwan fishing agreement
- May 2013. Chinese scholars suggest Okinawa belongs to China
- Nov 2013. China declares air defense zone, includes Senkaku/Diaoyu islands
- April 2014. US clarifies security obligations cover Senkakus
- Nov 2014. Chinese-Japanese 4 point consensus included Japan recognizing a difference in their positions

Regular Chinese Incursions by Govt Vessels and Fishing Vessels Continue



South China Sea Occupied Features

Figure 2. Occupied Features in the Spratlys (April 2015)



Source: State Department map, adapted by CRS.

Spratly Islands Timeline

- 1946. China (KMT) claims South China Sea, using nine-dash (or nine-dotted) line
- From 1956 through early 1980s. Taiwan, Vietnam, Philippines, Malaysia occupy features
- 1978. Vietnamese-Chinese clash
- 1995. China occupies Mischief Reef within Philippines EEZ
- Since late 1990s: Numerous incidents involving fishing boats, conflicts for energy concessions, cutting of undersea cables
- 2002. ASEAN and China made a declaration on a Code on Conduct of Parties in South China Sea, but the actual code remains under negotiation
- April-May 2012. Chinese-Philippine standoff at Scarborough Reef within Philippine EEZ area and China's 9 dashed line. China continues to occupy the area.
- July 2012. China established Sansha, a prefect-level city for South China Sea (upgrade from county-level administration)
- January 2014. China issued new fishery regulations for South China Sea, prompting protests
- March 2014. Philippines sought ruling from Permanent Court of Arbitration to invalid China's 9-dash line under UNCLOS. China rejects and calls for bilateral negotiations.
- 2013-2015. Chinese dredging up sand and building artificial islands with significant construction on several reefs,
- October 2015. US intends to assert freedom of navigation by sailing w/i 12 miles of Chinese islands

Chinese Islands from Air



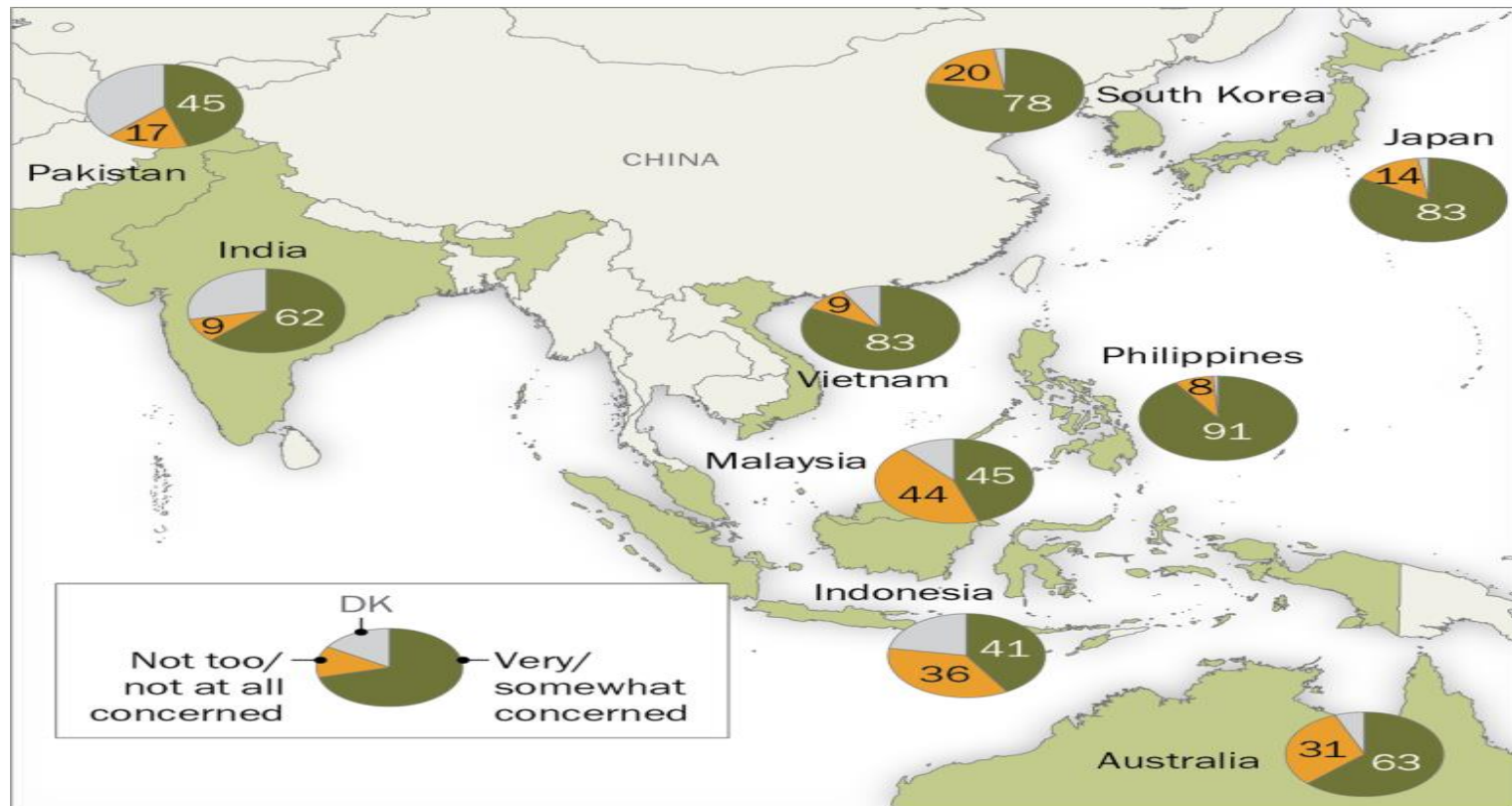
Chinese Islands from Ground



Asian Attitudes toward China

Concern about Territorial Disputes with China

How concerned are you, if at all, about territorial disputes between China and neighboring countries?



Source: Spring 2015 Global Attitudes survey. Q13d.

PEW RESEARCH CENTER

Navies in Asia-Pacific Region

US Navy

- 288 battle force ships (operates in all theaters of world)
- 10 carriers (more than rest of the world together, large size)
- 9 amphibious assault ships
- 22 cruisers
- 62 destroyers
- 17 frigates
- 72 subs, including 54 nuclear attack subs
- 3700 aircraft (world's second largest air force after USAF with 5600 aircraft)
- 323,000 plus 109,000 personnel (largest navy in manpower)

Chinese Navy

- 1 aircraft carriers (to be increased)
- 3 amphib transport vessels
- 28 destroyers
- 42 frigates
- 60 subs of which 8 nuclear attack subs)
- 650 aircraft
- 133,000 personnel

Navies in Asia-Pacific Region (2)

Japanese MDF

- 114 ships
- 46 destroyers
- 3 helicopter destroyers
- 3 tank landing ships
- 16 subs (very modern), plan to increase to 22
- 46,000 personnel

Russian Navy

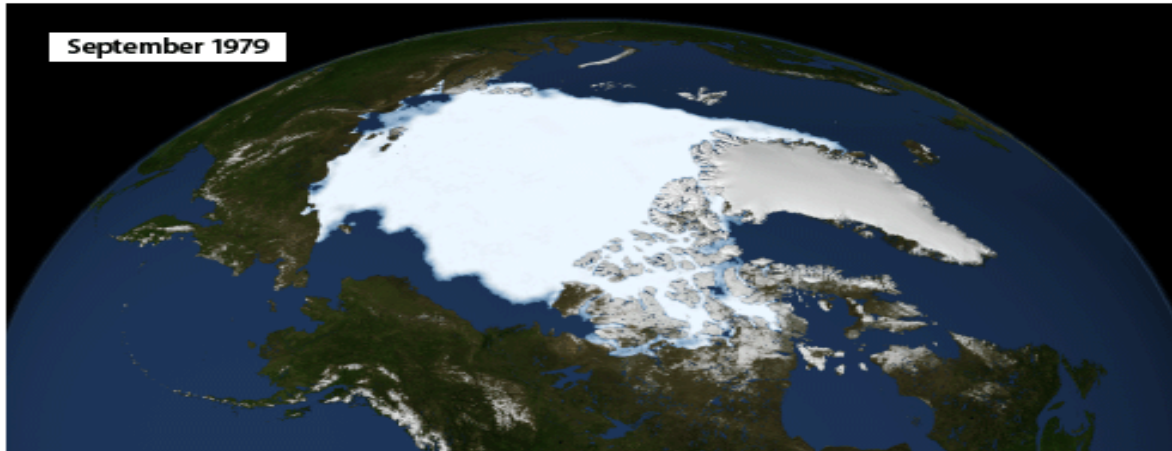
- 79 ships of frigate size or larger (almost all from Cold War period)
- 1 aircraft carriers
- 13 destroyers
- 52 subs

Means of Coping

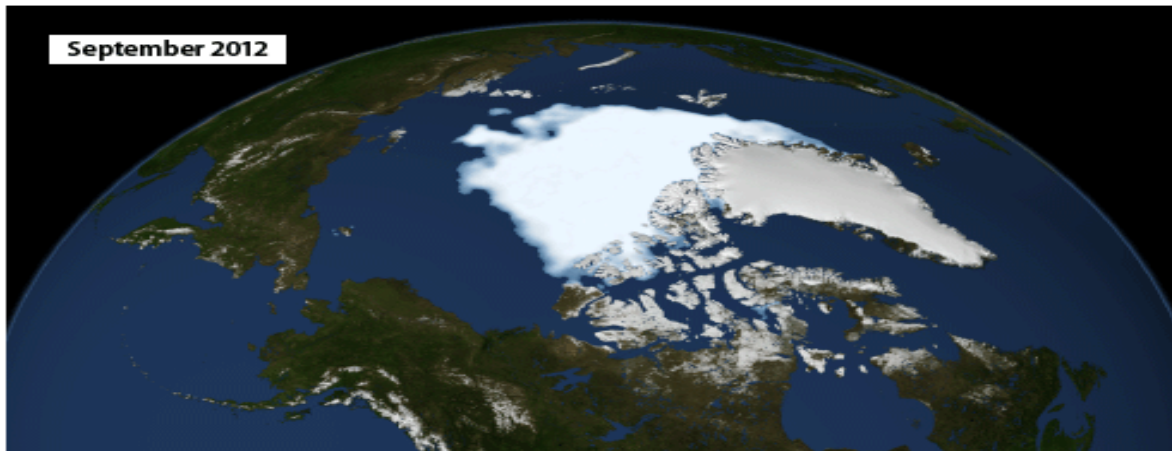
- Let future generations resolve (Deng): New times, new leaders, less patience.
- Move ahead in other areas of less politically sensitive areas of cooperation: Does occur, but parties often afraid of weakening their cases.
- Adjudication: Countries afraid of losing or afraid that by bringing a case in which they are strong, it will set a precedent for other cases in which they may have a weaker case. Philippines, however, is going ahead with case against China's South China Sea claims.
- Codes of Conduct/Multilateral: Nov 2002 Declaration on the Conduct of Parties in the S China Sea called for restraint, peaceful settlement of disputes. But has not been honored and the parties have been unable to build on it.
- **Dominant theme for East Asia: Conflict, not cooperation**

The Arctic: A Shrinking Icecap

Dwindling Arctic Sea Ice



**Sept
1979**



**Sept
2012**

Sea Routes and Potential Oil/Gas Reserves

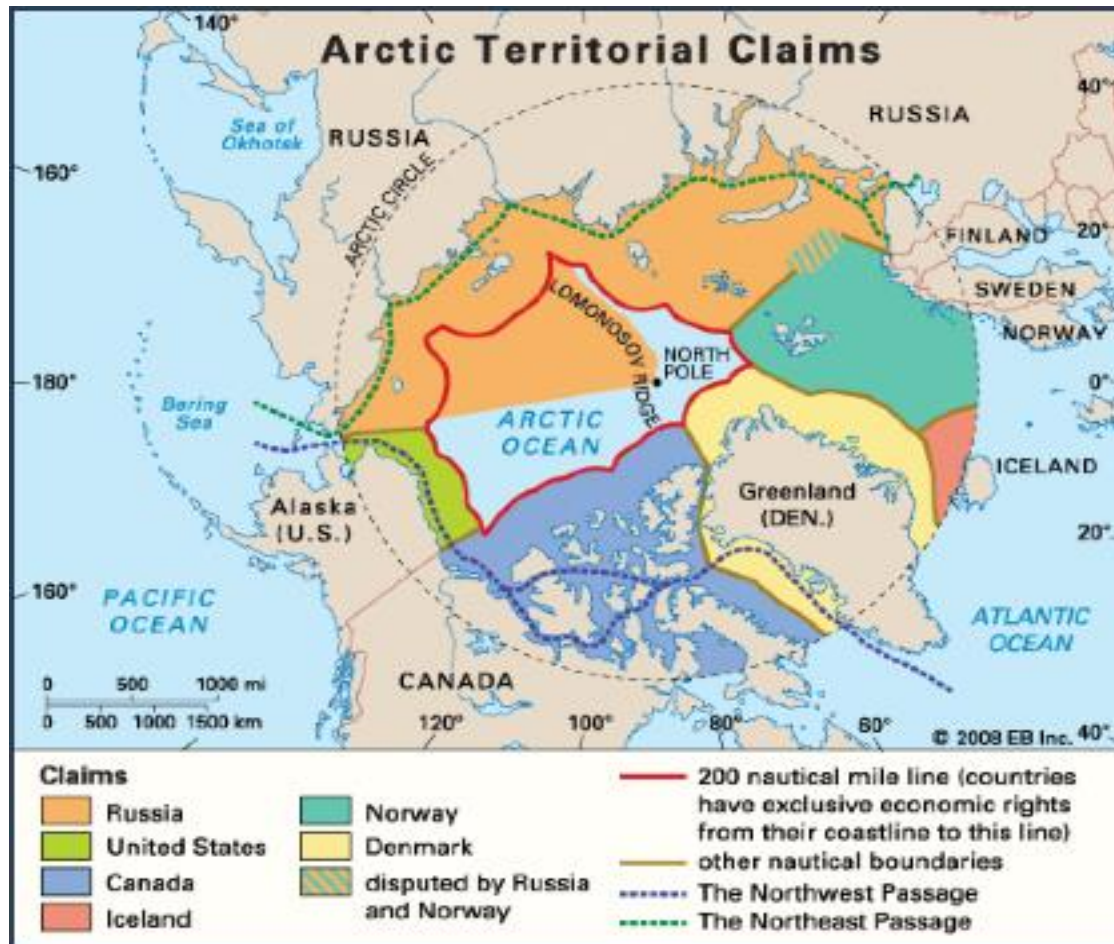


Congressional Research Service/U.S. News and World Report

Arctic Opportunities

- The Arctic is the most rapidly warming part of global, creating new opportunities and challenges.
- Opportunities include:
- New Sea Routes (Northern Sea Route and Northwest Passage)
- Expanded Fishing Grounds
- Oil and Gas Exploitation (potentially 30 percent undiscovered natural gas, 13 percent of oil north of Arctic Circle)
- Minerals (nickel, rare-earth, gold, iron, palladium, lead, zinc, others)
- Tourism (cruise ships)

Arctic Ocean EEZ/Shelf Claims



New Shelf Claims or Potential Ones



Canadian Claim

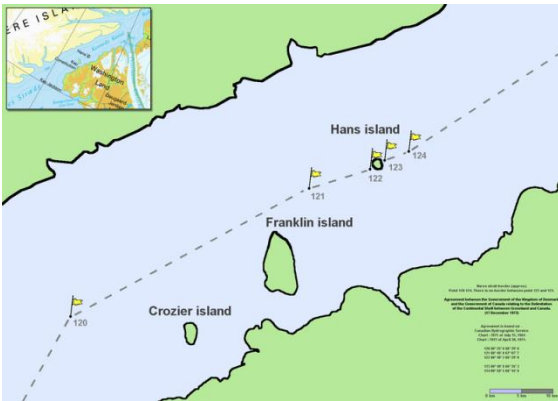


Island Disputes in the Arctic

HANS ISLAND



HERALD ISLAND



Cooperation or Conflict

- Some have predicted an Arctic arms race fueled by resource competition and development
- **Dominant theme, however, has been cooperation**
 - 1990: Russia-US border agreement (not yet ratified by Russia)
 - 2008: Ilulissat Declaration of the Arctic 5 (Peaceful settlement, UNCLOS, Arctic Council)
 - 2010: Russia-Norway boundary dispute settled
 - 2011: Arctic search and rescue agreement
 - 2012: More precise definition of Canadian-Greenland border
 - 2013-15: Ukrainian crisis has had little impact on Arctic cooperation



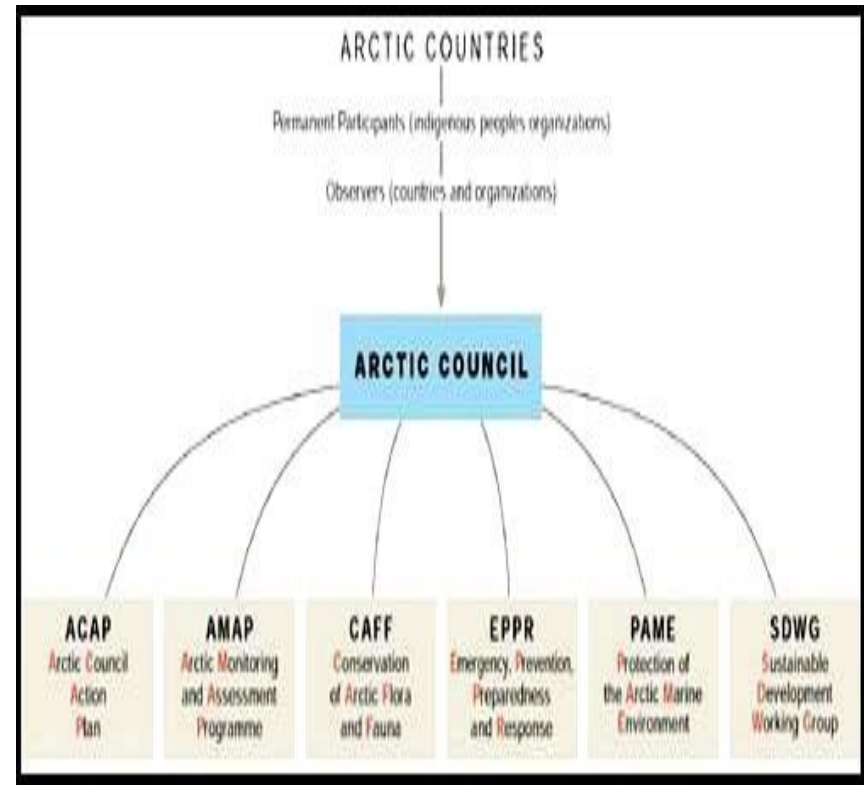
- Established by Ottawa Declaration of 1996 to promote cooperation, coordination and interaction among Arctic states, together with indigenous peoples, on common Arctic issues
- Focus on sustainable development and environment protection
- 8 Member Countries (Canada, Denmark, Finland, Iceland, Norway , Russia, Sweden, USA)
- 6 Permanent Participants (indigenous peoples)
- 12 non-Arctic observer nations (7 European, 5 Asian)
- 9 observer intergovernmental/parliamentary organizations
- 11 observer NGOs (science, culture, health, etc)

Arctic Council Observer Countries

- Must demonstrate Arctic interests and expertise
- Must accept the sovereignty, sovereign rights and jurisdiction of Arctic countries
- Must recognize the applicant legal regimes, notably the Law of the Sea, as framework for responsible management of resources
- Must respect values, cultures and interests of Arctic indigenous people and other residents

Arctic Council Work Program

- Working groups in such areas as sustainable development, monitoring and assessment, conservation, marine environment, contaminants, emergency issues.
- Expert group: Ecosystem based management.
- Task forces address issues such as black carbon and methane, marine oil pollution prevention, promote scientific cooperation and a business forum



Arctic Council Assessment

- Successfully facilitates contact and cooperation on some issues of common concern
- Has moved toward more inclusiveness with inclusion of Asian observer states.
- Is not focused on building new regimes, but seeks reinforce existing frameworks. But developed a binding arrangement on search and rescue.
- Does not address peace and security issues that may become increasingly important
- Intended to anticipate 21st century issues, but given very rapid changes in Arctic, but may not succeed.

Future of Arctic Governance

- The Antarctica Model of International Governance, but not very relevant
 - In Arctic long established states
 - Significant Arctic populations (3.7 mn, 10% indigenous)
- Special Arctic-State Arrangements, for example, in fisheries (CAO) or for marine protection
- Hybrid: Reinforced Use of Global Regimes, with some modifications for special circumstances (IMO+)

Some Comparisons for these Narrow Seas

East Asian Seas

- Densely populated coasts
- Intensely used
- Overlapping sovereignty, resource claims
- Need for cooperation, but dominant theme is conflict; military forces significantly increasing
- Issues highly politicized
- No high governance structures for the seas

Arctic Ocean

- Limited population
- Seasonal usage, but growing
- So far territorial claims rarely overlap, but encroach on global commons
- Need for cooperation, and dominant theme so far is growing cooperation
- So far little politicization
- Arctic Council consultative structure that includes maritime issues

Conclusion

- Status of Svalbard (1920) and Aaland islands (1920) settled with regards to sovereignty and demilitarized status. Focus on land.
- But today, with focus on potential EEZs, difficult or impossible to “settle” territorial disputes at this time in history
- Need to find way to cooperate on environmental issues and economic opportunities without touching sovereignty