

Knut Bolstad Jacobsen

## “Rising and Revising?”

China and the Territorial Status Quo

Master's thesis in Political Science

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Knut Bolstad Jacobsen

Master's thesis in Political Science  
Department of Sociology and Political Science  
Faculty of Social Sciences and Technology Management  
Norwegian University of Science and Technology  
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## Abstract

This thesis is an investigation of China's territorial disputes, with a focus on how Beijing has behaved in these. With 1989 as its cut-off point the thesis considers unresolved land-border disputes and maritime disputes in the South China Sea and East China Sea. Employing the concepts of “status quo” and “revisionist” the thesis aims to uncover which description best fits China's approach to territorial disputes in the time period under consideration.

Its findings are that China in its land-border disputes have overwhelmingly displayed status quo behavior. Six out of eight of these disputes have been solved amicably with no major change of territory or usage of military means. Of the two unresolved disputes, with India and Bhutan, only the latter may fit the description as limited-aims revisionism by Beijing, although it is a case lacking in detailed information. As for the maritime domain the thesis finds possible revisionism in China's disputes with Japan over the Senkaku Islands and Southeast Asian states over the Spratly Islands and Scarborough Shoal. However, action reaction dynamics complicates the picture and suggests that to the extent the limited-aims revisionist label fits these cases it is of a more reactive than proactive kind.

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Finally, I have benefited tremendously from my parents and my uncle who let me spend this year in what used to be my grandmother's house, and provided me with plenty of firewood and other provisions to make the stay a comfortable one. Surrounded by mountains and rivers, far away from the disturbances city life imposes, I cannot think of a better place to write.

## Table of Contents

1. Introduction.....	1
1.1 Research question and hypotheses.....	2
1.2 Methodology.....	3
1.3 Theory.....	5
1.3.1 Defensive realism.....	6
1.3.2 Offensive realism.....	8
1.4 Defining status quo and revisionist behavior.....	11
1.5 Dependent variable and observable implications.....	17
1.6 What the thesis will not cover.....	18
2. Disputes over land territory.....	21
2.1 Russia and Central Asia.....	21
2.1.1 Russia.....	21
2.1.2 Central Asia.....	27
2.1.3 Assessing the disputes.....	32
2.2 Vietnam and Laos.....	36
2.2.1 Vietnam.....	36
2.2.2 Laos.....	41
2.2.3 Assessing the disputes.....	43
2.3 India and Bhutan.....	44
2.3.1 India.....	44
2.3.2 Bhutan.....	57
2.3.3 Assessing the disputes.....	64
3. Disputes in the South China Sea and East China Sea.....	67
3.1 Background.....	67
3.2 Developments in the Cold War era.....	70
3.3 Later developments.....	73
3.4 The South China Sea and China's nine-dash line.....	77
3.5 Beijing's interpretation of Exclusive Economic Zones and coastal state rights.....	80
3.6 Recent incidents.....	85
3.7 Assessing the disputes.....	92
4. Conclusions.....	97
Appendix 1: Maps.....	103
Appendix 2: Charts and tables.....	113
Bibliography.....	117



# 1. Introduction

For the last few decades China has been on the rise. With the demise of the Soviet Union and the stagnation of Japan's economic miracle, China took over the baton of international focus and has held on to it ever since. As one observer put it, “China – what’s in it for us?” has become a frequently posed question, and there is no shortage of answers on offer.<sup>1</sup> What does seem clear, however, is that the backdrop of a global economic crisis and what seems to be a limited but ongoing closing of the power gap between Beijing and Washington has led to a general impression that we might be entering the twilight hours of the current geopolitical arrangements. Whether or not such an assessment is premature remains to be seen, but for the time being the China's rise and its implications are likely to remain in the spotlight.

This thesis addresses one aspect related to the implications of China's growth, namely how it approaches territorial disputes. History has taught us to expect that a rising power will seek “to extend its territorial control,” and for this reason China's approach to territorial disputes is one aspects of its behavior from which we can draw some inferences about its attitude to the status quo.<sup>2</sup> China's exclusion from the Westphalian system until the fateful “century of humiliation,” starting in the mid-19th century, further implies a traditionally ambiguous relation to clear-cut boundaries and sovereignty, for as has been noted its “traditional frontiers were often not lines but zones of intermixture between Chinese settlement and the customary habitats of nomadic peoples owing a vague allegiance to the Chinese emperor.”<sup>3</sup> For those border treaties that were eventually signed, the “unequal” and imperial qualities they carried meant that they were guaranteed to be future objects of contention. It was therefore little surprise that the Chinese Communist Party, after coming to power, “declared that it would re-examine treaties concluded by its predecessors with foreign powers, and either 'recognize, abrogate, revise or renegotiate them'.”<sup>4</sup>

Focusing on the distinction between “status quo” and “revisionist” states, I look at how China has behaved in a number of land border and maritime disputes since 1989. This is relevant for a number of reasons, not least because China has more neighbors than any other state,<sup>5</sup> and because territorial disputes have proved over time to be one of the types of political issues most

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1 Perry Anderson, “Sino-Americana,” *London Review of Books* 34, no. 3 (2012), accessed October 17, 2013, <http://www.lrb.co.uk/v34/n03/perry-anderson/sino-america>.

2 Robert Gilpin, *War and Change in World Politics* (New York: Cambridge University Press, 1981), 106.

3 Harold C. Hinton, *Communist China in World Politics* (New York: Houghton Mifflin Company, 1966), 273.

4 Francis Watson, *The Frontiers of China* (London: Chatto & Windus, 1966), 9.

5 Stephen Kotkin, “Series Editor's Preface,” in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), xi.



likely to lead to large-scale use of force.<sup>6</sup> I will examine the eight land-border disputes that remained unsolved as of 1989, and the disputes in the South China Sea and East China Sea. My findings are that China's behavior has mostly not been challenging the status quo, but that this is more clear-cut as far as the land-border disputes are concerned than when it comes to China's maritime disputes.

## **1.1 Research question and hypotheses**

This thesis aims to establish whether today's China is more of a status quo or revisionist power. The research question is as follows:

“Is China today behaving more like a status quo power or a revisionist power?”

The time frame under consideration is from 1989 and up until the end of 2013 – the “today” should thus not be taken too literally.<sup>7</sup> The focus is on China's behavior in its territorial disputes. One clarification is in order regarding the cut-off point: while territorial disputes settled before 1989 will be excluded from this thesis those resolved later (or that have yet to be resolved) will not be treated as if whatever happened before that year is irrelevant. Thus, the historical context is taken into account. The present is obviously connected to the past to some degree; China's leaders did not suddenly wake up on January 1, 1989, ready to face its territorial disputes with completely fresh eyes, having forgotten both the history of its disputes and previously attempted negotiations (or lack thereof). Context is important, and arguably considering previous negotiations makes more sense than leaving them out. But the emphasis lies on what has happened after 1989.<sup>8</sup>

The reason for limiting the scope to territorial disputes is both practical and theoretically grounded. Space considerations necessitate selectivity, and focusing on China's behavior in its own

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6 Paul K. Huth, *Standing Your Ground: Territorial Disputes and International Conflict* (Ann Arbor: The University of Michigan Press, 1998), 10 (fn. 25).

7 As was noted by a scholar critical of the “new assertiveness” meme that has been prominent in writings on China recently there is a danger in keeping the time frame under consideration too short, in that it is prone to result in “the tendency to assume that what observers witness now is new, different and unconnected to the past.” Alastair Iain Johnston, “How New and Assertive Is China's New Assertiveness?” *International Security* 37, no. 4 (2013): 33.

8 Any selected cut-off point will have a hint of arbitrariness to it, but arguably 1989 makes a lot of sense. Starting with the Tiananmen square protests and their eventual crackdown China's international environment changed to one of partial isolation and was shortly followed by the collapse of the Soviet Union, ringing in the end of the Cold War and bipolarity, and the gradual emergence of a unipolar system that arguably remains to this day. (It is true that early in the post-Cold War-era a common view in China was that a multipolar world was around the corner, but by the later part of the 90s the admittance “that the transition to multipolarity has been postponed” was increasingly taking hold. Michael Pillsbury, *China Debates the Future Security Environment* (Honolulu: University Press of the Pacific, 2005), 58.)

neighborhood allows a fairly thorough look at the relevant cases. Had I gone for a more global outlook and tried to include other factors of the “status quo” a more scattered approach would have been necessary. The theoretical reason is that we would expect China to show its “true colors” close to home sooner than on the global stage. This point is open to dispute, but offensive realism (which is used to support Hypothesis 2 in this thesis) predicts a rising power to aim for regional hegemony before it takes on bigger tasks. If one agrees that the strength of power projection decreases with distance this is a logical implication; it would indeed be strange for a revisionist power to attempt to dominate far away places before having secured preeminence in its own region(s), at least in a world where simple colonial conquest is less relevant than it once was.

With these specifications out of the way we can move on to the hypotheses of the thesis.

Hypothesis 1:

“China is behaving more like a regional status quo power.”

Hypothesis 2:

“China is behaving more like a regional revisionist power.”

The two hypotheses are both grounded in realist theory. Hypothesis 1 draws on insights from defensive realism while Hypothesis 2 is based on offensive realism. The theoretical underpinnings of the hypotheses will be dealt with after the following section on methodology.

## **1.2 Methodology**

This thesis is a qualitative multi-case study. The “case” concept has been subject to some confusion. King et al. state that they use the word “observation” and that they reserve the use of “case” to mean a full case study. George and Bennett argue that this leads to ambiguities.<sup>9</sup> To be clear, then, regardless of whether one prefers the term “observation” or “case” I include several of them, and so while I am focusing on *one state* I am looking at *several observations/cases* that are relevant to the research question.

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<sup>9</sup> Gary King, Robert O. Keohane and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994), 52-53; Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Science* (Cambridge: MIT Press, 2004), 17 (fn. 29).

The case study approach has its potential pitfalls but also appropriate uses and unique strengths. Starting with the challenges case studies present, a common concern is that they are unfit for generalization.<sup>10</sup> For instance, Van Evera notes that the single-case study is poorly equipped to test the antecedent conditions of a theory due to the lack of variance on the dependent variable. This, however, can be overcome by expanding the number of cases under consideration (ideally this will also mean that there is variation on the dependent variable), and should thus be less of an issue in a multi-case study such as this one.<sup>11</sup> As will become clear later on the cases under consideration here do vary on the dependent variable.

It should also be noted that the focus of my thesis is not theory development or theory testing as such. Rather, I am looking at a case of intrinsic importance (with policy implications), with the aim of making sound descriptive inferences. Simply put, “Inference is the process of using the facts we know to learn about facts we do not know.”<sup>12</sup> What we don't know here refers to the research question, “Is China today behaving more like a status quo power or a revisionist power?” By going through the facts we “already know,” i.e. data that are relevant to the observational implications of the theories from which we have derived our hypotheses, we may draw such inferences.<sup>13</sup> As regards China today, describing whether it is behaving more as a status quo or revisionist state is important as it allows us to draw inferences regarding its current and future behavior.

In other words, this potential weakness would be more urgent if I aimed to explain what sort of conditions lead to revisionist behavior in general, instead of answering whether China is behaving more as a status quo or revisionist power. The relevance of this study, then, is to a large extent limited to (post-Cold War) China, thereby making the issue of generalizability less urgent.

A second and more fundamental issue is that cases under consideration in a study “might not be able to discriminate between which of two or more competing explanations fits best.”<sup>14</sup> This is a difficult problem to fully overcome when the theories from which the researcher has derived his hypotheses share many of the same assumptions and may be open to different interpretations. George and Bennett suggest that the researcher look for crucial cases (cases which if in line with or

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10 Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca: Cornell University Press, 1997), 53.

11 *Ibid.*, 54.

12 King et al., *Designing Social Inquiry*, 46.

13 King, Keohane and Verba disagree “with those who denigrate 'mere' description. Even if explanation – connecting causes and effects – is the ultimate goal, description has a central role in all explanation, and it is fundamentally important in and of itself. It is not description versus explanation that distinguishes scientific from other research; it is whether systematic inference is conducted according to valid procedures.” *Designing Social Inquiry*, 34. It is important to emphasize that descriptive inference goes beyond data collection; it requires significantly more analysis of the phenomenon we study and its components. *Ibid.*, 56.

14 George and Bennett, *Case Studies and Theory Development in the Social Science*, 30.

contradicting one of the hypotheses would strongly support or impugn it)<sup>15</sup>. By the nature of the issue, the clearer a case fits *one* of the hypotheses the better. And in less clear cases it is important to be open about ambiguities. As long as this is kept in mind, this problem should also be mitigated.

Thus, the first of these two challenges is not too relevant for my thesis because the study includes several cases and has variation on the dependent variable. The second one is more of a warning to keep in mind when analyzing the cases under consideration, but as long as one is open about the level of certainty regarding findings it should not present too much of an issue.

Moving to the strengths of the case study method that are relevant to this thesis, the biggest one in my view is that it makes conceptual validity more attainable and is useful for both discovering and measuring indicators of the concept in focus.<sup>16</sup> The status quo/revisionist dichotomy is one of some controversy (to be discussed below) and is hard to quantitatively operationalize and measure. A qualitative approach with more attention given to each case is beneficial for capturing context and nuances, something that easily gets lost in statistical approaches.<sup>17</sup>

There will always be a trade-off between the number of cases and attention to detail. I am, however, confident that I have not included so many cases as to leave any of them superficially treated and not so few as to have little ground for drawing valid inferences. While I was (to varying degrees) familiar with some of the cases discussed here before I embarked on writing this thesis, there were several I had little or no knowledge about. In terms of case selection I have taken precautions to avoid selection bias and exclusion of relevant cases. This has been made easier by limiting the focus to China's behavior in its own neighborhood, in that I have been able to include almost all the territorial disputes that were still unresolved in 1989.<sup>18</sup>

### **1.3 Theory**

The theories discussed below, defensive and offensive realism, are more of umbrella terms than cohesive theories clearly identified with one author.<sup>19</sup> I should state at the outset that by defensive

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15 Ibid., 9.

16 Ibid., 19.

17 That is not to say that the question at hand could not be answered in a statistical way, but many of the cases would in any case require a more qualitative approach before it would be appropriate to code them as either instances of revisionist or status quo behavior. Thus there is definitely a complementarity of the different methodological approaches, as George and Bennet point out. Ibid., 34-35.

18 The only (still unresolved) land-border dispute I am aware of that will not be covered here is China's dispute with North Korea (of which very little is known, other than that it involves the Changbai Mountain). It is left out due to space considerations. See Daniel Gomà Pinilla, "Border Disputes between China and North Korea," *China Perspectives* 52 (2004): 1-8.

19 Although Mearsheimer has made the most cohesive statement of offensive realism he did not invent the term, and is

and offensive realism I am thinking of their systemic variants, where the focus is first and foremost on the structural level. In other words, writings that fall under the branch of neoclassical realism are not included.<sup>20</sup> It is true that there is some controversy surrounding the applicability of structural realism to the study of foreign policy,<sup>21</sup> but as Colin Elman points out many scholars have used structural realism for such purposes with good results.<sup>22</sup> Elman argues that “scholars who restrict themselves to making probabilistic [rather than determinate] predictions have no grounds for refusing to make foreign-policy predictions.”<sup>23</sup> Thus, relying on neorealist theories to draw hypotheses about the behavior of individual states need not be problematic so long as we can identify clear observable implications that follow from the internal logic of the theories we rely on.

### 1.3.1 Defensive realism

Defensive realism starts with the assumption that states are primarily concerned with security. While this is not something disputed by offensive realism there is a marked difference in how the two strains of realism see this preoccupation manifested in practice. Put simply, defensive realists argue that there is such a thing as too much power and that pursuing it endlessly will be self-defeating.

Thus, Waltz, contrasting his theory of neorealism with Morgenthau's *realpolitik*, stated that “neorealism sees power as a possibly useful means, with states running risks if they have either too little or too much of it. ... In crucial situations, however, the ultimate concern of states is not for power, but for security.”<sup>24</sup> A drive toward power beyond a certain level is counterproductive in the sense that its inherently threatening quality leads to counterbalancing by other states. Thus, increasing power does not mean the same as increasing security once such an increase spurs a

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not alone in that camp. According to Taliaferro the terms “aggressive realism” (offensive realism) and “defensive realism” were first employed by Jack Snyder in *Myths of Empire* (1991). Jeffrey W. Taliaferro, “Security Seeking under Anarchy: Defensive Realism Revisited,” *International Security* 25, no. 3 (2000/01): 128 (fn. 1).

20 This is contrary to Taliaferro, who includes both neorealist and neoclassical realist writings in his discussion of defensive and offensive realism. *Ibid.*, 135.

21 Waltz himself was adamant that his was a theory of international politics, not foreign policy. Kenneth N. Waltz, “International Politics is not Foreign Policy,” *Security Studies* 6, no. 1 (1996): 54-57.

22 For a list of examples, see Colin Elman, “Horses for Courses: Why Not Neorealist Theories of Foreign Policy?” *Security Studies* 6, no. 1 (1996): 10 (fn. 9). In a more recent article Hancock and Lobell also point out that offensive and defensive realism offer some behavioral generalizations, and put these to use in assessing whether or not China and Russia are likely to be revisionist states. Kathleen J. Hancock and Steven E. Lobell, “Realism and the Changing International System: Will China and Russia Challenge the Status Quo?” *China and Eurasia Forum Quarterly* 8, no. 4 (2010): 146.

23 *Ibid.*, 37. In fact, Mearsheimer himself has not shied away from making certain foreign policy predictions himself, even though his theory is usually considered structural realism.

24 Kenneth N. Waltz, “The Origins of War in Neorealist Theory,” *Journal of Interdisciplinary History* 18, no. 4 (1988): 616.

coalition directed at oneself.

The international system is anarchic, ensuring that self-help is the only certain way to ensure one's own safety. Full integration and functional specialization is not an option for states wanting to survive.<sup>25</sup> However, while at the end of the day states can only rely on themselves to provide security there is a process of state socialization which contains an element of learning from history. As Waltz put it, "In international politics, success leads to failure" and although there have been several states throughout history for whom this lesson has "proved exceedingly difficult... to learn" it should nevertheless be a strong reminder for potential inheritors of the drive toward unlimited power-maximization.<sup>26</sup> Thus, for defensive realists self-help and expansionism are not the same thing.

While the security dilemma (means taken by one state to increase its security leaves other states less secure) can spur arms races that nobody really wants, there are ways to mitigate its effect and signal benign intentions.<sup>27</sup> Even if such measures can never fully surmount the suspicion fostered by anarchy defensive realists take a more optimistic view of the prospects for avoiding conflict than do offensive realists. As Jervis pointed out, the popular use of the Prisoner's Dilemma to illustrate the difficulties of cooperation in international relations may be somewhat oversimplifying things. Repeated plays (with the same actors) will make defection a less rational response than in the case of a single game.<sup>28</sup> Applying this to the research question in focus here, we could say that a China bent on major revisions would be working against itself by cheating others unless it somehow managed to fundamentally alter the status quo in a single move (thus ensuring that future plays would be under different circumstances).<sup>29</sup>

Defensive realists also pay attention to what is called the offense-defense balance. To what extent we can distinguish offensive from defensive weapons and whether it is more advantageous to attack or to defend are the main determinants of this balance.<sup>30</sup> If it is believed that offense has the advantage (wars will entail low costs and high benefits) conflict is more likely; the opposite is true if defense has the advantage.<sup>31</sup> Technology and geography are important factors to determine the balance: buffer zones and natural barriers (mountains, large water bodies) are examples of

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25 Kenneth N. Waltz, *Theory of International Politics* (Reading: Addison-Wesley Publishing Company, 1979), 105, 127.

26 Kenneth N. Waltz, "The Origins of War in Neorealist Theory," 625; Steven E. Lobell, "Structural Realism/Offensive and Defensive Realism," in *The International Studies Encyclopedia*, vol. X, ed. Robert Denemark (Oxford: Wiley-Blackwell, 2010), 6662.

27 Robert Jervis, "Cooperation Under the Security Dilemma," *World Politics* 30, no. 2 (1978): 169.

28 *Ibid.*, 171.

29 Of course this is a major oversimplification and is primarily intended to illustrate the logic at work. In real life it may not always be as easy to identify defection and cheating, or whether or not such behavior reflects reasonable and limited dissatisfaction or hostile and unlimited aims, as the game theoretical models assume.

30 *Ibid.*, 186-87.

31 *Ibid.*, 189-90.

geography conducive to defense; nuclear weapons are technological innovations working toward the same end.<sup>32</sup> While there is some disagreement about the offense-defense balance and its application, defensive realists commonly consider an offensive advantage to be relatively rare, “especially given the second strike capability of most nuclear powers.”<sup>33</sup>

Thus, while defensive realism in no way rules out the possibility of inter-state war, competition and power struggles it is less pessimistic than offensive realism regarding mitigating factors. The most important thing to note in regard to this thesis is the assumption that states are security-seekers that typically aim to avoid counter-balancing directed at themselves. They live in a nuclear world where the stakes attached to an expansionist foreign policy are high, and as defensive positionalists they are more preoccupied with securing what they already have than to take risks for territorial enlargement, in other words as the rule states are status quo powers.<sup>34</sup>

### 1.3.2 Offensive realism

Hypothesis 2, that China is behaving more like a regional revisionist power, is derived from offensive realism. Far from being the only theory of international relations to predict revisionist behavior from a rising power, offensive realism was chosen here primarily because it is so blunt on this point. As Mearsheimer puts it, offensive realism “does not allow for status quo powers, except for the unusual state that achieves preponderance. Instead, the system is populated with great powers that have revisionist intentions at their core.”<sup>35</sup> On the face of it, Mearsheimer seems to suggest that all states (small or large, rising or not) are revisionist, unless they have achieved global hegemony.<sup>36</sup> However, he later specifies that a regional hegemon can also be a status quo power on the condition that no other region of the world contains a hegemon of its own.<sup>37</sup> In all other circumstances revisionism is the rule, not an exception.

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32 Ibid., 194-197. Strictly speaking, nuclear weapons are not so much a defensive advantage as they are deterrents. In effect, however, they work much in the same way by reducing the likelihood of attack (since a strike would be massively retaliated). Ibid., 198.

33 Lobell, “Structural Realism/Offensive and Defensive Realism,” 6661. As Waltz pointed out, nuclear weapons are “absolute weapons,” a rather unique example of “A unit-level change [that] has dramatically reduced a structural effect.” Waltz, “The Origins of War in Neorealist Theory,” 627.

34 In fact the widespread assumption of states interested in keeping things as they are have led to neorealism (of the defensively oriented sort) being charged with a “status quo bias”. See Randall L. Schweller, “Neorealism’s Status-Quo Bias: What Security Dilemma?” *Security Studies* 5, no. 3 (1996): 90-121.

35 John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001), 29. “Human nature realism” is what Waltz famously referred to as “first image realism.” Kenneth N. Waltz, *Man, the State and War* (New York: Columbia University Press, 1959).

36 Ibid., 35. At the same time, Mearsheimer considers global hegemony an impossibility because of the large oceans of the world. Ibid., 41.

37 Ibid., 42. With the emergence of a peer competitor the heretofore sole status quo regional hegemon by necessity turns revisionist, and so status quo intentions are at best a short lived and unique phenomenon.

The reason is not that states, or the human beings that populate them, are inherently evil. Offensive realism is ontologically different from what Mearsheimer calls “human nature realism” (exemplified by the writings of Hans Morgenthau) in that it sees the “tragedy” as a result of systemic forces.<sup>38</sup> Where offensive and defensive realists part is first and foremost in their view on how states can best ensure their security. Offensive realism advises states to always maximize power when they can do so with reasonable prospects of success (not being defeated in the attempt), whereas defensive realists, as we have seen, place greater emphasis on the importance of keeping power within limits.

In other words, offensive realism is all about amassing as much power as possible, “conquering and controlling land, which is the supreme political objective in a world of territorial states.”<sup>39</sup> Underlying the theory are five main assumptions: 1) an international system characterized by anarchy; 2) the existence of offensive capabilities in all powers; 3) uncertainty regarding the intentions of other states; 4) survival as the primary goal of all states; and 5) actors characterized by rationality.<sup>40</sup> While any one of these assumptions alone would not necessarily force states to act competitively their combination “create powerful incentives for great powers to think and act offensively with regard to each other” and the result is behavior characterized by “fear, self-help, and power-maximization.”<sup>41</sup>

Because states cannot put their faith in the goodwill of others and because there is no higher authority to penalize those who cheat the best way to survive is to amass power, to expand when possible, to improve one's relative power position. On the international stage everything is a zero-sum game where relative (not absolute) gains take the front seat.<sup>42</sup> States are not content with what they have, even if they are relatively better off than their neighbors, because a relatively weaker state may still pose a challenge through superior strategy, and moreover because one can never be sure what the future holds. A state that has not yet achieved regional hegemony but forgoes opportunities to expand is likely to regret its naiveté in a future where the tables have turned.<sup>43</sup>

This does not mean that offensive realism expects great powers to be in a constant state of war with everyone, never form alliances or enter into other forms of cooperation. Mearsheimer

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38 Mearsheimer, *The Tragedy of Great Power Politics*, 20-22.

39 *Ibid.*, 86.

40 *Ibid.*, 30-31.

41 *Ibid.*, 32.

42 On the relative gains vs. absolute gains question defensive realists such as Waltz are on the same page as offensive realists. As Waltz put it, states are “compelled to ask not 'Will both of us gain?' but 'Who will gain more?'" But for Waltz and other defensive realists it does not logically follow from the preoccupation with relative gains that states can never get enough power. If states balance against power then we should expect there to be a point of diminishing returns, where a state would in fact decrease its relative power through expansion rather than restraint because the result is counter-balancing. Waltz, *Theory of International Politics*, 105.

43 Mearsheimer, *The Tragedy of Great Power Politics*, 34-35.



emphasizes that “great powers are not mindless aggressors so bent on gaining power that they charge headlong into losing wars or pursue Pyrrhic victories.”<sup>44</sup> As the assumption of rationality suggests, offensive realists expect states to think long and hard about their choices. This is an important point to keep in mind here, because if we took Hypothesis 2 to mean that China will go to war over the smallest dispute we would obviously be greatly exaggerating what sort of situation offensive realism expects.<sup>45</sup>

It may seem that the historical record of the Pax Americana and earlier Pax Britannica does not bode well for the explanatory value of offensive realism with its focus on insatiable need for power. After all, neither the British empire nor the United States tried to conquer all of Europe during their heyday. Here the concept of “offshore balancers” enters the picture. According to Mearsheimer's theory the stopping power of water is so great as to effectively rule out domination of continents by insular powers.<sup>46</sup> Thus, the US “did not attempt to conquer territory in either Europe or Northeast Asia during the twentieth century because of the difficulty of projecting military forces across the Atlantic and Pacific Oceans against the great powers located in those regions.”<sup>47</sup> Instead, the US (as the British empire had before) took on the task of keeping a potential rival at bay through offshore balancing.<sup>48</sup> Conversely, China is a continental power; it does not have the water buffer benefit of the US. Quite the contrary, it borders 14 states, at least two of which could be considered great powers in their own right (Russia and India).<sup>49</sup>

While offensive realists recognize that nuclear weapons have indeed made a large impact, they are not of the view that nukes and second strike capabilities have rendered war unthinkable or traditional military means unimportant.<sup>50</sup> Mearsheimer argues that nuclear weapons make great

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44 Ibid., 37.

45 As Snyder points out, the difference between offensive and defensive realists when it comes to use of force is more about probabilities than absolute principles. He offers the suggestion that offensive realists may see use of force as favorable around 30 percent of the time, whereas defensive realists may see use of force as favorable only 20 percent of the time. Jack Snyder, “Defensive Realism and the “New” History of World War I,” *International Security* 33, no.1 (2008): 183. Recall the second potential issue discussed in the methodology section above. The qualification by offensive realists that states are not always aggressive unfortunately makes this issue a real possibility, since identifying which explanation fits best with the evidence is not as clear-cut as one may have hoped. Still, from the observational implications discussed below it should be possible to more precisely identify which hypothesis fits better with the cases.

46 This is essentially the same point offense-defense theory makes regarding geography, see the above discussion of defensive realism. As for offense-defense theory more generally, Mearsheimer points out that it is difficult to measure and is skeptical of the claim that defense has the advantage. See Ibid., 39, 417 (fn. 28).

47 Ibid., 236.

48 The apparent counter-argument presented by Japanese imperialism in Asia is explained by pointing out the different situation in Europe and Asia in the relevant periods of time: “In short, the Asian continent was open for penetration from abroad, which of course is why the European great powers had empires there. The European continent, on the other hand was effectively a giant fortress closed to conquest by distant great powers, like the United Kingdom and United States.” Ibid., 265.

49 According to Mearsheimer “The most dangerous states in the international system are continental powers with large armies.” Ibid., 135.

50 This is essentially the same position defensive realists take, although in general offensive realism considers states to be less risk averse than defensive realism does.

power war less likely but still possible, that land power remains the most important means of acquiring power and that conventional wars have not disappeared in the nuclear world.<sup>51</sup>

A last point to note is that Mearsheimer sees Northeast Asia today as a system of balanced multipolarity (meaning that it contains more than three great powers, none of which dominate the region).<sup>52</sup> This, according to his theory, is less stable than a bipolar system, but more stable than unbalanced multipolarity (one of the three or more great powers dominates the region). In other words, China will have some restraints to its power-maximization ambitions for the time being. Still, we should expect a gradual loosening of such restraints to have occurred (and keep occurring) with China's improved capabilities, and in general less restraint in dealing with weaker neighbors than with stronger ones.<sup>53</sup>

#### **1.4 Defining status quo and revisionist behavior**

What is the status quo, what constitutes revisionist behavior, and can we measure it?

The last few years have seen no shortage of references to a status quo that is seemingly under threat by China, or more generally expressions of the view that China is not doing enough to prove such a threat unwarranted. Thus, Condoleezza Rice (at the time advisor to George W. Bush) wrote an article in *Foreign Affairs* at the turn of the millennium, claiming that “China is not a 'status quo' power but one that would like to alter Asia's balance of power in its own favor.”<sup>54</sup> Her assessment was based on China's dissatisfaction with the Taiwan and South China Sea situations. Five years later, in a speech that was later to be frequently quoted, then Deputy Secretary of State Robert Zoellick called on China to become a “responsible stakeholder,” and while he did not explicitly accuse China of being revisionist it was suggested that the onus was on Beijing to prove its benign intentions: “many Americans worry that the Chinese dragon will prove to be a fire-breather ... Many countries hope China will pursue a 'Peaceful Rise,' but none will bet their future on it.”<sup>55</sup> More recently, in late November 2013 Defense Secretary Chuck Hagel described the

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51 Ibid., 130-33.

52 Ibid., 337, 381. According to Mearsheimer the great powers of Northeast Asia are China, Russia and the US. In a more recent article he includes India and Japan as “potentially dangerous neighbors”. John J. Mearsheimer, “The Gathering Storm: China's Challenge to US Power in Asia,” *The Chinese Journal of International Politics* 3, no. 4 (2010), 389.

53 For instance Mearsheimer has written that, as an implication of his theory, we would expect China in due time to “develop its own version of the Monroe Doctrine, directed at the United States.” Mearsheimer, *The Tragedy of Great Power Politics*, 401; Mearsheimer, “The Gathering Storm”, 389.

54 Condoleezza Rice, “Promoting the National Interest,” *Foreign Affairs* 79, no. 1 (2000): 56.

55 Robert B. Zoellick, “Whither China: From Membership to Responsibility?” Remarks to National Committee on U.S. - China Relations, September 21, 2005, accessed October 18, 2013,

new Chinese Air Defense Identification Zone (ADIZ) that covers disputed islands in the East China Sea as a “destabilizing attempt to alter the status quo in the region”, a sentiment echoed by Japanese Prime Minister Shinzo Abe.<sup>56</sup>

On the other hand, adding confusion to the situation, China is perhaps just as often criticized for its lack of willingness to push for change outside its own region. Recently, this has been happening during the “Arab Spring.” While China did not use its veto against action in Libya it has so far, along with Russia, made it clear that it will not allow a similar development in Syria, much to the chagrin of those promoting humanitarian interventions.<sup>57</sup> Arguing that it was time for China to change its stance on non-intervention, a journalist for the Wall Street Journal wrote that: “China's instinctive support for the status quo has left it flat-footed as events rapidly unfold. In one crisis after another, China has reacted to initiatives from Washington and other Western powers, despite its aspirations to be seen as a global peer of the U.S.”<sup>58</sup>

From this we can draw two inferences. First, since China is criticized both for its alleged threat to the status quo in East Asia and for its unwillingness to aid the process of changing the status quo in other parts of the world, there is nothing that *a priori* determines whether a policy in support of or opposed to any given status quo is moral or not. While it may be more common to glorify than condemn the status quo there is nothing in the concept itself that suggests it should be treated as a value-loaded term. Perhaps because the post-WWII world has been remarkably peaceful (relatively speaking), and partly due to the prominence of the “end of history” narrative,<sup>59</sup> the term revisionism conversely seems to carry distinctly negative connotations.<sup>60</sup> The most prominent revisionists of the Westphalian world, Napoleon and Hitler, are remembered as aggressors and tyrants (particularly the latter) for good reasons. But there is nothing intrinsically morally superior about defense of the status quo, a point made perhaps most saliently by E. H. Carr when he wrote

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[http://www.ncuscr.org/files/2005Gala\\_RobertZoellick\\_Whither\\_China1.pdf](http://www.ncuscr.org/files/2005Gala_RobertZoellick_Whither_China1.pdf).

56 Chang-Ran Kim and Phil Stewart, “U.S., Japan slam China's 'destabilizing' move on East China Sea airspace,” *Reuters*, November 24, 2013, accessed December 6, 2013,

<http://www.reuters.com/article/2013/11/24/us-china-japan-idUSBRE9AM02920131124>; Martin Fackler, “Japan Answers China’s Warnings Over Islands’ Airspace,” *The New York Times*, November 25, 2013, accessed December 6, 2013, [www.nytimes.com/2013/11/26/world/asia/japan-answers-chinas-warnings-over-islands-airspace.html](http://www.nytimes.com/2013/11/26/world/asia/japan-answers-chinas-warnings-over-islands-airspace.html).

57 Julian Borger, “Libya no-fly resolution reveals global split in UN,” *The Guardian*, March 18, 2011, accessed October 27, 2013, <http://www.theguardian.com/world/2011/mar/18/libya-no-fly-resolution-split>; Patrick Wintour, “Syria crisis: China joins Russia in opposing military strikes,” *The Guardian*, September 5, 2013, accessed October 27, 2013, <http://www.theguardian.com/world/2013/sep/05/syria-china-russia-opposing-military-strikes>.

58 Andrew Browne, “Beijing’s Middle Eastern Dilemma,” *The Wall Street Journal*, September 2, 2013, accessed September 26, 2013, <http://online.wsj.com/news/articles/SB10001424127887324432404579050883945934914>, my emphasis.

59 Though it should be pointed out that Fukuyama's argument was about ideology and institutions (the triumph of liberal democracy and capitalism), not the end of events or other sorts of changes as such. Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press, 1992), xi-xiii.

60 Barry Buzan, *People, States, and Fear: The National Security Problem in International Relations* (Brighton: Wheatsheaf Books, 1983), 176.

that “It is profoundly misleading to represent the struggle between satisfied and dissatisfied Powers as a struggle between morality on one side and power on the other. It is a clash in which, whatever the moral issue, power politics are equally predominant on both sides.”<sup>61</sup>

The second inference is that it would be wrong to assume that the most powerful state in the system will always act with the goal of preserving the status quo in mind, even under the condition of unipolarity. While common logic may suggest that no state would be more likely to protect the status quo than its (supposed) main beneficiary there are a number of cases that have proved such predictions wrong.<sup>62</sup> To use the examples from above we could say that from a US vantage point, perceived Chinese “unfinished business” in its own neighborhood is seen as potentially threatening to a “good status quo” (namely American primacy in the region, facilitating peace and stability). Conversely, the sort of change that was hoped for in Syria could turn a “negative status quo” into a new and better one (strengthen the position of the US and its regional partners, weakening Iran and Russia).<sup>63</sup> The point here is not to suggest that the US is (or is not) a revisionist power today, only to show that to *a priori* assume that any state will necessarily act in support of the status quo is mistaken, and that for this reason we cannot use the behavior of any state as a benchmark for identifying what constitutes status quo behavior.<sup>64</sup>

Even when avoiding these two false assumptions about these concepts, there is still room for confusion. For one thing, few would agree that any sort of change to the status quo of any given moment constitutes revisionism. If so, revisionism would be a continuous, never-ending process; every time a nation produced a new rifle the status quo would in a minuscule way have been altered. So there is a question of the severity of change. Second, it is not always clear what the role of means employed to bring about revisions should play. Is the threat or actual use of military means necessary to brand behavior as revisionist? How about economic or cultural means? I will

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61 E. H. Carr, *The Twenty Years' Crisis, 1919-1939* (New York: Palgrave Macmillan, 2001), 99. Barry Buzan suggests that the “tendency to sanctify the status quo relates strongly, of course, to the fact that most of the literature on international relations ... has been written within the confines of two pre-eminent status quo powers, Britain and the United States.” *People, States and Fear*, 176.

62 Robert Jervis aptly noted this paradoxical “hegemonic revisionism”, arguing that it followed from the central elements pursued by Washington's foreign policy that it “should be more closely modeled after Napoleon than after Talleyrand and Metternich.” Robert Jervis, “The Remaking of a Unipolar World,” *The Washington Quarterly* 29, no. 3 (2006): 9-10. For a similar argument suggesting the US may itself qualify as a revisionist state, see Steve Chan, “Can't Get no Satisfaction? The Recognition of Revisionist States,” *International Relations of the Asia-Pacific* 4, no. 2 (2004): 234.

63 Alternatively, from a more idealistic perspective, one could say that change to the status quo in the Arab world is considered a (potentially) good thing because the current status quo is one of (mostly) repressive and undemocratic regimes.

64 Johnston makes the same point with regard to the US and international norms. Alastair Ian Johnston, “Is China a Status Quo Power?” *International Security* 27, no. 4 (2003): 12 (fn. 22). One example of the equation of support for US positions with status quo behavior is found in a recent work by David Shambaugh, where the fact that Beijing's and Washington's votes in the Security Council between 1989 and 1996 only coincided 17% of the time is used as evidence for Chinese alleged ambivalence toward the status quo during this time period. David Shambaugh, *China Goes Global: The Partial Power* (New York: Oxford University Press, 2013), Kindle edition, 135.

deal with these aspects below and specify how the concepts are understood in this thesis.

First, as noted above, to characterize all change as revisionist would be to render the concept indistinguishable from “change”, and thus of little analytical value. It is often suggested that the change brought about needs to be a substantial one to qualify as revisionism. For instance, Morgenthau writes that:

[The policy of the status quo] is opposed to any change that would amount to a reversal of the power relations among two or more nations, reducing, for instance, A from a first-rate to a second-rate power and raising B to the eminent position A formerly held. Minor adjustments in the distribution of power, however, which leave intact the relative power positions of the nations concerned, are fully compatible with a policy of the status quo.<sup>65</sup>

Likewise, Davidson defines a revisionist state as one intending “to change the distribution of goods (for example, territory) among the great powers.” The intended change must be an element of some magnitude in the foreign policy of the state, “[it] would be theoretically and empirically useless to categorize states with minor revisionist aims (for example, Japan and the Northern Territories) as revisionist or to categorize all states with professed revisionist aims as revisionists.”<sup>66</sup> While I agree with Davidson's second point (that it is how a state acts, rather than what it says, that should be in focus), I find the emphasis he and Morgenthau places on the magnitude of the change to be somewhat unclear. As Johnston points out, such definitions do not offer much in the way of identifying “what a first-rate or second-rate power concretely looks like,” and would apparently allow for the state in question to expand at the expense of smaller countries without qualifying as a revisionist.<sup>67</sup>

Sometimes this problem is dealt with by introducing the concept of “limited-aims revisionism.” Schweller distinguishes limited-aims revisionists from unlimited-aims revisionists by describing the former as “typically regional powers that seek either compensatory territorial

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65 Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 2nd ed. (New York: Alfred A. Knopf, 1959), 39. Thus, a revisionist foreign policy (Morgenthau refers to revisionism as imperialism) is one that “aims at acquiring more power than it already has, *through a reversal of existing power relations* – whose foreign policy, in other words, seeks a favorable change in power status”. Ibid., 36, my emphasis. Morgenthau holds the position that the intention of those in charge of the policy does not matter; in other words a state may think it pursues a status quo policy while in reality it is doing the opposite. Ibid., (fn. 3).

66 Jason W. Davidson, “The Roots of Revisionism: Fascist Italy, 1922-39,” *Security Studies* 11, no. 4 (2002): 125-26. Davidson does not specify what sorts of goods he has in mind further than the example of territory. Furthermore, in his definition a state with revisionist aims is not a revisionist until those aims are in some way reflected in actual policy, or at least clearly articulated by its leadership.

67 Johnston, “Is China a Status Quo Power?” 9. Indeed, such a definition would on the face of it allow China to have forcibly settled all its disputes with its smaller neighbors to its own advantage and still be labeled a status quo power, as long as the overall power relation between these would still remain the same.

adjustments, recognition as an equal among the great powers, and/or changes in the rules and decision-making procedures within existing regimes.”<sup>68</sup> By contrast, the unlimited-aims revisionist will not be satisfied unless its every claim is fully accommodated. Borrowing this distinction, I will not require that the territorial changes brought about result in a reversal of power relations to qualify as revisionism, but will distinguish revisionism of a more limited nature from the grander sort Morgenthau and Davidson has in mind. However, small changes brought about through other means than military power (or threats of such power) or physical coercion are not considered revisionist. For our purposes here this implies that if China and other states resolve their disputes peacefully, even if territory ends up changing hands to China's (or the other state's) advantage, this is not considered revisionist behavior. If it was, there would be no room in international politics for minor territorial adjustments.

To some extent this has to do with legitimacy. At first glance this appear to contradict what was said above about “status quo” and “revisionist” not being moral categories. However, drawing on one of Kissinger's insights, “‘Legitimacy’ as here used should not be confused with justice. It means no more than an international agreement about the nature of workable arrangements and about the permissible aims and methods of foreign policy.”<sup>69</sup> Minor territorial adjustments originating from boundary agreements may in fact enhance the larger territorial status quo because such agreements are consented to by both parties and thus imply that the door to further claims by either side has been closed.<sup>70</sup> This means that I take concluded territorial settlements to be genuine by both parties, signaling a permanent acceptance of the borders they delineate (and thus a forfeit of the opportunity to claim more territory from the counterpart later). As Vasquez has noted, “If the territorial divisions among neighbors are not challenged but accepted as legitimate, peaceful relations can govern. Most borders once satisfactorily settled remain so for long periods of time.”<sup>71</sup> If we allowed for the possibility that China in the future may break the territorial agreements it has signed with its neighbors we would essentially make it impossible to identify status quo behavior in territorial disputes.

Not everyone agrees with giving means a prominent role in defining revisionist behavior. Morgenthau clearly separates revisionism (which in his definition is always in the form of goals)

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68 Randall L. Schweller, “Managing the Rise of Great Powers: History and Theory,” in *Engaging China: The Management of an Emerging Power*, ed. Alastair Iain Johnston and Robert S. Ross (New York: Routledge, 1999): 19.

69 Henry A. Kissinger, *A World Restored: Metternich, Castlereagh and the Problems of Peace 1812-1822* (Boston: Houghton Mifflin, 1957), 1.

70 It may be true, as Carr noted, that a treaty signed under duress and of “immoral” content is prone to being broken by the victim of its imposition. But unlike the earlier “unequal treaties” that were imposed on China during its “century of humiliation”, none of the agreements Beijing reached with its neighbors in the period under consideration here are comparable in nature. Carr, *The Twenty Years' Crisis*, 172-74.

71 John A. Vasquez, *The War Puzzle Revisited* (New York: Cambridge University Press, 2009), 160.

from the means employed to achieve the sought changes.<sup>72</sup> Conversely, for Johnston a state's consideration of military power as an essential instrument in bringing about its desired changes is an indicator of revisionism.<sup>73</sup> Other than the conceptual justification offered above, there are two further reasons for why I intend to follow Johnston's example. First, it makes revisionism somewhat easier to identify. Second, it seems to be common to include the employment of military means as a facet of revisionism in the real world.<sup>74</sup> It may also be true that in general a state will be less likely to resort to threats or actual use of force unless the change it aims to bring about is of some significance, so that there will often be a correlation between the salience of the territory in question and the likelihood that a disputant will resort to force to alter its status quo.<sup>75</sup>

It can be objected that the emphasis on military means underestimates the role economic and cultural means can play in bringing about significant change. That may be true, but such means are not taken into account here, due to considerations of space and time, and because it would greatly complicate the analytical task at hand.<sup>76</sup> Furthermore, change that can be traced back to economic and cultural interchange is more likely than the usage of military force to be legitimate, even if such interchange is asymmetrical. Considering "economic means" of revisionism would, in an extreme example, open up the possibility of concluding that China is revisionist merely because of its impressive growth rates (which, when channeled into improved military capabilities will by default lead to a more advantageous position relative to states that cannot afford such improvements).<sup>77</sup>

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72 In fact, he brands any inclusion of means to the definition of revisionism a misconception. "Military imperialism seeks military conquest; economic imperialism, economic exploitation of other peoples; cultural imperialism, the displacement of one culture by another – but always as means to the same imperialistic end. That end is always the overthrow of the status quo". Morgenthau, *Politics Among Nations*, 54.

73 Johnston, "Is China a Status Quo Power?", 11.

74 Consider, for instance, how Japanese Prime Minister Shinzo Abe recently pointed to "concerns that China is attempting to change the status quo by force, rather than by rule of law." Gerard Baker and George Nishiyama, "Abe Says Japan Ready to Counter China's Power," *The Wall Street Journal*, October 26, 2013, accessed October 29, 2013, <http://online.wsj.com/news/articles/SB10001424052702304799404579157210861675436>. Again, it may be objected that this merely points to the fact that these countries fear aggressive means more than they do changes to the status quo as such, but the fact that other researchers has included military means as a factor, and that operationalization of revisionism is difficult if it is left out, should justify the inclusion.

75 In line with this, Wolfers argued that "Goals of self-extension generally place an extremely high premium on the resort to power as a means. The chances of bringing about any major change in the international status quo by means other than power or even violence are slim indeed." Arnold Wolfers, *Discord and Collaboration: Essays on International Politics* (Baltimore: John Hopkins Press, 1962), 95.

76 For similar reasons I do not focus on domestic politics as a source of status quo or revisionist behavior. For an example of a definition where "domestic values and structures" play an important role see Barry Buzan, *People, States and Fear*, 178-79.

77 As for culture, much has been written about the role of Confucius Institutes and China's soft power push. While there are diverging opinions regarding how efficiently China is able to wield cultural influence, in general most scholars seem to agree that for the time being it remains limited. See for instance Shambaugh, *China Goes Global: The Partial Power*, 266; James F. Paradise, "China and International Harmony: The Role of Confucius Institutes in Bolstering Beijing's Soft Power," *Asian Survey* 49, no. 4 (2009): 662-65. More generally, Michael Barr points out that much of the literature on soft power dealing with China is guilty of the "vehicle fallacy," confusing spending on areas typically associated with soft power as actually wielding it. A second common misconception is to confuse economic inducements with soft power. Michael Barr, *Who's Afraid of China? The Challenge of Chinese Soft Power* (London: Zed Books, 2011), 16-17.

To sum up the discussion above, this thesis does not require that the changes brought about by a state fundamentally alters the status quo for it to qualify as revisionist, but at the same time does not consider adjustments that have been brought about through non-military means (and did not involve threats of using such means) to constitute revisionism.

Thus, in this thesis revisionist behavior is understood as *being aimed at changing the current distribution of territory, and toward this goal employment of military means is considered key*. Conversely, status quo behavior is defined as *being aimed in the main at maintaining and consolidating the current distribution of territory*.

One could say that this thesis considers one side of the status quo coin, the most tangible one, concerning territorial control. The other side is the systemic level “rules of the game”.<sup>78</sup> This distinction resembles Wolfers' between “possession goals” and “milieu goals.”<sup>79</sup> What I am focusing on here is possession goals, although limited to those related to territorial control. To satisfactorily deal with the “rules of the game” (or milieu goals) would require defining what the relevant rules are and to look at different variables. Due to space considerations I will leave that out of the thesis, and emphasize that my findings here cannot be used to say anything meaningful about China's approach to the “rules of the game.” That being said, the territorial aspect in focus here is important in itself.

### ***1.5 Dependent variable and observable implications***

As stated above Hypothesis 1 is that China is behaving more like a status quo power, whereas Hypothesis 2 is that China is behaving more like a revisionist power. The dependent variable under consideration is thus *Chinese behavior* and it is treated here as a dichotomy; it can take the two values of (i) behavior aimed at maintaining the status quo or (ii) behavior aimed at changing the status quo (revisionism). Because these values ultimately reflect intentions, which cannot be measured directly, it is necessary to state the observable implications each carry. This will make it

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78 Note that in the context of the maritime territorial disputes I will briefly discuss China's view of coastal state rights in Exclusive Economic Zones (EEZs). This is because this directly impinges on the maritime disputes (particularly in the South China Sea). *Systemic* level rules of the game, however, will not be looked at.

79 Wolfers writes that “In directing its foreign policy toward the attainment of its possession goals, a nation is aiming at the enhancement or the preservation of one or more of the things to which it attaches value. ... Here a nation finds itself competing with others for a share in values of limited supply; it is demanding that its share be left intact or be increased.” And regarding milieu goals, “Nations pursuing them are out not to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries.” Of course, these two types of goals are not thought to be wholly independent of one another, “Milieu goals often may turn out to be nothing but a means or a way station toward some possession goal.” Wolfers, *Discord and Collaboration*, 73-74.



clear what sort of behavior we will be looking for in the cases under study.<sup>80</sup>

*Observable implications of Hypothesis 1.* Hypothesis 1 suggesting status quo behavior, would based on its theoretical underpinnings and our definition of the status quo predict the following features in China's behavior. First, we would expect to see a China that either seeks a consolidation of the current territorial distribution, or seeks limited improvements, i.e. improvements that are not so great as to upset the overall current distribution. In other words, China should be more preoccupied with securing what it already possesses than to expand. This does not necessarily mean that China has to make concessions, but concessions would certainly support the status quo hypothesis. Furthermore, we would expect China to rely on non-military means in seeking to achieve its goals. Using its army to secure even small changes to the territorial status quo would not be consistent with status quo intentions.

*Observable implications of Hypothesis 2.* Hypothesis 2, suggesting revisionist behavior, predicts the following features in China's behavior. First, we should expect to see China seize any chance of expanding as long as this can be done with a reasonable chance of success. This is particularly true as long as China has yet to reach a position of regional hegemony. This does not necessarily mean that China will use any possible means to see its claims met in the short term, but it will prefer a delaying strategy (stalling for time until it is able to get what it wants at an acceptable cost) rather than reaching a territorial settlement where both sides make concessions. Military means (or threats of such usage) may be employed if other instruments are not sufficient to bring about a settlement granting China the territory it claims.

## **1.6 What the thesis will not cover**

A few words about what will not be covered in this thesis is in order before we proceed to the cases under consideration. We have already noted that the focus is on disputed territory, but depending on how one defines “disputed” not all such territory will be considered. First of all, only disputes in which all claimants are sovereign states will be included. For this reason I do not cover areas that others might see as relevant, such as Tibet and Xinjiang. Second, I also leave out Taiwan due to the very different nature of the conflict regarding that island. Third, what has been termed “latent disputes” will not be dealt with. Some clarifications will follow.

Regarding Tibet and Xinjiang, these are clearly restive areas where tensions frequently run high. Calls for more autonomy, self-determination, and sometimes outright independence, has been

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<sup>80</sup> As stated by King, Keohane and Verba, the “observable implications of the theory must guide our data collection, and help distinguish relevant from irrelevant facts.” *Designing Social Inquiry*, 28-29.

frequent features since China established control of these areas during the Qing dynasty (Xinjiang) and the early years of the People's Republic (Tibet). But in the time that has passed since the initial conquest of these territories they have long since been consolidated and integrated into the larger nation state. Thus, I disagree with the position of Tang, who writes that “a state that is striving to maintain the spoils of its past aggression and conquest is no different from a state that is actively expanding or conquering.”<sup>81</sup> Instead I take the position of Morgenthau, who wrote (with Great Britain after it had acquired a number of overseas territories in mind) that, “while it may make sense to apply the term 'imperialism' to the domestic policies of an existing empire, it is confusing and misleading to apply the term to international policies of an essentially static and conservative character.”<sup>82</sup> In this sense, while the original act of conquering these areas was revisionist,<sup>83</sup> China's insistence on holding on to them today is in fact status quo behavior.<sup>84</sup> No state actors dispute China's control over these territories today.

Taiwan is a less clear-cut case to leave out, because while the number of states with which the Republic of China has full diplomatic relations is only 22, it does arguably function as a *de facto* state (with some limitations).<sup>85</sup> However, there are two strong reasons for leaving it out. The first has to do with the very nature of the conflict between the Chinese mainland and Taiwan: it is not so much a “territorial dispute” as it is a dispute over who has the right to rule *all* of China; whether all the Chinese territories are to be united under the People's Republic of China or the Republic of China. In other words, whereas the other disputes that will be dealt with in this thesis revolve around whether some specific areas belongs to this or that state, this dispute has more to do with the question of legitimacy left unresolved after an unfinished civil war. To this it may be objected that too much has changed in the last few decades; Taiwan is now a functional democracy, and while it has maintained the appearance of a commitment to eventual reunification (on its own terms) Taipei has since 1991 stopped emphasizing its right to rule all of China.<sup>86</sup> Granted that this is true, it doesn't change the nature of this conflict and the fact that the international community overwhelmingly recognizes Taiwan as a part of China.

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81 Shiping Tang, *A Theory of Security Strategy for Our Time: Defensive Realism* (New York: Palgrave Macmillan, 2010), 25.

82 Morgenthau, *Politics Among Nations*, 42.

83 Indeed, the very meaning of “Xinjiang” is “new frontier.” Peter C. Perdue, *China Marches West: The Qing Conquest of Central Eurasia* (Cambridge: Harvard University Press, 2005), 32.

84 One could quibble about just how much time must have passed after the acquisition of new territory before this new reality is accepted as a part of the status quo, but in the cases of Tibet and Xinjiang one would be hard pressed to make the case that China has yet to consolidate its hold. That is not to say that calls for more autonomy are unwarranted, but this is a moral dimension that falls outside the scope of this thesis.

85 The number of states with which Taiwan has full diplomatic relations is from November 2013. Executive Yuan, Republic of China (Taiwan), “Foreign Affairs,” in *The Republic of China Yearbook 2013*, accessed May 5, 2014, <http://www.ey.gov.tw/en/cp.aspx?n=90586F8A7E5F4397>.

86 Alan M. Wachman, *Why Taiwan? Geostrategic Rationales for China's Territorial Integrity* (Stanford: Stanford University Press, 2007), 45.

This brings us to the second reason for leaving out Taiwan from the thesis. Since we are interested here in drawing some inferences from China's behavior so as to be able to say whether or not it has been displaying revisionist ambitions, the very different status of the dispute between China and Taiwan suggests that using it for this purpose would be problematic. As Johnston has noted, "it is hard to generalize from how Chinese leaders have handled the Taiwan issue to their attitudes toward the long-term regional distributions of power ... It is a dangerous exception, but an exception nonetheless."<sup>87</sup>

Lastly, some might deem it appropriate to consider territory China has not (yet) officially laid claim to, but is perceived (by these observers) to harbor a longer-term intention to acquire. Perhaps the most commonly suggested territory grouped under this category is the Russian Far East, regarding which there has long been a popular hypothesis that China will eventually regain much of what it lost in "unequal treaties". In one version of this narrative Beijing can simply sit back and let the demographic developments do its bidding.<sup>88</sup> Notwithstanding the fact that figures for Chinese living in the Russian Far East these territories are extremely unreliable and that the "threat" seems very much to have been blown out of proportion, the fact remains that this argument rests on demographic determinism.<sup>89</sup> Visa rules are enforced by both China and Russia,<sup>90</sup> and while some may speculate that a change will occur over time by default this is highly speculative, and impossible to prove in the absence of evidence of a Chinese design to acquire these territories.

Such notions belong to what has been termed "latent disputes", which are open to all sorts of speculation and ultimately cannot be proved or disproved.<sup>91</sup> Territory that is not claimed, but thought by some to be coveted by China is thus not included here. With these clarifications out of the way we can proceed to look at the cases.

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87 Johnston, "Is China a Status Quo Power?" 48-49. M. Taylor Fravel makes the same point. See "International Relations Theory and China's Rise: Assessing China's Potential for Territorial Expansion," *International Studies Review* 12, no. 4 (2010): 509.

88 For a discussion, see Elizabeth Wishnick, *Mending Fences: The Evolution of Moscow's China Policy from Brezhnev to Yeltsin* (Seattle: University of Washington Press, 2001), 154.

89 According to one thorough treatment of the issue Chinese migration to the Russian Far East since 1991 has been "quite modest", and "The number of Chinese visiting, working or living in Russia has been among the most wildly abused data points in a country known for statistical anomalies". Maria Repnikova and Harley Balzer, "Chinese Migration to Russia: Missed Opportunities," Woodrow Wilson International Center for Scholars, Comparative Urban Studies Project, *The Eurasian Migration Papers*, no. 3 (2009): 8, 13.

90 *Ibid.*, 11.

91 I borrow this term from Huth, *Standing Your Ground*, 24. Huth similarly excluded latent disputes from his study.

## 2. Disputes over land territory

### 2.1 Russia and Central Asia

#### 2.1.1 Russia

##### Background

Geographical scale and history would lead us to expect solving China's territorial disputes with Russia to be a difficult task. For one thing the sheer length of the borders – both the eastern and western sections – is enormous. As far as the western sector is concerned this changed with the collapse of the Soviet Union (after which the length of the border disputed with Russia in this section was merely 54 kilometers),<sup>92</sup> but the long stretch in the east remained intact. The resource endowment of Russia's Far East (part of which was gained through “unequal treaties,” as noted below) is not of small significance, containing (together with eastern Siberia) some “65 percent of Russia's prospective petroleum reserves, 85 percent of [Russia's] natural gas reserves, almost all its diamonds, 70 percent of its gold, and bountiful coal, timber, and numerous other resources.”<sup>93</sup> Furthermore, Russia's Far East contains plenty of arable land, much coveted by China where the arable land per person is a mere 0.11 hectares (compared to Russia's 0.85 hectares).<sup>94</sup>

Moreover, the history of Russian expansion was not a forgotten one. Much of it happened in the period of Chinese weakness later grievously remembered as the “century of humiliation” and was formalized through “unequal treaties.” In 1858 the Russian Empire gained 158,000 square miles (the Treaty of Aigun); in 1860, at the end of the Second Opium War, 133,000 square miles more (the Treaty of Peking); and then in 1881 additionally 15,000 square miles (the Treaty of Saint Petersburg). Substantial chunks of theretofore Qing territory had switched hands, now a part of the Russian Empire (see Appendix 1, Figure 1 and Figure 2).<sup>95</sup> In the east the territory gained by Russia, located north of Amur and Ussuri rivers, had pushed China below water that would henceforth

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92 Yakov Zinberg, “The Vladivostok Curve: Subnational Intervention Into Russo-Chinese Border Agreements,” *Boundary & Security Bulletin* 4, no. 3 (1996): 78.

93 Mark Galeotti, “Sino-Russian Border Resolution,” in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), 263.

94 Fravel, “International Relations Theory and China's Rise,” 515. This relates to the “lateral pressure” theory, which suggests that growing states with a high population face the need for more space, land and resources to deal with prospective challenges and maintain the current trajectory. *Ibid.*, 513.

95 Immanuel C. Y. Hsü, *The Rise of Modern China*, 2nd ed. (New York: Oxford University Press, 1975), 818

provide a kind of fixed natural boundary.<sup>96</sup>

Russia had been somewhat more accommodating in the western regions (sections of Ili, occupied by Russia, were returned through the Treaty of Saint Petersburg),<sup>97</sup> but continued to display an appetite for larger portions of Manchuria through the turn of the century.<sup>98</sup> Emerging victorious from civil war half a century later, and having ended the “century of humiliation,” the CCP emphasized that China had stood up. But while promising that China was no longer to be a victim Mao did not initially press claims to have territory returned by the Soviet Union, as the latter was at this stage considered an important ally. Mao even allowed Stalin to continue leasing Port Arthur (Lüshun) and Dalian, which the Russian Empire had originally threatened a weak China to lease to it in 1898.<sup>99</sup> However, this was to change following the gradual souring of relations after Stalin's death.

In the atmosphere of mistrust that came with the Sino-Soviet split, China became more explicit in denouncing Russia's territorial grabs of the late 19th century. In March 1963 China demanded that Moscow acknowledge that their frontier had come about through unequal treaties, and published a list of the territories the Qing dynasty had lost to its northern neighbor.<sup>100</sup> A year later, in talks with a delegation from the Japanese Socialist Party, Mao reportedly said: “About a hundred years ago, the area to the east of Baikal became Russian territory and since then Vladivostok, Khabarovsk, Kamchatka, and other areas have become Soviet territory. We have not yet presented our bill for this list.”<sup>101</sup> The Soviets replied by drawing parallels between Mao's statement and Hitler's concept of *Lebensraum*, and pointed out the hypocrisy in complaining about Russian imperialism while retaining much of the territory the Qing dynasty had gained through

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96 I say “kind of” because while large rivers often provide border delimitations between states (as do mountain ranges) areas to the north of the Amur river were inhabited by Chinese prior to Russian expansion. The Russian anthropologist Middendorf, who was conducting a study on behalf of the Imperial Academy of Sciences before 1845, had noted that “the northern bank of the Amur near the right bank of the Nen River ... had been settled by the Manchus since the seventeenth century. In addition, he found the area south of Amur, between the Sungari ... and Ussuri rivers, to be densely populated by Manchus and Chinese.” Of course this did not change the strategic significance of controlling these territories for the Russians, for as one official had concluded, “whoever controls the left [northern] bank and the mouth of the Amur will control Siberia.” S.C.M. Paine, *Imperial Rivals: China, Russia and Their Disputed Frontier* (Armonk: M.E. Sharpe, 1996), 34, 36-38.

97 Jonathan D. Spence, *The Search for Modern China* (New York: W.W. Norton, 1990), 220-21

98 In the midst of the Boxer Uprising Russia sent 200,000 troops to Manchuria with the expressed intent of bringing back order, achieving control of the whole territory within a few months. Hsü, *The Rise of Modern China*, 492. Of course much of Manchuria was later taken by Japan, having won the Russo-Japanese war, and eventually regained by China after WWII. But the memory of Russian expansion was not easily forgotten.

99 Mao had expressed his wish that the Soviet Union leave Port Arthur in 1949, to which Stalin replied that it would be best if Moscow kept it until the US left Japan. Through the Treaty of Friendship, Alliance and Mutual Assistance, signed on February 14, 1950, Mao agreed to let Moscow continue leasing the two ports until 1952. (The Soviet lease for Port Arthur was later extended until 1955, for reasons related to the Korean War.) Kuisong Yang, “The Sino-Soviet Alliance and Nationalism: A Contradiction,” in *The Cold War History of Sino-Soviet Relations*, (Zürich: Parallel History Project on Cooperative Security (PHP), 2005): 2; Henry Kissinger, *On China* (New York: Penguin Press, 2011), 117; Hinton, *Communist China in World Politics*, 220.

100 Hsü, *The Rise of Modern China*, 819.

101 Quoted in *Ibid.*

precisely the same means.<sup>102</sup>

While it seems unlikely that Mao actually imagined regaining these territories,<sup>103</sup> the rhetoric he used did not reveal much of an acceptance of the territorial status quo. Just a month after the mentioned Chinese demand for a Soviet acknowledgement, China suggested the parties hold talks over their disputes. This may suggest that the accusations of Russian imperialism and past mistreatment had more to do with improving China's bargaining position than to legitimize an actual retaking of territory by force. According to one observer, already at this stage China communicated a willingness to negotiate on the basis of the "unequal treaties" it was formally opposed to, although it still wanted the Soviet Union to admit the imperialistic quality of these treaties.<sup>104</sup> Talks began in 1964 (and appears to have laid much of the groundwork for the more successful talks in the early 90s) but came to a halt with the above mentioned comment by Mao, which led the Russians to believe China harbored substantial revisionist aims in its Far East.<sup>105</sup>

The subsequent spiraling down of relations culminated in border clashes in March 1969. Brief but bloody battles between the two occurred on Zhenbao Island on March 2 and 15, the first reportedly initiated by China and the latter by the Soviet Union.<sup>106</sup> No territorial change seems to have resulted from these clashes, but negotiations were effectively brought to a halt after unsuccessful talks between the two sides between September and December in the same year.<sup>107</sup>

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102 Ibid.

103 Robinson has noted that there was more agreement than divergence between the parties in the 60s, and that both "agreed that the degree of adjustment necessary was relatively small, mainly affecting riverine islands." Thomas W. Robinson, "The Sino-Soviet Border Dispute: Background, Development, and the March 1969 Clashes," *The American Political Science Review* 66, no. 4 (1972): 1180. And as noted by Yang, "Probably realizing that this discussion of territorial issues could be misread, Mao later found another opportunity to clarify what he meant. While meeting a group of guests from France on 10 September [1964], the CCP Chairman emphasized that by bringing up matters of the past he meant nothing more than taking the offensive through firing empty canons, so that Khrushchev would be scared for a moment." Kuisong Yang, "The Sino-Soviet Border Clash of 1969: From Zhenbao Island to Sino-American Rapprochement," *Cold War History* 1, no.1 (2000): 23.

104 Chien-peng Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes* (New York: RoutledgeCurzon, 2004), 65.

105 M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes* (Princeton: Princeton University Press, 2008), 123. Apparently a draft border agreement had been worked out, but Khrushchev refused to sign it after Mao made his comment to the Japanese delegation. Mark Galeotti, "Sino-Russian Border Resolution," 257

106 Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 66-67. There are several interpretations of these clashes, but most agree that China's motivations for initiating the March 2 clash were mainly defensive. Kissinger considers them instances of "offensive deterrence," attributed to previous Soviet border harassment. Fravel suggests that China felt increasingly vulnerable in its bargaining position in the territorial dispute, due to large Soviet troop deployment close to the eastern border sector, an assertive posture in areas of dispute and the recent proclamation of the Brezhnev doctrine, whereby the Soviet Union reserved for itself the right to intervene in other socialist countries. Kissinger, *On China*, 217; Fravel, *Strong Borders*, 203.

107 The talks apparently stalled due to the Chinese requirements that the Soviet Union retreat from river islands under dispute and admit the imperial nature of the older treaties. Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 69-72.

## Later developments

Having been essentially frozen for two decades, negotiations started to pick up their pace in the late eighties. The catalyst came with Gorbachev, who in his Vladivostok speech in 1986 urged an improved frontier situation and strengthened economic ties between the two sides.<sup>108</sup> The competition against the US was hard on the Soviet economy, and having 600,000 troops tied down on the Chinese border became increasingly untenable. This seems to have been the main impetus behind Gorbachev's outreach.<sup>109</sup> The General Secretary now made it clear that the Soviet Union was ready to accept a demarcation based on the *thalweg* principle, a key Chinese requirement from previous talks.<sup>110</sup> Two months later the parties had agreed on resuming negotiations, the first round of which was held in February 1987. Gorbachev visited China in 1989 (coinciding with the Tiananmen protests), after which the border negotiations picked up speed. On May 16, 1991, foreign ministers Qian Qichen and Aleksandr Bessmertnykh signed what was thus far the most substantial document produced by the negotiations, the eastern border agreement.<sup>111</sup>

From this agreement we can identify concessions by both parties. From the Soviet Union, having long since consolidated its hold over the territory ceded to it by the Qing dynasty, a strong defense of the territorial status quo was to be expected; that is a border settlement freezing the overall territorial distribution between the two states. In view of this, the acceptance of the *thalweg* principle was a concession in the sense that it necessarily would involve transfer of river islands to China (even though the actual allocation of ownership of islands and shoals was to be settled by a joint commission later, and as mentioned below China agreed to share the important Heixiazi Island and Abagaitu Shoal, territories that would have gone exclusively to Beijing had the *thalweg* principle been applied here).<sup>112</sup> Conversely, from China's perspective, its position had always been that the territorial status quo was the result of Russian expansionism, even though Beijing was

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108 It is also worth noting that China three years earlier had dropped the requirement that the Soviet Union admit the "unequal" character of the former treaties. Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 79-80.

109 Fravel, *Strong State*, 137.

110 The *thalweg* principle "defines river borders on the basis of the main channel of navigable rivers." Akihiro Iwashita, *A 4,000 Kilometer Journey along the Sino-Russian Border* (Sapporo: Slavic Research Center, Hokkaido University, 2004), 17. Previously the Soviet Union's position had been that the border was drawn at the Chinese shore, thus making all river islands Russian territory. According to one observer China had first presented its insistence that the *thalweg* principle be used to decide the fate of ownership over river islands in March 1969, "the first time that the Chinese government had made an effort to draw on international law to bolster its claim to a disputed piece of territory." Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 76.

111 Iwashita, *A 4,000 Kilometer Journey*, 10. The Soviet Union collapsed in December the same year, but the agreement was ratified without any revisions by Russia and China in February 1992. Zinberg, "The Vladivostok Curve," 76.

112 Fravel, *Strong Borders*, 142

willing to negotiate with a Moscow unwilling to admit as much.<sup>113</sup> The very fact that Beijing had dropped its accusations of imperialism and was willing to sign an agreement that for all practical purposes would render any hope to get back most of what had been lost was in itself a concession.

Moreover, China dropped its former requirement of a complete border settlement, meaning one encompassing both the western and eastern sectors disputed. This concession was made in October 1989 – at the fourth negotiation round – only months after the crackdown of the student protests in Beijing, and may to some extent have reflected international isolation and an added impetus to reach a settlement.<sup>114</sup> Still, it was a noteworthy concession, since it came before the collapse of the Soviet Union (after which the western sector of the Sino-Russian border shrank immensely as a result of the newly independent Central Asian states), thus at a time where it would still be very much in China's interest to link the two sectors together in a comprehensive settlement.

Furthermore, China accepted the 1991 agreement even though it did not deal with the Abagaitu Shoal and Heixiazi, two specific areas that had been a brake to progress in previous negotiations and that China wanted to resolve together with the rest of the eastern sector (see the bottom sections of Appendix 1, Figure 1).<sup>115</sup> Abagaitu Shoal was considered valuable due to its location, as “a knot between the land border at Abagaitu and a starting point of the river border, and at a junction of the Hailar and Hunlun Rivers.”<sup>116</sup> Heixiazi was similarly considered strategically significant, because it “fenced off Khabarovsk from China.” Both of these sectors would have belonged to China had the *thalweg* principle been applied (since they are located on the Chinese side of the deepest river channel).<sup>117</sup> Heixiazi and Yinlong Islands, however, had been occupied by the Soviet Union since 1929, giving it a stronger negotiating position over these.<sup>118</sup>

According to Fravel there is a divergence in Chinese and Russian sources regarding the allocation of islands. Even the total number of islands (and how many square kilometers they comprise) diverges widely: “A Chinese source states that China received 765 disputed islands or approximately 53 percent of the total. A Russian source states that China received 1,281 of 2,444 disputed river islands and shoals, or approximately 52 percent.”<sup>119</sup> Both sides are in agreement over

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113 Thus, the “existing relevant treaties” the two sides agreed to base their settlement work on was the very “unequal treaties” that China previously had protested against. Ibid., 138

114 Ibid., 140-41.

115 Fravel, *Strong Borders*, 138. The Chinese name “Heixiazi” is sometimes used to refer to both Heixiazi Island (Bol'shoi Ussuriiskii in Russian) and Yinshe/Yinlong Island (Tarabarov in Russian), other times only the former. In any case, the Heixiazi area under dispute encompassed both of these neighboring islands. Iwashita, *A 4,000 Kilometer Journey*, 17.

116 Iwashita, *A 4,000 Kilometer Journey*, 162.

117 Ibid.; Akihiro Iwashita, “The Influence of Local Russian Initiatives on Relations with China: Border Demarcation and Regional Partnership,” *Acta Slavica Iaponica* 19 (2002): 8.

118 Xiaokun Li, “China, Russia sign border agreement,” *China Daily*, July 22, 2008, accessed March 20, 2014, [http://www.chinadaily.com.cn/china/2008-07/22/content\\_6865847.htm](http://www.chinadaily.com.cn/china/2008-07/22/content_6865847.htm). I have not found any information on whether or not Abagaitu Shoal was occupied by any of the disputants.

119 Ibid., 142. Even though both sides had agreed on applying the *thalweg* principle to the river borders, it was not



the distribution in percentage terms, however, and since the area size these features make up are estimated at either 600 or 800 square kilometers,<sup>120</sup> this means that China was allocated somewhere between 315 and 420 square kilometers of island and shoal territory.<sup>121</sup> These river features were uninhabited, save for the presence of peripatetic fishermen.<sup>122</sup>

The demarcation period was a contentious one, particularly on the Russian side where local residents were angered by the territorial transfers that were under way. Menkeseli Island was significant in this respect; it had been used by Russian fishers and was according to the 1991 agreement to be given to China.<sup>123</sup> In light of the local Russian dissatisfaction authorities from the Chita oblast (a province of southeast Siberia, next to the Menkeseli region) suggested a solution, whereby the territory would be handed over to China as agreed but Russian locals would retain their right to use the area. This “joint use” proposal was accepted by the Chinese, and applied to another contentious area, Ol’ginskii Island, as well.<sup>124</sup> Since China through the 1991 agreement was entitled to these areas without any requirement of joint use, Beijing’s willingness to accommodate the dissatisfaction of the Russian border population was a significant sign of goodwill, suggesting it cared more about reaching a final settlement than to secure as much territory for its own exclusive use as possible.

Furthermore, two areas (of 3 square kilometers each) close to Khasan and Lake Khanka in Primorsky Krai, according to the 1991 agreement supposed to go to China, were eventually divided between the two states (China receiving 50 and 74 percent, respectively) due to domestic anger in Russia.<sup>125</sup> Another area (9 square kilometers) in Primorsky Krai, close to Ussuriisk, went to China in its entirety. During a visit of Yeltsin to China, on November 9, 1997, the completion of the demarcation process was announced.<sup>126</sup>

Meanwhile, an agreement dealing with the western sector of the Sino-Russian dispute, now only a 54 kilometer long stretch of border, had been reached on September 3, 1994.<sup>127</sup> Finally, the

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self-evident how to distribute all the islands: “many of the rivers in question are braided, meandering, and divided into multiple streams by the islands that were so often the bones of contention.” Mark Galeotti, “Sino-Russian Border Resolution”, 258.

120 Fravel, *Strong Borders*, 142, (fn. 69).

121 For the sake of simplicity I assume that China received 52.5 percentage of the allocated river features, the average from the Chinese and Russian sources Fravel mentions. At these scales half a percentage one way or the other does not amount to much of a difference.

122 Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 61.

123 Iwashita, *A 4,000 Kilometer Journey*, 24.

124 Akihiro Iwashita, “An Inquiry for New Thinking on the Border Dispute: Backgrounds of 'Historic Success' for the Sino-Russian Negotiations,” in *Siberia and the Russian Far East in the 21st Century: Partners in the "Community of Asia,"* ed. Akihiro Iwashita (Sapporo: Slavic Research Center, Hokkaido University, 2005), 104-05.

125 Fravel, *Strong Borders*, 143.

126 Iwashita, *A 4,000 Kilometer Journey*, 29.

127 Zinberg, “The Vladivostok Curve,” 78. None of the sources I have consulted mention anything about territory changing hands through this agreement. This short stretch of land between the Mongolia-Russia-China and Kazakhstan-Russia-China tripoints does not appear to feature anything highly salient, Chung writes that

two last outstanding issues of the eastern sector – the Abagaitu Shoal and Heixiazi – were resolved in an agreement between the two states in 2004. Again both sides compromised, dividing these areas between them.<sup>128</sup> China compromised in the sense that according to the *thalweg* principle it would be entitled to both of these sectors all to itself. Russia compromised in that it agreed to divide the Heixiazi sector, where it (unlike China) had maintained effective control since 1929. China received around 170 square kilometres (out of about 340 square kilometers) of Heixiazi Island and all 40 square kilometers of the neighboring Yinlong/Tarabarov Island.<sup>129</sup> The final handover of half of Heixiazi Island and all of Yinlong Island occurred in October 2008, settling the Sino-Russian border dispute for good.

## 2.1.2 Central Asia

As noted above, today's Central Asian states were parts of the Soviet Union (and under the Russian Empire parts of Russian Turkestan) until its collapse in 1991. Even though the countries of the region that border China – Kazakhstan, Kyrgyzstan and Tajikistan – were all Soviet Republics, each with a foreign ministry of their own, border disputes were prior to independence to be handled by Beijing and Moscow.<sup>130</sup> And because Beijing (before conceding on this point in October 1989, as noted earlier) wanted a complete settlement – encompassing both its western and eastern borders with the Soviet Union – not much progress was made toward reaching an agreement until the unraveling of the communist neighbor.

China's view of its western border with the Soviet Union was the same as its understanding of the eastern border, namely that it was a product of Russian imperialism.<sup>131</sup> Most relevant in this

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demarcation was mostly “a technical problem,” and so it seems reasonable to assume that reaching an agreement on what was left of the western sector was a comparatively (politically) uncomplicated affair. Demarcation was completed in 1997 with only two boundary markers set up (the rest demarcated by the region's watershed). Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 84; Fravel, *Strong Borders*, 143.

128 *Ibid.*, 144.

129 “World’s biggest country becomes a little bit smaller,” *RT News*, October 14, 2008, accessed March 20, 2014, <http://rt.com/news/worlds-biggest-country-becomes-a-little-bit-smaller/>. I have not found an exact figure for the division of Abagaitu Shoal, but Xinhua News Agency describes the overall distribution that came out of the 2004 agreement as “around fifty-fifty” which suggests that around 25 square kilometers (of the 50 square kilometers Abagaitu Shoal comprises) went to each party. “China, Russia solve all border disputes,” *Xinhua*, June 2, 2005, accessed December 7, 2013, [http://news.xinhuanet.com/english/2005-06/02/content\\_3037975.htm](http://news.xinhuanet.com/english/2005-06/02/content_3037975.htm). The size figures for Yinlong Island and Abagaitu Shoal are from Iwashita, *A 4,000 Kilometer Journey*, 17.

130 In the words of one observer, “The Soviet Union featured a strange combination of unprecedented overcentralization together with unprecedented legal rights for the republics.” Jerry F. Hough, *Democratization and Revolution in the USSR, 1985-1991* (Washington, D.C.: The Brookings Institution, 1997), 216-17. While the bordering Soviet Republics and China's Xinjiang Autonomous Region were allowed to negotiate directly on the issue of border trade all questions of higher importance were to be dealt with by the central authorities. Ablat Khodzhaev, “The Central Asian Policy of the People's Republic of China,” *China and Eurasia Forum Quarterly* 7, no. 1 (2009): 13

131 Sudha Ramachandran, “China plays long game on border disputes,” *Asia Times Online*, January 27, 2011, accessed

regard was the 1860 Additional Treaty of Peking, which in Article II stipulated that “The borderline to the west, undetermined up to now, now follows the line of the mountains, the courses of the great rivers, and the existing layout of the Chinese checkpoints.”<sup>132</sup> The treaty cemented Russian dominance over the “West Turkistan” that the Qing Empire regarded as its own (see Appendix 1, Figure 2).<sup>133</sup> Of the more than 1,500,000 square kilometers that Mao would later claim Imperial Russia had stolen from China, around 910,000 of these were to be found in Central Asia. When negotiations between China and the Central Asian states started, however, China's claims were limited to around 34,000 square kilometers (with the Pamir Mountains in Tajikistan accounting for 28,000 of these).<sup>134</sup>

The disputed western section of the Sino-Soviet border was inherited by Kazakhstan, Kyrgyzstan and Tajikistan after the collapse of the Soviet Union. All other things being equal, one would expect China's bargaining position to have improved. There were now three states to negotiate with (four if we include the small part of the western sector that still belonged to Russia) so a complete settlement was out the question, but at the same time China's relative power vis-a-vis its newly independent neighbors was much greater than it had been relative to the Soviet Union.<sup>135</sup> Furthermore, by the time of the Soviet collapse China had been enjoying more than a decade of impressive growth, whereas the Central Asian states were (along with Azerbaijan) the poorest republics of the Soviet Union.<sup>136</sup> In light of this the successful settlements with the Central Asian states, with China in each dispute accepting outcomes where it was granted less than half of what it had claimed, are noteworthy.

## The settlements

*Kazakhstan.* China's border with Kazakhstan is 1,782 kilometers long. The territory in dispute between the two countries encompassed a total of about 2,240 square kilometers, most of which

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November 19, 2013, <http://www.atimes.com/atimes/China/MA27Ad02.html>.

132 “ADDITIONAL TREATY OF PEKING [BEIJING], 1860,” *China's External Relations - A History*, accessed November 19, 2013, <http://www.chinaforeignrelations.net/node/234>. More specific border marks were specified through the Protocol of Chuguchak of 1864. “PROTOCOL OF CHUGUCHAK,” *China's External Relations - A History*, accessed November 20, 2013 <http://www.chinaforeignrelations.net/node/235>.

133 Ablat Khodzhaev, “The Central Asian Policy of the People's Republic of China,” 10.

134 Marlène Laruelle and Sébastien Peyrouse, *The Chinese Question in Central Asia: Domestic Order, Social Change, and the Chinese Factor* (London: Hurst & Company, 2012), 14.

135 On the other hand, pulling the historical card would carry less weight now that the Soviet Union (seen as the heir of the Russian Empire) had collapsed. But China did not emphasize Russian historical aggression in negotiations over the eastern sector, so it seems unlikely that it would have done so in the west even if the Soviet Union had not disintegrated and given way to independent Central Asian states.

136 Kenneth Liberthal, *Governing China: From Revolution Through Reform*, 2nd ed. (New York: W. W. Norton & Company, 2004), 128; Richard Pomfret, “Introduction,” in *The Central Asian Economies Since Independence* (Princeton: Princeton University Press, 2006), 3.

was in the possession of Kazakhstan.<sup>137</sup> Negotiations made headway not long after Kazakhstan's independence, four rounds of talks were held between 1993 and 1994. In April 1994, during a visit of Li Peng, the two sides reached an agreement dealing with most of the disputed territory, “whereby both parties acknowledged the existing boundaries as permanent”.<sup>138</sup> Because there were after this apparently around 950 square kilometers of territory still under discussion, the 1994 agreement must have encompassed approximately 1290 square kilometers. China reportedly gained the source of the Korgas River, other areas were divided, and China “appears to have dropped claims to many other disputed sectors held by Kazakhstan.”<sup>139</sup>

Two more agreements would seal the fate of the last three disputed sectors. One sector (concerning the last 11 kilometers of border leading up to the Kyrgyzstan-Kazakhstan-China trijunction) was delineated through a supplementary agreement in September 1997; the last two (concerning 944 square kilometers of territory) were “divided evenly” through another supplementary agreement signed July 1998.<sup>140</sup> The two sectors divided in 1998 were (i) the Sary-Childy River area and (ii) Chogan-Obo Valley and Bay-Murza Pass. Of the former China received 70 percent, of the latter 30 percent,<sup>141</sup> in square kilometers these percentages translate into 220.5 and 188.7 square kilometers respectively. Thus the 1998 agreement granted China 409.2 square kilometers, or around 43% of these two sectors. Fravel writes that the overall share of territory (of the 2240 square kilometers originally under dispute) received by China was around 34 percent, which means that it received a total of around 761.6 square kilometers. This means that the assurance of Kazakhstan's foreign minister that “The border runs along the line along which it has always run ... Kazakhstan did not gain or lose anything” cannot have been literally true.<sup>142</sup> According to one source the “borderline was changed by 187 square kilometers” after the 1998 agreement.<sup>143</sup> Demarcation work was completed and a border protocol signed between the two

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137 Fravel, *Strong Borders*, 160. On two other pages in the same volume, 47 and 162, Fravel gives the number 2420 square kilometers, but I assume these are typos as the number given in another source is 2235 square kilometers. Furthermore, this source suggests that there were “11 zones” under dispute whereas Fravel counts 15, but since the overall territory appears to be almost exactly the same (with a difference of 5 square kilometers) this divergence is unlikely to reflect anything more than a difference in how the authors (or the source material they have relied on) have grouped the areas under dispute into zones. Laruelle and Peyrouse, *The Chinese Question in Central Asia*, 15. As for exactly how much of the disputed territory each side controlled, I have looked for precise figures without finding any.

138 Michael E. Clarke, *Xinjiang and China's Rise in Central Asia – A History* (New York: Routledge, 2011), 113.

139 Fravel, *Strong Borders* 161. For China's concession (dropping several areas from its claim) Beijing received assurances by Kazakhstan that it was firmly opposed to “national splittism,” referring to the situations in Tibet and (particularly) Xinjiang.

140 Ibid.; “China ends Kazakh border dispute,” *BBC*, July 4, 1998, accessed November 20, 2013, <http://news.bbc.co.uk/2/hi/asia-pacific/126276.stm>. For the 1997 supplementary agreement I have not been able to find any sources stating whether or not any side gained or lost anything along this short stretch of border.

141 Fravel, *Strong Borders* 162.

142 Quoted in Fravel, *Strong Borders*, 162.

143 Claes Levinsson and Ingvar Svanberg, “Kazakhstan-China Border Trade Thrives After Demarcation Treaty,” *The CACI Analyst*, February 16, 2000, accessed April 8, 2014, <http://old.cacianalyst.org/?q=node/367>.

states in 2002.<sup>144</sup>

*Kyrgyzstan*. China and Kyrgyzstan share a border of 1,096 kilometers. Seven sectors in dispute with China were inherited by Kyrgyzstan, making up around 3,656 square kilometers.<sup>145</sup> As was true for China's dispute with Kazakhstan, most of the territories were under the control of the newly independent state. And as with Kazakhstan negotiations had started shortly after the Soviet Union's disintegration. In 1994 the two parties agreed to work toward a quick settlement of the dispute and one year later drafting was under way.<sup>146</sup>

By July 1996 much of the work was completed; an agreement encompassing all but one disputed sector was signed by the two sides.<sup>147</sup> The sticking point was the Uzengi-Kush river basin, finally resolved in 1999 through a supplementary agreement. While China had originally demanded the lion's share of the Uzengi-Kush it settled with 30 percent in the end. According to one observer this area is difficult to access from the Kyrgyz side, hardly populated, and “the local people affected by this loss of land to China were not concerned because the land was of poor quality (or so I was informed).”<sup>148</sup> However, the areas China was granted in the Uzengi-Kush are rich in freshwater, which the author suggests was the main reason for China's interest in this sector. It is not completely clear who actually controlled this part of the Uzengi-Kush prior to the agreement, as Fravel notes that “Although precise data are unavailable, China *may* have gained control over some of the Uzengi-Kush that it did not control before.”<sup>149</sup> According to another source, China granted Kyrgyzstan Victory Peak and “two-thirds of the Khan Tengri peak” (the highest and second highest peaks of the Tian Shan mountains) in return for what it received of the Uzengi-Kush.<sup>150</sup>

Overall China was granted around 1,208 square kilometers, of which the area of the Uzengi-Kush alone constituted 950 square kilometers.<sup>151</sup> In percentage terms China received around 33 percent while Kyrgyzstan received around 67 percent of the disputed territory.

Demarcation work started on June 5, 2001, but after only eight days a Kyrgyz parliamentary

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144 Ministry of Foreign Affairs, the People's Republic of China, “China's Territorial and Boundary Affairs,” June 30, 2003, accessed November 20, 2013, <http://www.fmprc.gov.cn/eng/wjb/zzjg/tyfls/tyfl/2626/t22820.htm>.

145 Fravel, *Strong Borders*, 163. Yitzhak Shichor suggests there were five disputed sectors, as do Laruelle and Peyrouse, yet the total size of the area under dispute appears to be about the same in the different accounts (Laruelle and Peyrouse suggest 3,728 square kilometers). Again, as in the case of Kazakhstan, this is probably nothing more than different ways of grouping the areas, and is of little importance here. Yitzhak Shichor, “The Great Wall of Steel: Military and Strategy in Xinjiang,” in *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr (Armonk, New York: M.E. Sharpe, 2004): 156; Laruelle and Peyrouse, *The Chinese Question in Central Asia*, 15.

146 Fravel, *Strong Borders*, 163.

147 Shichor, “The Great Wall of Steel,” 156.

148 Ann McMillan, “Xinjiang and Central Asia: Interdependency – not integration,” in *China, Xinjiang and Central Asia: History, Transition and Crossborder Interaction Into the 21st Century*, ed. Colin Mackerras and Michael Clarke (New York: Routledge, 2009): 98. Besides glaciers providing freshwater, the Uzengi-Kush reportedly contains reserves of minerals such as tungsten. Laruelle and Peyrouse, *The Chinese Question in Central Asia*, 16.

149 Fravel, *Strong Borders*, 164, my emphasis.

150 Laruelle and Peyrouse, *The Chinese Question in Central Asia*, 16.

151 Fravel, *Strong Borders*, 164.; Shichor, “The Great Wall of Steel,” 156.

resolution halted the process. There was clearly dissatisfaction in the Kyrgyz parliament about the fact president Akayev had kept the 1999 agreement with China a secret.<sup>152</sup> The president was furthermore criticized through protests and demonstrations for his willingness to hand over parts of the disputed territory, unsuccessfully alleviated by Foreign Minister Imanaliev's reminder that Kyrgyzstan had kept the larger share of the territory in question.<sup>153</sup> Demarcation eventually continued and was completed in July 2009.<sup>154</sup>

*Tajikistan.* The border between China and Tajikistan is 414 kilometers long. Tajikistan inherited only three disputed sectors, fewer than China's two other Central Asian neighbors. But what the dispute lacked in numbers was more than made up for by the size of one of the sectors. The Pamir Mountains, to the North of Afghanistan's Wakhan Corridor, are vast; at around 28,000 square kilometers the area is larger than any other that had been disputed by China and the Soviet Union.<sup>155</sup> Largely the result of unclear specifications, a protocol (signed in 1884) to the Treaty of Saint Petersburg had "in effect created a wedge of no-man's-land encompassing much of the Pamirs."<sup>156</sup> The strategic significance of the territory might have been greater while it was controlled by the (unfriendly) Soviet Union, for the mountains are close to the Karakoram Highway (linking Kashgar in China to Gilgit in Pakistan) which Beijing feared was made vulnerable by the Soviet presence nearby.<sup>157</sup> This impression only increased with the Soviet occupation of Afghanistan and the Wakhan Corridor (sandwiched between the Pamirs and Northern Pakistan) in 1979 and 1980 respectively.<sup>158</sup> As for the post-Cold War situation it was allegedly only after independence that Tajikistan "took control of the land ... but China had never accepted the ruling."<sup>159</sup>

Resolving the dispute with Tajikistan took longer than Kazakhstan or Kyrgyzstan largely due to the civil war Tajikistan had been going through since 1992. In 1997, the same year as a peace

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152 Ibid.

153 Alisher Khamidov, "Dispute Over China-Kyrgyz Border Demarcation Pits President vs. Parliament," *EurasiaNet.org*, June 27, 2001, accessed November 20, 2013, <http://www.eurasianet.org/departments/insight/articles/eav062801.shtml>. Although demarcation continued and was eventually successfully completed, the settlement took its toll on the Akayev government, eventually contributing to (although not the sole reason for) its collapse. Marat, "Kyrgyzstan: China's Regional Playground?", 128.

154 Marat, "Kyrgyzstan: China's Regional Playground?", 128.

155 John W. Garver, "The Sino-Soviet Territorial Dispute in the Pamir Mountains Region," *The China Quarterly* 85 (1981): 107. The other two sectors combined constituted 430 square kilometers. Fravel, *Strong Borders*, 165.

156 Garver, "The Sino-Soviet Territorial Dispute," 112. The author suggests this ambiguity may well have been a deliberate ploy by the Russians, so as to facilitate expansion further southward in the future. As regards the territorial claim there allegedly existed some (unpublished) notes from 1894 where China recognized the territorial status quo (in order to secure Russian support against Japan). Russia later based its claim on these whereas China argued they were merely temporary agreements. Ibid., 115.

157 Michael E. Clarke, *Xinjiang and China's Rise in Central Asia*, 76.

158 Ibid.; Garver, "The Sino-Soviet Territorial Dispute," 112.

159 Miao Yu, "Tajikistan ratifies border agreement with China," *Global Times*, January 14, 2001, accessed November 21, 2013, <http://www.globaltimes.cn/china/diplomacy/2011-01/612563.html>.

agreement was produced, negotiations between Beijing and Dushanbe began.<sup>160</sup> Unsurprisingly, finding a solution to the Pamirs tolerable to both parties provided the greatest challenge, but in 1999 the two states were ready to sign an agreement dealing with the two other contested sectors, Markansu Valley and Uzbek Pass, altogether making up 430 square kilometers of territory.<sup>161</sup> China received 200 square kilometers of the Markansu Valley, whereas its claim to the Uzbek Pass was dropped.<sup>162</sup>

A year later both sides expressed their desire to speed up negotiations, and in May 2002 China and Tajikistan reached an agreement dealing with the Pamir Mountains. China gained 992 square kilometers, around 3.5% of the total area of the mountains (of which China had initially claimed all). A presidential spokesman of Tajikistan, responding to internal criticism, suggested that the area granted China carried “no great value to Tajikistan” and was unpopulated.<sup>163</sup> The government furthermore stated that the area of the Pamirs granted China is “mountainous and lacks natural resources,” and one observer describes the area as “not a vital portion of Tajik territory. Nor is it inherently an important area for strategic or commercial purposes for China.”<sup>164</sup> Demarcation work was carried out in 2006 and 2008.<sup>165</sup>

Having successfully negotiated settlements with these three neighbors China's Ministry of Foreign Affairs could in 2003 declare that “the final and complete solution of all the boundary issues with neighboring countries in Central Asia handed down from history” had been settled.<sup>166</sup> In January 2011 the border agreement between China and Tajikistan was finally ratified by the legislature of the latter.<sup>167</sup>

### 2.1.3 Assessing the disputes

As has been shown above, all territorial disputes between China and its Russian and Central Asian neighbors have been solved completely and peacefully. China made concessions in all of them, and while the difference between Beijing's initial claims and the agreed upon divisions of territory varies with each case no major territorial swaps have taken place. One observer suggests that China

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160 Fravel, *Strong Borders*, 165.

161 Ibid.

162 Ibid.; Gregory Gleason, “Tajikistan-China Border Normalization,” in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), 283.

163 Shichor, “The Great Wall of Steel,” 155.

164 Buzurgmehr Ansori, “Tajikistan defines border with China,” *Central Asia Online*, January 29, 2011, accessed November 20, 2013, [http://centralasiaonline.com/en\\_GB/articles/caii/features/main/2011/01/29/feature-01](http://centralasiaonline.com/en_GB/articles/caii/features/main/2011/01/29/feature-01); Gregory Gleason, “Tajikistan-China Border Normalization,” 283.

165 Miao Yu, “Tajikistan ratifies border agreement with China.”

166 Ministry of Foreign Affairs, the People's Republic of China, “China's Territorial and Boundary Affairs.”

167 Gregory Gleason, “Tajikistan-China Border Normalization,” 283.

through the 1980s and 90s “consistently promoted a boundary reinforcing interpretation of the lines between China and her neighbors through the repetition of a set of largely status quo territorial claims”; so the fact that China agreed to settlements that granted it far less than it originally laid claim to should be recognized as a benign signal that it has prioritized consolidating and securing its borders rather than aimed for a territorial enlargement.<sup>168</sup> However, two commonly made counterpoints deserve to be considered. The first concerns the significance of the territories under dispute, the second how the claims dropped or shrunk by China in most instances concerned areas that were held by the other party to the dispute.

The first objection is more of a suggestion that the significance of China's willingness to settle these disputes should not be overstated. For instance, with the Sino-Russian dispute as an example, Michael Swaine suggests that “if the territorial dispute in question is both intrinsically trivial and marginal to China's larger interest, Beijing has sought to resolve it amicably in order to pursue its larger goals.”<sup>169</sup> Swaine goes on to contrast this to China's strategy in “significant” territorial disputes (examples given are those with India, Japan and ASEAN states, which we will return to later), where he suggests that stalling for time has been the favored approach.<sup>170</sup>

It is hard to disagree with the main point; not all disputes concern equally significant territory, and, *ceteris paribus*, both sides should find it easier to make concessions and reach an agreement when the territory in question has little intrinsic value. On the other hand, there is a danger of circular logic if we take this to mean that a peaceful settlement of a territorial dispute by itself is proof that the disputed territory mattered little. In the case of the eastern sector dispute with Russia it may be true that the exact number of islands each side ended up controlling did not matter greatly, at least not so much as to overshadow the goal of improved relations in other areas of the Sino-Russian relationship. But the Russian Far East more generally certainly has intrinsic value in the sense of being resource rich territory. Furthermore, China settled for the agreement even though it did not grant it access to the Sea of Japan. If we acknowledge that a territorial settlement is important not only in the sense of the exact border demarcation it produces but also in the sense that it signals an acceptance of this line as an absolute separator of sovereign rights, the successful border resolutions between China and its Russian and Central Asian neighbors become more significant.<sup>171</sup> In the Russian case China in effect ruled out the possibility of reclaiming territory

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168 Allen Carlson, “Constructing the Dragon's Scales: China's Approach to Territorial Sovereignty and Border Relations,” in *Chinese Foreign Policy: Pragmatism and Strategic Behavior*, ed. Suisheng Zhao (New York: M.E. Sharpe, 2004), 276. A possible exception was China's original claim to all of the Pamir Mountains, which constitute around 20 percent of Tajikistan's total territory.

169 Michael D. Swaine, *America's Challenge: Engaging a Rising China in the Twenty-First Century* (Washington, D.C.: Carnegie Endowment for International Peace, 2011), 36.

170 *Ibid.*, 37.

171 As pointed out by Garver (in the context of Indian recognition of Chinese sovereignty in Tibet), “Politically, once



north of the dividing rivers. This, of course, does not change the fact that other, yet to be resolved, disputes over territory might be seen as more important to Beijing.

The second objection is that for the most part China's disputes with Russia and the Central Asian states concerned territory China did not hold.<sup>172</sup> When the disputed territory is sought (but not held) by China and sought (in the sense of preserving control over) *and* held by the other party, the question becomes whether China's concessions are really concessions at all. Take the Kyrgyzstan case, where we noted that the Foreign Minister Imanaliev tried to reassure an angered public that Kyrgyzstan had kept more of the disputed territories than it had lost. The point of contention in the minds of protesters was the fact that territory had been ceded to China; reminders that Beijing's original claim was not fully accommodated by Bishkek did not alter that fact.

To some extent the emphasis on the relative percentage of disputed territory granted to each contestant obscures the nature of the matter when it does not take into account who controlled the territory in question prior to an agreement (assuming that this question can actually be answered unambiguously). What we are working with here, however, is a China whose claims in disputes with Russia and its Central Asian neighbors have mostly been limited, concerned with territories it had once controlled (even if not always for a very long time or successfully integrated and assimilated), and resolved in agreement with the other party without threat or use of force (the Sino-Soviet border clashes of the pre-Gorbachev era notwithstanding). Furthermore, while China has gained small sections of territory these cannot in any meaningful way be said to have altered the larger territorial status quo. It is worth repeating that status quo behavior does not mean the same as making large concessions, or ensuring that territorial settlements do not lead to the slightest territorial transfers. It means abstaining from using force to settle disputes in one's own favor, and thus peaceful settlements with some modifications of territorial control are not in any sense revisionist. In this sense, while it is true that China's scale down of original claims are not always as significant as they may appear when presented as percentages it is also true that China's restraint from hardening its claims after its position vis-a-vis its neighbors improved significantly signals a priority in pursuing secure and fixed borders rather than territorial expansion.

A look at the disgruntlement in certain corridors over the settlements with the post-Soviet Union supports such an interpretation. While the lack of transparency in Chinese policymaking

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one state recognizes a piece of territory to be part of another state, altering that recognition almost always comes in the context of civil war or regime breakdown and is considered to be an extremely hostile act. ... Recognition of territorial sovereignty is virtually impossible to withdraw." John W. Garver, *Protracted Contest: Sino-Indian Rivalry in the Twentieth Century* (Seattle: University of Washington Press, 2001), 52-53.

<sup>172</sup> According to Srikanth Kondapalli, in the disputes with the Central Asian states "whether China actually gave up territory or made a substantial concession is a debatable question." However, the same analyst admits that China "has been liberal in border dispute resolution." Sudha Ramachandran, "China plays long game on border disputes."

makes it hard to know whether the resolutions reached with Russia and the Central Asian states enjoyed wide support or were controversial there is evidence to suggest that voices in Beijing were not all joyful. Allen Carlson notes that in China “Elite analysis [of these settlements] was also limited, but it contained a persistent trace of dissatisfaction in the elite community with the flexibility in Beijing's policies on the northern boundary.” An article for internal publication, written by a Chinese scholar, similarly criticized the eastern border agreement of 1991 “for giving away too much historically Chinese territory to the Soviets at a time when the Soviet Union was at its last leg.”<sup>173</sup> This scholar's perspective is an excellent example of what revisionism looks like; arguing that the opportunity presented by the opponent's weakened position should have been seized by claiming more of its territory. The fact that the Chinese leadership did not raise any new claims, but in fact compromised on several of the islands that would have gone to Beijing entirely had the *thalweg* principle been strictly applied is significant. Furthermore, some Chinese argued that the Soviet Union had appeared willing to accept the *thalweg* principle already in 1964, and that consequently China had not extracted any meaningful new concessions out of Russia, but had given up the opportunity to reclaim lost territory and not even asked “for a few miles of land along the mouth of the Tumen to regain access to the Sea of Japan.”<sup>174</sup>

With a disintegrating Soviet Union and the emergence of smaller, landlocked Central Asian states on China's periphery, one would expect a China bent on territorial revisions to see the time as ripe for an assertive stance or a delaying strategy in hope of better future prospects for “righting past wrongs.” The fact that the Chinese leadership quite contrarily saw the weakness of these states as more of a threat to China's security than an opportunity to expand lends credence to Hypothesis 1 of this thesis. As Fravel notes, the instability and underdevelopment of Xinjiang and Tibet goes a long way in explaining China's approach to its Central Asian borders. Solidified borders and improved relations with the Central Asian states were seen as the best way to quell separatist movements in Xinjiang, both through these states' public opposition to separatism and in the longer term improved stability through economic development of China's west, in which cross-border trade

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173 Allen Carlson, “Constructing the Dragon's Scales,” 284. Interestingly, Falun Gong affiliates have also been vocal critics of these settlements. Seeing China's willingness to negotiate on the basis of the “unequal treaties” as an unforgivable betrayal, one work states that “The Protocol that Jiang signed ceded more than 1 million square kilometers of precious land – an area equal in size to that of three northeastern China provinces combined or dozens of Taiwans. Jiang also agreed to give Russia the exit point of the Tumen River, cutting off northeast China from the Sea of Japan. ... To make matters even worse, the treacherous treaties Jiang signed practically ended the potential for further growth of China as a nation. The vast and fertile lands bequeathed from past generations, bountiful in forests and rich in minerals and oil, stood as important resources in the potential growth and development of China.” The Epoch Times, “The Lowlife Who Betrayed His Own Nation,” in *Anything for Power: The Real Story of China's Jiang Zemin* (The Epoch Times, 2005), accessed December 4, 2013, <http://www.theepochtimes.com/news/5-8-17/31330.html>. Of course the Falun Gong is hardly mainstream in China, but it is reasonable to suspect that this line of thinking resonates with many nationalistically inclined Chinese.

174 Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 82.

with the Central Asian states were seen as playing an important role.<sup>175</sup> In other words, China's leadership prioritized securing and strengthening what it already possessed rather than the more risky gambit of holding open the door to future expansion by delaying a border settlement or attempting to use force to make sure that its original claims were fully met.

## 2.2 Vietnam and Laos

### 2.2.1 Vietnam

#### Background

The relationship between Vietnam and China goes far back, and probably no Southeast Asian country has been more influenced by the latter than Vietnam.<sup>176</sup> In 208 b.c., two years before the Qin Empire's fall, the Chinese general Zhao Tuo conquered the Kingdom Au Lac, in northern Vietnam. Seizing the opportunity Zhao established an independent "Nam Viet, Land of the Southern Viet," with himself serving as emperor, but this independence was to end a century later in annexation by the Han dynasty.<sup>177</sup> Although Vietnamese rebellion against inclusion in the Chinese empire eventually succeeded, independence required maintaining a tributary relationship with China, "a relationship that would essentially continue until the nineteenth century."<sup>178</sup>

With the increasingly prominent French presence in Indochina it became clear that Paris was little interested in recognizing any Chinese special rights in the area. Once France had brought Hanoi and Haiphong under its control it started pushing the Qing government to accommodate its interests in Annam, and the initial response from Beijing came through military means.<sup>179</sup> Having been devastated in a naval battle the Qing dynasty found itself unable to protect its position in Vietnam. Faced with the new reality in Indochina two treaties were signed in 1887 and 1895, outlining the location of the border between the Qing empire and France's Tonkin protectorate.<sup>180</sup>

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175 Fravel, *Secure Borders*, 150-51.

176 David C. Kang, *East Asia Before the West: Five Centuries of Trade and Tribute* (New York: Columbia University Press, 2010), 48

177 Stanley Karnow, *Vietnam: A History* (New York: Penguin Books, 1985), 99.

178 Kang, *East Asia Before the West*, 38.

179 Spence, *The Search for Modern China*, 221.

180 "CONVENTION CONCERNING THE DELIMITATION OF THE BORDER BETWEEN CHINA AND TONKIN," China's External Relations - A History, accessed January 03, 2014, <http://www.chinaforeignrelations.net/node/167>; "COMPLEMENTARY CONVENTION TO THE CONVENTION DELIMITING THE FRONTIER BETWEEN TONGKING AND CHINA OF JUNE 26, 1887," China's External Relations - A History, accessed January 03, 2014, <http://www.chinaforeignrelations.net/node/169>. The latter defines the China-Tonkin frontier as running "from the Red River to the Mekong," so the China-Laos border was also covered by this convention.

Thus, these border agreements were written during the “century of humiliation” although the territory it assured would be kept south of China's borders had played a tributary role rather than being considered a part of China proper (see Appendix 1, Figure 3).

By 1956 both Vietnam and China recognized the existence of a dispute in areas along their 1,281 kilometer long border, concerning 227 square kilometers spread over 116 sectors.<sup>181</sup> There were several reasons for the dispute: First, many of the 333 boundary markers that demarcated the border had been damaged over the years. Second, the Sino-French conventions contained ambiguities that opened up to different interpretations of the delineation. Third, areas that according to the Sino-French conventions were on the Chinese side of the border had come under France's control due to the chaotic state of affairs in China before the mid-20th century. The same would happen the other way around throughout the first and second Indochinese wars; certain border areas on the Vietnamese side were administered by local Chinese officials, such that these came under effective Chinese control.<sup>182</sup> Following the recognition of a dispute negotiations were held, which led to both sides expressing the understanding that the territorial status quo would not be altered by force, “but that both parties reserved the right to reconsider the border in the future.”<sup>183</sup>

The wars in Vietnam, first with France and then the US, made a territorial settlement unlikely. In this period China clearly supported North Vietnam's cause. However, the “lips and teeth” relationship eventually started to show strains. By the mid-60s, while China still unequivocally supported Ho Chi Minh's government, disagreement over tactics and more importantly different views of Moscow had become more evident. Zhou Enlai urged prime minister Pham Van Dong in 1965 to refuse aid from the Soviet Union but Hanoi did not comply.<sup>184</sup> With the improved relations between China and the US after Kissinger and Nixon's visits in 1971 and 1972, doubts about Beijing's commitment only grew in Hanoi, whereas China's perception of the Soviet Union as a larger threat than the US was strengthened.<sup>185</sup>

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181 Fravel, *Strong Borders*, 331. Vietnam and China still have maritime disputes, but to keep with the organization of this thesis they are not treated in this section. The issues concerning the South China Sea will be discussed later on.

182 Pao-min Chang, *The Sino-Vietnamese Territorial Dispute* (New York: Praeger, 1986), 11-12. Two Chinese provinces border Vietnam. The Yunnan-border is mostly mountainous whereas the Guangxi-border is characterized by both mountainous terrain and rivers. As Ramses Amer points out the geographical factor presented its own challenges, and “Adding to the natural difficulties were the movements of border markers over the decades and activities carried out by the population and local authorities in the border area that had impinged on the borderline.” Gu Xiaosong and Brantly Womack, “Border Cooperation between China and Vietnam in the 1990s,” *Asian Survey* 40, no. 6 (2000): 1043; Ramses Amer, “Sino-Vietnamese Border Disputes,” in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), 300.

183 Brantly Womack, *China and Vietnam: The Politics of Asymmetry* (New York: Cambridge University Press, 2006), 181. Of course by that time Vietnam had effectively been partitioned and was caught up in turbulence for the next decades. China had been the first country to establish diplomatic relations with the Democratic Republic of Vietnam (North-Vietnam), in January 1950, and so the recognition of the dispute was with Ho Chi Minh's government. *Ibid.*, 164.

184 *Ibid.*, 177.

185 *Ibid.*, 179-80. This was despite the fact that Chinese support to Vietnam increased after Nixon's visit (which may

Chinese support for Vietnam, both material and moral, continued throughout the war, until and beyond reunification. However, tensions were building up under the surface, and had been doing so for several years before Vietnam's reunification was a fact. Hanoi had started talking about a "historical borderline" in 1974, and concretely pointed to a Chinese railway that allegedly came 300 meters within Vietnamese historical territory. China pointed to the Sino-French agreements, which placed the railway within the Chinese side of the border.<sup>186</sup> It was also reported that Vietnam had laid claim to 15 areas in Yunnan and Guangxi in the period 1975-77, and that Hanoi had altered demarcation markers in these areas to support such claims.<sup>187</sup> When in April 1977 China communicated its wish to repair the railway section disputed by Vietnam, Hanoi agreed to this, but when the repair work was actually initiated Vietnam reportedly moved 500 troops to the area and in an attack wounded 51 Chinese workers.<sup>188</sup>

As became clear through negotiations starting in October 1977, Vietnam was in favor of a border settlement that strictly adhered the status quo as it had developed over time since the Sino-French agreements were signed, although a few modification could be discussed. Beijing suggested the Sino-French agreements serve as a guideline, but that it was necessary to do inspections in the relevant areas to uncover divergences between "treaty terms and the actual borderline" with an aim to reach a new agreement where current errors had been straightened out.<sup>189</sup> These positions reflected how recent developments had affected each side: It seems "that there were more Chinese territories under de facto Vietnamese jurisdiction than Vietnamese territories under Chinese administration" and therefore Hanoi was more interested in a freeze of the status quo than Beijing.<sup>190</sup> Ultimately the negotiations did not lead anywhere, and came to a halt in June 1978.

Tensions kept growing in the following year. As a result of its worry that the ethnic Chinese people living in many of the disputed areas under Vietnam's control represented a threat to its claim, Hanoi initiated a campaign to have them removed. By late 1978 the number of Chinese that had been ejected from Vietnamese territory totaled 200,000.<sup>191</sup> This period saw frequent armed clashes between the two sides. With the expulsion of all ethnic Chinese (and others considered of potentially questionable loyalty) from the North Vietnamese leadership the open hostility between the two states only deepened. When in November 1978 a mutual defense treaty between Hanoi and Moscow was signed, and one month later Vietnam invaded Cambodia, removing the Chinese

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have been intended to signal that China had not forsaken its smaller neighbor, or perhaps reflected the fact that American bombings of Vietnam increased that year).

186 Chang, *The Sino-Vietnamese Territorial Dispute*, 31.

187 Ibid.

188 Ibid., 35.

189 Ibid., 37.

190 Ibid., 39.

191 Ibid., 44-45, 50.

backed Khmer Rouge from power, the stage was set for a showdown.<sup>192</sup> Three months later China invaded northern Vietnam, ostensibly on the ground of their border dispute but more likely with the invasion of Cambodia and the larger issue of a perceived Soviet encirclement in the making as the most significant motivations.<sup>193</sup>

While the border issue between China and Vietnam had become more intense during the mid to late 70s – with the number of border violations (by both sides) “jumping from 300 cases in 1974 to 1800 cases in 1976,” – there is no evidence that Beijing used the opportunity presented by war with its southern neighbor to grab territory.<sup>194</sup> As Chang notes, China did not “attempt to establish permanent control over those disputed areas that China had considered part of its territories or seize Vietnamese territory for bargaining purposes” although it could certainly have done so if it wanted to.<sup>195</sup> Vietnam later accused China of having moved border markers during the war, and Beijing claimed that Hanoi had taken more territory after the war was concluded, but it is hard to say whether these accusations were truthful or not.<sup>196</sup>

## Later developments

Only by the mid-1980s did a process toward normalization between Hanoi and Beijing begin.<sup>197</sup> By 1989 contacts had expanded to higher levels, even though tensions in the South China Sea had been strong the previous year.<sup>198</sup> During a secret meeting in September 1991, Vietnam accepted the peace plan that China (and the UN) wished to see implemented in Cambodia, and by November the next year normalization of relations was a fact.<sup>199</sup> While the border question and territorial disputes had been delegated to the back seat during the normalization process (precisely to facilitate its success) the resumption of normal relations gave the necessary impetus for the parties to move on to negotiations concerning these matters. Less than a year after normalization expert-level talks over the disputes were initiated, and on October 19, 1993, an agreement setting out the principles for resolving the disputes concerning the land border and Gulf of Tonkin was reached.<sup>200</sup> Through the agreement it was decided that the treaties previously reached between France and China would

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192 Womack, *China and Vietnam*, 192.

193 Ibid. Kissinger sees the invasion partly as a Chinese test of the Soviet Union's commitment to its defense treaty with Hanoi. Kenny suggests that “border issues played a secondary role.” Kissinger, *On China*, 340; Henry J. Kenny, *Shadow Of The Dragon: Vietnam's Continuing Struggle with China and the Implications for U.S. Foreign Policy* (Washington, D.C.: Brassey's, 2002), 53.

194 Womack, *China and Vietnam*, 181.

195 Chang, *The Sino-Vietnamese Territorial Dispute*, 55.

196 Fravel, *Strong Borders*, 331.

197 Amer, “Sino-Vietnamese Border Disputes,” 296.

198 Ibid.

199 Fravel, *Strong Borders*, 146.

200 Amer, “Sino-Vietnamese Border Disputes,” 297.

serve as a foundation, and that they would “use the principle of 'give and take' to settle the disputes.”<sup>201</sup> This, then, is another instance where China has been willing to negotiate on the basis of treaties it has formally opposed and branded “unequal.”

After the 1993 agreement, however, developments were slow. Fravel suggests that whereas Vietnam was interested in a comprehensive settlement covering both land and sea, China wanted to focus on the land border and Gulf of Tonkin and leave out the island disputes in the South China Sea.<sup>202</sup> This differs from China's position in its disputes with Russia and India, where China initially sought comprehensive settlements whereas its counterpart did not. This may be due to the fact that resolutions of the land border and Gulf of Tonkin were deemed easier to achieve, and that resolving these issues would have positive economic consequences (as Fravel points to as Beijing's rationale). But it may also suggest that China was in less of a hurry to settle the (arguably much more complicated) disputes over the Spratlys and Paracels, and thought it would have a stronger bargaining position by dealing with each issue separately.

In 1998, with a self-imposed deadline agreed on by both sides, the settlement picked up pace. During Phan Van Khai's Beijing trip in October 1998 it was announced that the two states were determined to reach an agreement by the end of the century, in other words only a little over a year after the announcement was made.<sup>203</sup> The deadline was barely met. On December 31, 1999, the two sides signed “the Treaty of Land Border between China and Vietnam,” settling the land border dispute.<sup>204</sup> Of the 227 square kilometers of disputed territory, China received “just over” 114 whereas Vietnam received “just under” 113;<sup>205</sup> in relative percentages approximately 50.2 and 49.8 percent respectively. When it comes to the question of exactly how much of the disputed territory each party controlled prior to the final settlement, an answer remains elusive; it seems this information has not been publicized.<sup>206</sup> However, in the area where Vietnam had claimed that Chinese railway went 300 meters into its territory the border was eventually “marked 148 meters north of the line claimed by China.”<sup>207</sup> Perhaps the two sides decided to meet each other half way on

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201 Fravel, *Strong Borders*, 147.

202 Ibid.

203 Womack, *China and Vietnam*, 222.

204 Ministry of Foreign Affairs, the People's Republic of China, “China and Vietnam Sign Land Border Treaty,” November 11, 2000, accessed January 4, 2014, <http://www.fmprc.gov.cn/eng/wjb/zzjg/tyfls/tyfl/2631/t15493.shtml>.

205 Amer, “Sino-Vietnamese Border Disputes,” 295.

206 This was suggested to me by Ramses Amer in a personal e-mail correspondence (February 5, 2014). Brantly Womack pointed out that there were complaints from both sides about their government giving up territory. From the Chinese side many were annoyed that territory that had been under its control was given ceded, whereas the Vietnamese Womack talked to complained about “sacred territory” being lost to China (personal e-mail correspondence, January 6, 2014).

207 Womack, *China and Vietnam*, 227. If it is true, as Beijing argued, that the disputed section of railway was on its side (according to the delineation set out in the Sino-French agreements) then this means that China here was willing to let Hanoi have a stretch of land which would have gone to Beijing had these agreements been strictly followed. Chang, *The Sino-Vietnamese Territorial Dispute*, 31.

this specific issue, but kept it low key.

The demarcation process was completed at the end of 2008, and while BBC reported on dissatisfaction among the Vietnamese public due to a lack of transparency in the process a former head of Vietnam's State Border Committee was quoted as saying that the previous agreements (between China and France) had been respected in the process, and that only "For some special areas the two sides may, through friendly negotiations, make proper readjustment in the spirit of sympathy and mutual compromise, equity and reasonableness."<sup>208</sup>

## 2.2.2 Laos

China's dispute with Laos was, relatively speaking, rather uncomplicated and limited. The two countries share a border of 423 kilometers. The 1895-treaty between China and France (mentioned above) also covered the Sino-Laotian border, but demarcation work had never been completed.<sup>209</sup> Guided mostly by drainage basins and watercourses, the border was for the most part considered to be relatively easy to delineate, although certain areas dominated by jungle and mountains provided more of a challenge. One area, inhabited by a "Sinicized ethnic minority" whose rebellion in the early twentieth century had only been quelled after three French attempts, was particularly problematic. One observer suggests this may have been the reason for the lack of proper border demarcation.<sup>210</sup>

Historically, Laos paid tribute to China for several centuries but was never completely dominated by it. Relations with Vietnam and particularly Thailand (Siam) played a larger role both in terms of cultural influence and threats of encroachment on Laotian territory.<sup>211</sup> By 1960 the border shared by the PRC and Laos was recognized as disputed, with disagreement about the ownership of around 18 square kilometers of territory.<sup>212</sup> This was at a time when Laos was plagued by a civil war and severe spillover effects from the Vietnam war.<sup>213</sup> The communist victors from the

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208 Ministry of Foreign Affairs, Viet Nam, "Joint Statement: On the completion of the demarcation and markers placement on the entire land border line between Vietnam and China," s.a., accessed January 5, 2014, [http://www.mofa.gov.vn/en/cn\\_vakv/ca\\_tbd/nr040818094447/ns090106100042/](http://www.mofa.gov.vn/en/cn_vakv/ca_tbd/nr040818094447/ns090106100042/); Nga Pham, "Vietnam quiet on China border deal," *BBC*, January 02, 2009, accessed January 05, 2014, <http://news.bbc.co.uk/2/hi/asia-pacific/7806991.stm>.

209 Ian Townsend-Gault, "The China-Laos Boundary: Lan Xang Meets the Middle Kingdom," in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), 145-147.

210 *Ibid.*, "The China-Laos Boundary," 147.

211 *Ibid.*, 145.

212 Fravel, *Strong Borders*, 331.

213 Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994): 645-47; Ian MacKinnon, "Forty years on, Laos reaps bitter harvest of the secret war," *The Guardian*, December 3, 2008, accessed April 13, 2014, <http://www.theguardian.com/world/2008/dec/03/laos-cluster-bombs-uxo-deaths>. According to MacKinnon, "Laos was hit by an average of one B-52 bomb-load every eight minutes, 24 hours a day, between 1964 and 1973."



Pathet Lao had been heavily reliant on support from North Vietnam (whereas China had hedged its bets by supporting both the royal government and the Pathet Lao), and when they established the Lao People's Democratic Republic in December 1975 it was therefore only natural to align with recently unified Vietnam.<sup>214</sup> When China invaded Vietnam in 1979, Laos was caught between a desire to maintain relations with China and to avoid alienating Vietnam. It reacted by downgrading diplomatic relations with Beijing to the “chargé d'affaires level” (below the ambassadorial level, but without breaking relations completely).<sup>215</sup>

From this point on relations between Laos and China cooled. Pressured by the Soviet Union and Vietnam, Laos had Chinese road building projects stopped, joined in on denunciations of Beijing, and, taking a page from Vietnam's book, purged party members seen as pro-China from the Lao People's Revolutionary Party.<sup>216</sup> China started supporting an anti-government resistance movement of the Hmong minority in Laos around this time (although in a more limited fashion than Laos accused it of), and there were border skirmishes in the early 1980s.<sup>217</sup> While these skirmishes reportedly occurred due to the undemarcated section of the border, they did not lead to any territory changing hands.<sup>218</sup>

Only from the mid-80s did the situation start to change. According to one observer the fact that Vietnam was “on the edge of bankruptcy” whereas China was starting to enjoy the fruits of its reform and opening up made the importance of good relations with China increase significantly for Laos.<sup>219</sup> Party delegations between the two countries were exchanged in 1986 and 1987, border trade resumed shortly after, and by May 1988 ambassadors were stationed in the other's capital.<sup>220</sup> In October 1989, with Kaysone Phomvihane being the one of the first state leaders to visit China after the Tiananmen crackdown, normalization was a fact.<sup>221</sup>

During Phomvihane's visit the two countries reached a temporary agreement, in which they avowed to maintain the Sino-French treaty as the basis for their shared border while working toward a final settlement of the dispute.<sup>222</sup> This temporary agreement was strengthened the next year through a provisional agreement, affirming the reliance on the Sino-French agreements of the

214 MacAlister Brown and Joseph J. Zasloff, “Relations with Vietnam,” in *Laos: a country study*, 3rd ed., ed. Andrea Matles Savada (Washington, D.C.: Library of Congress Federal Research Division, 1994), accessed April 13, 2014, <http://lcweb2.loc.gov/frd/cs/latoc.html>; Ian Storey, *Southeast Asia and the Rise of China: The Search for Security* (New York: Routledge, 2011): 166.

215 MacAlister Brown and Joseph J. Zasloff, “Relations with China,” in *Laos: a country study*, 3rd ed., ed. Andrea Matles Savada (Washington, D.C.: Library of Congress Federal Research Division, 1994), accessed April 13, 2014, <http://lcweb2.loc.gov/frd/cs/latoc.html>.

216 Storey, *Southeast Asia and the Rise of China*, 167-168.

217 Ibid.; Brown and Zasloff, “Relations with China.”

218 Based on a personal e-mail correspondence with Ian Storey (April 14, 2014).

219 Storey, *Southeast Asia and the Rise of China*, 168.

220 Ibid.

221 Fravel, *Strong Borders*, 144.

222 Ibid. 145.

previous century in delimiting their border. Twelve months later, in August 1991, the two states had come to agree on all specifics, and in October that year a boundary treaty was signed. Demarcation was completed in 1993, and China and Laos divided the disputed 18 square kilometers “almost evenly.”<sup>223</sup> Furthermore, the western and eastern border trijunctions (Laos-Myanmar-China and Laos-China-Vietnam) were established through treaties between the relevant countries in 1994 and 2006 respectively.<sup>224</sup>

### 2.2.3 Assessing the disputes

As in China's disputes with Russia and the Central Asian states, the disagreements with Vietnam and Laos were solved through territorial settlements reached without any sort of military pressure. Compared to the disputes with Russia and the Central Asian states, the ones with Vietnam and Laos were of a more technical nature, where issues left over from incomplete or unsatisfactory delineation and demarcation work of the past needed to be straightened out. There was certainly no sign of China trying to reimpose its historical domination over Vietnam, nor did Beijing seize the opportunity presented by war and disorder in these states to extend its claims. Of course China also went through a turbulent period, with the Great Leap Forward and Cultural Revolution, for much of the time when war preoccupied Hanoi.

In terms of actual control, as noted, it is hard to establish precise facts, although in the case of the dispute between China and Vietnam, both sides held territories claimed by the other. The fact that the distribution of disputed territory came down to equal figures, with one square kilometer more going to China, and that the total of disputed territory was no more than 227 square kilometers, leads to the conclusion that the settlement was a reinforcement of the status quo. In the case of China's dispute with Laos, only 18 square kilometers were disputed, and if we take the suggestion that these were divided “almost evenly” literally this means that around nine square kilometers went to each side.

Here again, then, we simply do not find evidence of revisionism or stalling for time. Of course, as discussed in relation to the disputes with Russia and China's Central Asian neighbors, there is the question of the significance of the territory involved, and as Carlson has noted, the land border-dispute between China and Vietnam was “never an object of serious contention,”<sup>225</sup> at least comparatively speaking, an assessment that holds true for the dispute between China and Laos as

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223 Ibid.

224 Townsend-Gault, “The China-Laos Boundary,” 149.

225 Carlson, “Constructing the Dragon's Scales,” 289.

well. Still, they are cases of Chinese disputes with weaker neighbors, where the de facto borders, at the time when the disputes were recognized, had been brought about by a colonial rival (in this case France). The final settlements were largely solidifications of these treaties from the late nineteenth century, although this time without any unequal or imperial qualities.

The reason why the disputed were not solved earlier appears to have had more to do with other factors shaping the relationships of the involved states, particularly the Indochina wars and the Sino-Soviet competition, rather than any grand, irreconcilable ambitions of territorial revisions by either side. For our concern here it suffices to say that China did not claim large tracts of land from its neighbors and did not use their relative weakness to grab disputed territory, but instead settled with status quo-reinforcing agreements where neither side can be said to have gained or lost in any significant way.

## **2.3 India and Bhutan**

### **2.3.1 India**

#### **Background**

China and India share a border of some 3,488 kilometers, with two large areas of territory are at the heart of their dispute (see Appendix 1, Figure 4 and Figure 5).<sup>226</sup> The western sector, Aksai Chin, makes up around 38,000 square kilometers of inhospitable, high-altitude terrain, and has been controlled by Beijing since its occupation of Tibet in 1951. The eastern sector, roughly corresponding to the Indian state Arunachal Pradesh (China refers to it as “South Tibet”), makes up around 90,000 square kilometers and has been administered by India since the 1940s.<sup>227</sup> Each side claims the sector controlled by the other, but the exact claims are not known since “With the exception of the relatively minor 'Middle Sector,' China and India have yet to define their respective boundary claims through a basic exchange of maps.”<sup>228</sup>

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226 There is also a so-called “middle sector” of the border. It is sometimes treated separately, other times as a part of the western sector. On Appendix 1, Figure 5, the middle sector is regarded as a part of the western sector, and its disputed territory is marked in red (below Aksai Chin, running down to the India-China-Nepal border trijunction. This sector is generally regarded as the least controversial one, and concerns around 2000 square kilometers of territory. Fravel, *Strong Borders*, 327.

227 Garver, *Protracted Contest*, 79.

228 Jeff Smith, “Frontier Tension: Is China Provoking India at Disputed Border?” *Defense News*, May 5, 2013, accessed May 5, 2014, <http://www.defensenews.com/article/20130505/DEFREG/305050007/Frontier-Tension>.

Aksai Chin was once upon a time a secondary trade route, and had been used for grazing by wool traders. For the British, occupied with the task of creating space between its Indian possession and the encroaching Russian advances in Asia, the area came to be seen as holding potential strategic value as a buffer.<sup>229</sup> Several border lines for the Ladakh region (part of the Indian state Jammu and Kashmir, to the west of Chinese-controlled Aksai Chin) were worked out and considered by the British. There is no clear answer as to which one was more authoritative and consequently uncertainty rules on the question of whether the British really claimed Aksai Chin as a part of its Indian colony after the first world war.<sup>230</sup> In any case, postcolonial India was less ambiguous about its claim. After having reviewed the border of Ladakh, New Dehli in 1953 decided to claim Aksai Chin as a part of its territory, a claim built on the belief that the area “had been included within the jurisdiction of the pre-British Dogra government of Kashmir”.<sup>231</sup>

In the case of Arunachal Pradesh – which China claims is inside the “traditional, customary limit” Tibet used to administer – the claimant and holder relationship is the inverse.<sup>232</sup> Negotiations between India, Tibet (then enjoying relatively more autonomy) and China's central government took place in Simla, where the McMahon line – which placed Arunachal Pradesh within India's boundary – was presented to the delegates.<sup>233</sup> The product of the negotiations was the Simla Convention, which the Chinese delegate initialed, according to Hoffman “most likely knowing that his government would repudiate it for other reasons.”<sup>234</sup> The British and Tibetan representatives also initialed the Simla Convention, but met again later (without a Chinese delegate present) and signed a joint declaration binding the two parties (that is India and Tibet) to the convention.<sup>235</sup> Thus the bone of contention that remains until this day: India claims that there is nothing more to discuss in the eastern sector, as Tibet signed the Simla Convention (and thus accepted the McMahon line); China maintains that Tibet did not have the authority to do so without the approval of Beijing (which rejected the convention).

Following China's consolidation of its hold over Aksai Chin, India did not protest much, allegedly because the area was thought to hold few valuable resources, and because good relations

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229 Steven A. Hoffmann, *India and the China Crisis* (Berkeley: University of California Press, 1990), 12.

230 *Ibid.*, 13.

231 Garver, *Protracted Contest*, 89.

232 *Ibid.*, 79. Interestingly, the Dalai Lama expressed the view that Arunachal Pradesh was a part of Tibet as late as 2003. In 2013, however, his view regarding the matter had apparently changed, and he voiced his opinion that the McMohan Line is valid. “Tawang is part of India: Dalai Lama,” *Times of India*, June 4, 2008, accessed May 5, 2014, <http://timesofindia.indiatimes.com/india/Tawang-is-part-of-India-Dalai-Lama/articleshow/3097568.cms>.

233 Note that the McMahon line only runs from the eastern end of Bhutan and westwards, thus it does not cover China's border with Bhutan or the western sector of its border with India. As mentioned above India bases its claim to the western sector on one (the most expansive) of several British lines delineating Ladakh's border with Tibet.

234 Hoffmann, *India and the China Crisis*, 19. According to Kissinger, “In diplomatic practice, initialing freezes the text; it signifies that the negotiations have been concluded. Signing the document puts it into force.” *On China*, 186.

235 Hoffmann, *India and the China Crisis*, 19.

with China were deemed more important by New Delhi.<sup>236</sup> By 1957 China had completed the building of a motorway through Aksai Chin, linking Xinjiang and Tibet. This was only one of several roads central to Mao's "advance while building roads" strategy, aimed at strengthening China's hold over Tibet, but it was easily the most significant.<sup>237</sup> India, who in Garver's understanding may have had its hopes of continued relative Tibetan autonomy dashed by Chinese military presence and road-building, had been increasing troop deployments in border areas since the late 50s, and embarked upon its "forward policy" in 1961.<sup>238</sup>

This policy was meant to keep the PLA from advancing further by establishing new Indian outposts closer and closer to Chinese positions, and greatly increased tensions between the two sides. Initially, Chinese forces pulled back when encountering these new Indian outposts, but as India kept going further into territory in the western sector that China hitherto had controlled, Beijing changed its tactics.<sup>239</sup> After securing assurances that other powers would not be drawn into a war between the two, and having failed in an attempt to reach out to India diplomatically, Mao announced a new directive whereby Chinese forces were to stop giving ground to India.<sup>240</sup> Indian advances were undeterred in both sectors, and after having unsuccessfully attempted to get India into negotiations over a border settlement Beijing decided on a "large-scale attack" to send India a clear message.<sup>241</sup> The stage was set for the border war of 1962, where China forced back Indian forces in both sectors and eventually crossed the boundary lines it was claiming. It thereafter pulled back northwards, twenty kilometers from what it claimed had been the Line of Actual Control (LAC) prior to India's forward policy.<sup>242</sup>

Two years before the border war broke out Zhou Enlai had offered Nehru a deal that, if accepted, would have been a prime example of a consolidation of the status quo. Zhou had for some time tried to make it clear that while China could not "acknowledge" the McMahon line, it would be willing to accept a demarcation based on it.<sup>243</sup> In talks with Nehru, Zhou suggested that each side

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236 Garver, *Protracted Contest*, 89.

237 *Ibid.*, 82-84. As Garver notes, "The western route [through Aksai Chin] also provided the only logistically effective supply line into western Tibet ... Control of Aksai Chin was thus essential to the Chinese control of western Tibet and very important to its control over *all* of Tibet." *Ibid.*, 83, emphasis in original.

238 *Ibid.*, 90-91; John W. Garver, "China's Decision for War with India in 1962," in *New Directions in the Study of China's Foreign Policy*, ed. Alastair Iain Johnston and Robert S. Ross (Stanford: Stanford University Press, 2006), 105-06.

239 Garver, "China's Decision for War with India in 1962," 108.

240 *Ibid.*, 110-112.

241 *Ibid.*, 117.

242 Kissinger, *On China*, 190-91; Susan L. Shirk, "One-Sided Rivalry: China's Perceptions and Policies toward India," in *The India-China Relationship: What the United States Needs to Know*, ed. Francine R. Frankel and Harry Harding (New York: Columbia University Press, 2004): 77.

243 The point was that the McMahon line, seen as a product of British imperialism, could not be accepted as legitimate, but at the same time it could, in the spirit of pragmatism, be used as a convenient starting point in discussions on the border. This resembles China's approach to the Soviet Union and unequal treaties; while opposing the treaties on a moral ground Beijing was willing to use them as a starting point for negotiations. It also resembles China's

accept the “present realities in both sectors,” meaning that China would keep Aksai Chin while India would keep Arunachal Pradesh.<sup>244</sup> New Delhi rejected the offer, and further talks between Zhou and Nehru did not lead to any progress.<sup>245</sup> Whereas New Delhi required a Chinese withdrawal from Aksai Chin in order for negotiations to be held, Beijing felt it had made a significant concession by expressing its willingness to pursue negotiations based on the McMahon Line and by dropping its claim to the eastern sector as long as India dropped its claim to the western sector.<sup>246</sup>

Relations between the two neighbors maintained their low standing in the years following the Zhou-Nehru talks. In 1979 and 1980 Deng Xiaoping repeated Zhou's earlier swap offer.<sup>247</sup> India repeated its rejection of such an arrangement. However, in 1981 negotiations began at the vice-foreign ministerial level, offering at least the impression that the states were working to solve the dispute. Eight rounds were held, without much to show for it. In the first round the Chinese side allegedly made the swap offer once more. In the fourth round both sides agreed to normalize relations in other areas, and furthermore to discuss each sector individually (which India had wanted to do from the beginning). In the eighth round – following a confrontational stance in Sumdorong Chu in 1987 –<sup>248</sup> both sides stressed the need to avoid military confrontation.<sup>249</sup>

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position on the Sino-French treaties delimiting its border with Vietnam and Laos; China did not accept the legitimacy of these but was willing to use them as a reference from which to negotiate. Regarding the phrasing, Fravel notes that the Chinese use of the word “acknowledge” caused a lot of confusion in India. Fravel, *Strong Borders*, 94 (fn. 112.)

244 Garver, *Protracted Contest*, 100.

245 Lorenz Lüthi, answering the salient question of why Nehru rejected this proposal, suggests that “The propaganda war ... had cornered Nehru to a much greater degree than Zhou. Unlike his Chinese counterpart, the Indian prime minister headed a country with vibrant public debate and a rigid constitutional framework, and not one with a tightly controlled monopoly both of information and political power.” “Sino-Indian Relations, 1954-1962,” *Eurasian Border Review*, Special Issue (2012): 116. To make such a decision as accepting the swap proposal (which would formally imply giving away territory, albeit territory India did not control) Nehru would have needed a two third majority from parliament. Another possibility, suggested by Huth, is that from New Delhi's point of view making concessions to China (by accepting the package deal) could give it a weaker hand in the dispute with Pakistan over Kashmir. Huth, *Standing Your Ground*, 170.

246 Garver, “China's Decision for War”, 104

247 Fravel, *Strong Borders*, 169; Garver, *Protracted Contest*, 101.

248 Tension increased when China and India both tried to take hold of a small but strategically important valley (Sumdorong Chu) in the eastern sector, where neither side had maintained a presence after the border war of 1962. After India's large Operation Chequerboard exercise, where the scenario was a war with China, Beijing significantly increased its own deployments in the border areas. The two sides allegedly “came to the brink of war,” but combat was avoided and tensions gradually decreased following high-level talks between the two sides in April and June 1987. It is worth noting that this valley is to the north (on the Chinese side) of the McMahon Line. John W. Garver, “China and South Asia,” *Annals of the American Academy of Political and Social Science* 519 (1992): 72; Garver, *Protracted Contest*, 97; Chung, *Domestic Politics, International Bargaining and China's Territorial Disputes*, 113; A. G. Noorani, “Perseverance in peace process,” *Frontline* 20, no. 17 (2003), accessed May 5, 2014, <http://www.frontline.in/static/html/fl2017/stories/20030829001604900.htm>.

249 Sumit Ganguly, “The Sino-Indian Border Talks, 1981-1989: A View from New Delhi,” *Asian Survey* 29, no. 12 (1989): 1126-1132. Ganguly suggests that there are reasons to question Beijing's sincerity in proposing the swap deal, because “when pressed by the Indian side, the Chinese refused any cartographic examination. In fact, according to a senior Indian official closely connected with this round, the Chinese did not appear interested in turning it into anything more than a propaganda exercise.” *Ibid.*, 1127. It is inherently difficult to prove “real intentions,” but the fact that Beijing had proposed the same thing at least three times previously (even if in a unofficial and low-key way), the first time two decades earlier, does lend credence to the interpretation that China

In 1985, China appeared to have changed its position on the package deal. Reportedly, Beijing required that India cede the town of Tawang (in the eastern sector, close to the Indian border with Bhutan, see Appendix 1, Figure 4) for the swap offer to be acceptable.<sup>250</sup> As the package deal does not appear to have been offered since then it is unclear whether this requirement still applies. To be clear this addition did not represent a new claim of China's,<sup>251</sup> and may have been a reflection of Beijing's frustration; an attempt to signal to New Delhi that it should not take it for granted that the package deal would forever be on the table in its original form. This was the same year China started to more actively press its claim to the eastern sector, which reportedly "stunned" New Delhi.<sup>252</sup> As Beijing's saw it, India was not willing to consider a consolidation of the territorial status quo even though from China's point of view the package deal implied that New Delhi would make the smaller concession, in that the disputed sector under its control was much larger than China's.<sup>253</sup>

## Later developments

The eight rounds of negotiations did not substantially move the two sides closer to an agreement. Still, having experienced the swift escalation of tension during the Sumdurong Chu incident seems to have worked to ease subsequent relations somewhat. In 1988 Indira Gandhi visited Beijing, and a "Joint Working Group" (JWG) was set up to resume border talks between the two states, starting with the first round in 1989.

Some highlights merit mention: The fourth meeting of the JWG was "the first time that military officers held direct talks on reducing tensions along the border."<sup>254</sup> Between the fourth and

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was sincere in its offer. Thus, both Garver and Fravel has treated the swap offer as genuine. Shyam Saran, a former Indian diplomat, gives the same impression. Garver, *Protracted Contest*, 101; Fravel, *Strong Borders*, 94; Shyam Saran, "India-China border dispute - Coping with asymmetry," *Business Standard*, April 13, 2014, accessed May 5, 2014,

[http://www.business-standard.com/article/opinion/shyam-saran-india-china-border-dispute-coping-with-asymmetry-114041300669\\_1.html](http://www.business-standard.com/article/opinion/shyam-saran-india-china-border-dispute-coping-with-asymmetry-114041300669_1.html).

250 Saran, "India-China border dispute."

251 Tawang is a part of Arunachal Pradesh, and China briefly asserted its control over the town in the 1962 war, until pulling back behind the *status quo ante* Line of Actual Control. K. N. Raghavan, *Dividing Lines: Contours of India-China Conflict* (Mumbai: Platinum Press, 2012), Kindle edition, 254.

252 Garver, *Protracted Contest*, 104.

253 On the other hand it is also possible that Beijing has increasingly seen Tawang as a particularly important area for symbolic reasons, and thus was serious about no longer accepting a package deal without receiving this town. Tawang is where the 6th Dalai Lama was born, and reportedly Beijing suspects that when the current Dalai Lama has passed away his reincarnation will be announced to have taken place there, thus delegitimizing the "official" Dalai Lama that Beijing will select. Namrata Goswami, "China's Territorial Claim on Arunachal Pradesh: Crafting an Indian Response," *IDSIA Issue Brief*, October 25, 2010, 5, accessed December 22, 2013, [www.idsa.in/issuebrief/ChinasTerritorialClaimonArunachalPradeshCraftinganIndianResponse](http://www.idsa.in/issuebrief/ChinasTerritorialClaimonArunachalPradeshCraftinganIndianResponse).

254 Fravel, *Strong Borders*, 169. According to Sali another significant development of the fourth round was that "JWG moved from 'Concepts' to 'specifics' and from 'ideas' to 'measures' with regard to stabilisation of the Line of Actual Control." M. L. Sali, *India-China Border Dispute: A Case Study of the Eastern Sector* (New Delhi: A.P.H.

fifth rounds, in 1993, an agreement between the two sides on maintaining peace at the Line of Actual Control (LAC) was signed, and at the fifth meeting a draft agreement on “maintaining the status quo along the disputed frontier” was signed.<sup>255</sup> The sixth round resulted in the opening of a new border trade point at Shipki La Pass.<sup>256</sup> In 1996, the two sides signed an agreement on confidence-building measures and removed their forces from near proximity to Sumdurong Chu.<sup>257</sup>

While the JWG seems to have been a successful process in terms of confidence-building measures, it has not fundamentally moved New Delhi and Beijing closer to a resolution of their dispute. The early to mid-90s seems to have been a high point of relations in the post-1962 era, but as Fravel notes, “because no agreement has been reached, it is quite difficult to determine whether compromise offers were made by either side.”<sup>258</sup>

Similarly, there has been little substantial progress since the turn of the century. In 1998, after India's second round of nuclear tests, Prime Minister Vajpayee referred to an unnamed “overt nuclear weapon state on our borders, a state which committed armed aggression against India in 1962,” to justify the action.<sup>259</sup> Chinese commentators responded by accusing India of promoting a “China Threat Theory” to justify its own bid for regional hegemony.<sup>260</sup> The most significant positive development since 1996 was the 2005 agreement to “to abide by and implement” the 1993 and 1996 agreements, providing a framework consisting of 12 articles to guide the process.<sup>261</sup> Since 2005, the relationship seems to have worsened, to a large extent fitting the often used description of the Sino-Japanese relationship: Hot economics, cold politics.<sup>262</sup>

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Publishing Corporation, 1998), 117.

255 Fravel, *Strong Borders*, 169.

256 Sali, *India-China Border Dispute*, 118

257 Fravel, *Strong Borders*, 170.

258 Ibid.

259 “NUCLEAR ANXIETY; Indian's Letter to Clinton On the Nuclear Testing,” *The New York Times*, May 13, 1998, accessed December 18, 2013,

<http://www.nytimes.com/1998/05/13/world/nuclear-anxiety-indian-s-letter-to-clinton-on-the-nuclear-testing.html>.

The letter went on to say that “Although our relations with that country have improved in the last decade or so, an atmosphere of distrust persists mainly due to the unresolved border problem. To add to the distrust that country has materially helped another neighbour of ours to become a covert nuclear weapons state. At the hands of this bitter neighbor we have suffered three aggressions in the last 50 years ... [These] tests are limited in number and pose no danger to any country which has no inimical intentions towards India.” (My emphasis.)

260 Pillsbury, *China Debates the Future Security Environment*, 149-51.

261 Possibly of some significance, Article VII stipulates that “in reaching a boundary settlement, the two sides shall safeguard due interests of their settled populations in the border areas.” This could be a benefit to India in the eastern sector. (Aksai Chin, on the other hand, is largely unpopulated.) On the other hand, it may be the case that terms such as “safeguard” and “due interest” are too flexible to provide much relief for New Delhi. “Text of India-China agreement,” *The Hindu*, April 11, 2005, accessed December 18, 2013,

<http://hindu.com/thehindu/nic/0041/indiachinatxt.htm>.

262 In this regard it may be interesting to note that one authoritative account of Chinese foreign policy thinking suggests that India is commonly seen as a “smaller scale version of Japan” in China (the smaller scale referring to the threat it poses rather than geographical/demographic size). Pillsbury, *China Debates the Future Security Environment*, 153. By 2009, China had overtaken the US as India's biggest trading partner. David M. Malone and Rohan Mukherjee, “India and China: Conflict and Cooperation,” *Survival* 52, no. 1 (2010): 144.



## Border incursions and the Line of Actual Control

In the last few years a great number of media outlets have reported border transgressions across the Line of Actual Control by the Chinese side. The Indian government releases figures from time to time that are played up in the media, but there are many ambiguities surrounding this phenomenon.<sup>263</sup> What sometimes goes unmentioned is that the two sides do not have a shared perception of where the LAC actually runs in several areas of the border.

Table 1: Chinese transgressions across the LAC (as perceived by India)

Time period	Number of transgressions
2000	90 <sup>a</sup>
2002	> 90 <sup>b</sup>
Q1+Q2 2003	50 <sup>b</sup>
2007	140 <sup>a</sup>
2008	233 <sup>c</sup> / 270 <sup>d</sup>
2010	228 <sup>e</sup>
2011	180 <sup>f</sup> / 213 <sup>e</sup>
Q1 2012	64 <sup>e</sup>
Q1 2013	> 100 <sup>g</sup>

a Jonathan Holslag, "China, India and the Military Security Dilemma," *BICCS Asia Papers* 3, no. 5 (2008): 7; b Sandeep Dikshit, "50 Chinese sorties across LAC this year," *The Hindu*, July 26, 2003, accessed April 14, 2014, <http://www.hindu.com/2003/07/26/stories/2003072603481100.htm>; c Suman Sharma, "Army accessed China war-game plan, did not enhance security," *The Sunday Guardian*, April 27, 2013, accessed January 08, 2014, <http://www.sunday-guardian.com/news/army-accessed-china-war-game-plan-did-not-enhance-security>; d Brahma Chellaney, "Let facts speak for themselves on India-China border," *The Sunday Guardian*, August 15, 2010, accessed May 05, 2014, <http://www.sunday-guardian.com/analysis/let-facts-speak-for-themselves-on-india-china-border>; e Ajay Banerjee, "China violated LAC 505 times since Jan 2010," *The Tribune*, May 16, 2012, accessed May 05, 2014, <http://www.tribuneindia.com/2012/20120517/main6.htm>; f Namrata Goswami, "Chinese intrusions across the LAC," *IDSAs Issue Brief*, December 17, 2013, 2, accessed December 22, 2013, [www.idsa.in/issuebrief/ChineseintrusionsacrosstheLAC\\_ngoswami\\_171213](http://www.idsa.in/issuebrief/ChineseintrusionsacrosstheLAC_ngoswami_171213); g Jeff Smith, "Frontier Tension."

Table 1 provides a list of transgressions made by China across the LAC as India perceives it, for

263 I am grateful to Jeff M. Smith for clarifying this to me in a personal e-mail correspondence (May 6, 2014).

According to him, "oftentimes the Indian parliament will ping the Defense Minister or Home Minister on the subject and they will report back official figures for the past year or the past several years." Thus, the numbers are not released in a regular manner but appear every now and then. I have consulted a number of people who have written on the subject, and none of them were aware of any complete list of such incidents of figures for every year. Both Bhadrakumar Melkulangara (April 14, 2014) and Namrata Goswami (May 6, 2014) suggested to me that publication of statistics related to transgressions/incursions are most likely kept to a minimum to avoid creating unnecessary controversies.

those time periods I have been able to find figures for.<sup>264</sup> The word “intrusions” is often used instead of “transgressions” in media reports, but the Indian government makes an important (if somewhat blurry) distinction between the two. Thus, the Minister of State for Home Affairs was quoted as saying in 2012 that “There has been no intrusion along the India-China border. However, there are cases of transgression (by People’s Liberation Army, PLA) due to different perception of the LAC.”<sup>265</sup> This distinction seems to boil down to a question of intentions (are these transgressions done to “breach of the sanctity of the border” or merely a reflection of the different perceptions of the LAC?) and can therefore appear arbitrary, but the fact that India is making it also shows that New Delhi is not interested in exaggerating the importance of these occurrences.<sup>266</sup>

Unfortunately, China does not report on similar transgressions by the Indian side, which makes it hard to say how frequent these are, but it is clear that China is not alone in crossing the LAC as perceived by the opposite side.<sup>267</sup> For instance, one article from 2003, referring to anonymous sources from the Indian Army, suggests that “they would not tell how frequently the Indian troops were crossing into China beyond admitting: ‘Our boys also do that sometimes. This should not be treated as a major issue.’”<sup>268</sup> More recently, Yao Yunzhu, a Major General from China’s Academy of Military Sciences, was quoted stating that “If we make the calculation on our understanding of the LAC, maybe the Indian border troops have transgressed the line more than what the Chinese border troops have done.”<sup>269</sup> While this is only anecdotal evidence, it does strongly suggest that transgressions are not a one-sided phenomenon.

The problem, then, is first and foremost that the two sides have different perceptions of the LAC. The 1996 agreement on confidence-building measures referred to above states that “the two sides agree to speed up the process [of] clarification and confirmation of the line of actual control. ... They also agree to exchange maps indicating their respective perceptions of the entire alignment of the line of actual control as soon as possible.”<sup>270</sup> In 2002, a media report suggested that India and

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264 I am aware of the incomplete state of this table. As hinted to in the above note, I have tried to fill the gaps, but these are the only periods of time for which I have found figures. What is more, these are all from secondary sources and sometimes (2008 and 2011) not in agreement (although all claim to be based on official figures, except for the figures for 2002 and the first two quarters of 2003, where the source refers to a confidential document from the Indian Army). Thus, the list has obvious reliability limitations, and I do therefore not draw too many inferences from it. It is provided to show that such transgressions appear to have been a common occurrence in the last few years.

265 Banerjee, “China violated LAC 505 times since Jan 2010.”

266 Ibid.

267 Jeff Smith, “Frontier Tension.” This is of course true by definition as long as the two sides’ perceptions overlap in certain areas and both patrol as far out as their line goes.

268 Dikshit, “50 Chinese sorties across LAC this year.”

269 Jeff Smith, “Frontier Tension.” In a personal e-mail correspondence (May 06, 2014) Smith informed me that in conversations with Chinese officials he had been informed that Indian transgressions were just as common as Chinese, and that none of the Indian political and military figures Smith had talked to refuted this claim (in fact some corroborated it).

270 “Agreement Between the Government of the Republic of India and the Government of the People’s Republic of

China had agreed on a time frame for such a map exchange.<sup>271</sup> Maps for the western sector would be exchanged by the end of that year, maps for the eastern sector by the end of 2003. It is not clear whether or not such an exchange actually happened, but as of 2013 the two sides were certainly no closer to a shared perception of where the line runs.<sup>272</sup>

Indian historian A. G. Noorani has suggested that India did in fact present China with a sample map of its perceived LAC in the western sector, in June 2002, but that this map included under Indian control territory that Pakistan through a border treaty had agreed belongs to China. The map was thus outright rejected by Beijing.<sup>273</sup> As this observer noted, “the map India presented wantonly created an issue of prestige for both sides,” and more importantly it blurred the distinction between claim lines and lines of actual control.<sup>274</sup>

Reportedly, both sides recognize “as many as nine” areas along the border where perceptions differ, and it appears that most of these are located in the western sector as the majority of transgressions have occurred here.<sup>275</sup> One much reported incident of 2013 serves as an example. On April 15, around 50 Chinese troops set up tents some 30 kilometers south of Daulat Beg Oldi (see

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China November 29, 1996 (New Delhi),” accessed May 7, 2014, [www.stimson.org/research-pages/confidence-building-measures-along-the-line-of-actual-control-in-the-india-china-border-areas/](http://www.stimson.org/research-pages/confidence-building-measures-along-the-line-of-actual-control-in-the-india-china-border-areas/).

271 Mohan Narayan and Anil K Joseph, “India, China agree on timeframe to clarify LAC,” *Rediff*, March 29, 2002, accessed May 5, 2014, <http://www.rediff.com/news/2002/mar/29china2.htm>.

272 John Garver suggested to me that this reported agreement to exchange maps may have been oversold, and that to his knowledge such maps have not been exchanged between the two sides. Personal e-mail correspondence, May 7, 2014.

273 A. G. Noorani, “Perseverance in peace process.”

274 The territory Pakistan dropped its claim to (the Trans-Karakoram Tract) had been administered by China as a part of Xinjiang since 1963, and thus it was demonstrably false that New Delhi had “actual control” over it, as India in effect claimed through its map. “Kashmir profile,” *BBC*, January 29, 2014, accessed May 5, 2014, <http://www.bbc.com/news/world-south-asia-16069078>. The territorial dispute between China and Pakistan was resolved long before the period of focus in this thesis, but it is worth briefly noting that of the territory in question in this dispute (which India claims Pakistan illegally ceded to China) China controlled the vast majority before the border agreement was reached in 1963. Of the (approximately) 8,806 square kilometers under dispute China controlled 7,251 and Pakistan 1,554 square kilometers. The end result of negotiations was that China ceded 1,942 square kilometers to Pakistan, and kept 5,309 square kilometers of what it had already controlled. Thus, China ceded territory, whereas Pakistan received a share of what it had claimed but not controlled (and dropped its claim to the remainder). Fravel, *Strong Borders*, 116, 326.

275 Jeff Smith, “Frontier Tension.”; Holslag, “China, India and the Military Security Dilemma,” 7. One source suggests that 90 percent of Chinese transgressions has occurred in the Ladakh region. This makes sense, as it seems China has generally treated the McMahon line in the east as the LAC there. As Zhou Enlai told Nehru when suggesting a deescalation along disputed areas in 1959, “the Chinese Government proposes that the armed forces of China and India each withdraw 20 kilometres at once from the so-called McMahon Line in the east, and from the line up to which each side exercises actual control in the west ...” So whereas the two sides have a common reference point for the eastern sector (even if China has not formally stated that they consider the McMahon Line the LAC) no such thing appears to exist to the western sector. That said, transgressions happen in the eastern sector too, although less frequently. P. Stobdan, “BDCA with China and its Implications for India,” *IDSA Comment*, October 29, 2013, accessed May 5, 2014, [http://www.idsa.in/idsacomments/BDCAwithChinaanditsImplicationsforIndia\\_pstobdan\\_291013](http://www.idsa.in/idsacomments/BDCAwithChinaanditsImplicationsforIndia_pstobdan_291013); “Premier Chou En-Lai's Letter to Prime Minister Nehru,” *Marxists Internet Archive*, accessed May 5, 2014, <https://www.marxists.org/subject/india/sino-india-boundary-question/ch04.htm>.

Appendix 1, Figure 5).<sup>276</sup> This reportedly happened 19 kilometers from the LAC (as perceived by India), but in an area where the divergence in LAC perceptions is thought to be particularly large.<sup>277</sup> In response, the Indo-Tibetan Border Police erected tents of its own 300 meter away from the Chinese, after unsuccessfully trying to make them leave. What made this incident stand out was the fact that the Chinese troops stayed put for several weeks.<sup>278</sup> Only after five flag meetings did the two sides reach an understanding, on May 5, which led to the Chinese troops turning back.<sup>279</sup>

One obvious Chinese motivation for patrolling (and establishing a temporary presence in) these areas is to protest Indian activity (particularly related to building of infrastructure) close to areas of overlapping LAC-perceptions.<sup>280</sup> Particularly worrying from China's point of view is "India's re-activation of the advanced landing grounds (ALGS) at Daulat Beg Oldie (DBO), Fukche and Nyoma ... The DBO airstrip, for instance, overlooks the strategic Karakoram Pass, while the Fukche ALG is barely five km from the LAC [as perceived by India]."<sup>281</sup> Bunkers in these areas are another source of concern, as such permanent installations could be seen as attempts to establish firmer control of what is effectively "no man's land" at present. One of the requirements made by China in the flag meetings was therefore that New Delhi destroy some of the bunkers in Chumar (which it did).<sup>282</sup>

To be sure, an Indian focus on improving its capabilities and infrastructure in a strategically important area is not surprising, particularly in light of the long-standing Chinese advantage. Beijing, however, claims that India has been working much closer to these areas of unclear control

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276 Gaurav C. Sawant, "India is no pushover, we are not scared of China: Salman Khurshid," *India Today*, April 26, 2013, accessed January 7, 2014,

<http://indiatoday.intoday.in/story/china-india-china-incursion-indo-china-border/1/267744.html>.

277 Daulat Beg Oldie lies in the Dopsang plains in Ladakh. I was informed by tibetologist and journalist Claude Arpi that the perceived LAC between the two sides probably differs with between 20 and 30 kilometers in this area.

(Personal e-mail correspondence, May 6, 2014.) A piece in *The Telegraph* also placed the location of the incident inside a zone of overlapping LAC-perceptions, although the article suggests that the divergence is only between 10 and 12 kilometers. This article contains a very informative graphic of the perceived LACs, although no source for these lines are provided. Sujana Dutta, "Battle of tents and banners on border," *The Telegraph*, April 26, 2013, accessed January 7, 2014, [http://www.telegraphindia.com/1130426/jsp/nation/story\\_16829604.jsp#.UxslCapjDz5](http://www.telegraphindia.com/1130426/jsp/nation/story_16829604.jsp#.UxslCapjDz5).

278 Namrata Goswami, "China's incursions show strategic blindness," *Asia Times*, May 9, 2013, accessed April 3, 2014, [http://www.atimes.com/atimes/South\\_Asia/SOU-03-090513.html](http://www.atimes.com/atimes/South_Asia/SOU-03-090513.html).

279 For a summary of the flag meetings, see Sheo Nandan Pandey and Hem Kusum, "In the Annals of Sino-Indian Relations: Contours across the PLA Intrusion Crises," *ISPSW Strategy Series*, no. 240 (2013), accessed January 7, 2014, <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?id=167752>.

280 Bharti Jain, "China sore with Indian bid to build infrastructure along LAC," *India Times*, April 25, 2013, accessed May 7, 2014,

<http://economictimes.indiatimes.com/news/politics/and/nation/China-sore-with-Indian-bid-to-build-infrastructure-along-LAC/articleshow/19719917.cms>.

281 "Ladakh crisis not our creation: Govt," *Times of India*, May 1, 2013, accessed May 7, 2014,

<http://timesofindia.indiatimes.com/india/Ladakh-crisis-not-our-creation-Govt/articleshow/19812010.cms?referral=PM>.

282 "India destroyed bunkers in Chumar to resolve Ladakh row," *Defence News*, May 8, 2013, accessed May 7, 2014, <http://www.defencenews.in/defence-news-internal.aspx?id=BtdOdtMc3KY=>.

than China has done.<sup>283</sup> According to an Indian analyst, Beijing has been promoting an agreement that would essentially freeze the current buildups around these areas, which understandably has been unpopular in New Delhi.<sup>284</sup> For these reasons it seems likely that this transgression had more to do with protesting India's attempt to catch up with China than with trying to grab new territory. This is in line with both offensive and defensive realism, the latter because it assumes that states try to maintain their relative power position (thus they are typically not expansionist, but also do not want to see a power gap currently to their advantage closed). Of course it is not unlikely that China is also interested in keeping alive its claim to these areas which both sides argue fall under their control. But as China backed down and pulled out, establishing control over more territory does not seem to be an aspiration of the highest priority. No permanent installations (such as bunkers) appear to have been left behind in these territories by China, and it is worth remembering that the great majority of transgressions are undramatic events, where “each side can offer the other's empty cigarette and noodle packets as evidence” without any severe changes to the facts on the ground happening.<sup>285</sup>

Some progress seems to have been made after the above mentioned incident. The two sides signed a “Border Defence Cooperation Agreement” in October 2013, after a meeting between China's Premier Li Keqiang and India's Prime Minister, Manmohan Singh. In it, both sides pledge not to use force in face-to-face situations and to avoid tailing each other in areas where there is no shared understanding of the LAC. In the latter scenario each side may request a clarification from the other regarding the LAC they operate with.<sup>286</sup> This is no bullet-proof guarantee that tensions will disappear, but so far it seems to be a step in the right direction that may ease confrontations when transgressions do occur.

## **The bigger picture**

The main question relevant to this thesis is whether China is behaving in a way that suggests it seeks to alter the territorial status quo in a significant way. Taking hold of the 90,000 square

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283 Jain, “China sore with Indian bid to build infrastructure along LAC.” According to Jeff Smith this Indian attempt to narrow the gap in capabilities and infrastructure in the border areas really only took off after 2006. Jeff M. Smith, “On Sino-Indian Border, Status-Quo Unacceptable,” *The Diplomat*, November 6, 2013, accessed May 7, 2014, <http://thediplomat.com/2013/11/on-sino-indian-border-status-quo-unacceptable/>.

284 P. K. Anand, “Depsang Incident: The Border Issue and the Broader India-China Relationship Matrix,” *Diplomacy and Foreign Affairs*, s.a., accessed May 7, 2014, <http://diplomacyandforeignaffairs.com/depsang-incident-the-border-issue-and-the-broader-india-china-relationship-matrix/>.

285 “India and China: A Himalayan rivalry,” *The Economist*, August 19, 2010, accessed May 07, 2014, <http://www.economist.com/node/16843717>.

286 “Border Defence Cooperation Agreement between India and China,” October 23, 2013, accessed January 7, 2014, <http://pmindia.gov.in/press-details.php?nodeid=1726>.

kilometers it claims in the eastern sector would undoubtedly qualify as a significant change in itself, and as a secondary byproduct such a territorial change of hands would render the remaining 172,320 square kilometers (approximately) of Northeast India much harder to defend.<sup>287</sup> The question then becomes whether China's claim to this area is merely a tactical ploy to improve its bargaining position in a future border settlement, or an expression of a true and fixed intention to reunify “southern Tibet” with its alleged motherland.

We have already noted the difficulty of proving intentions. In this case some might object that there is nothing that really needs proving, as Beijing through its claim to the eastern sector displays unambiguous revisionist intentions. For instance, Chellaney suggests that Beijing only proves the uselessness of dialogue by “not hiding its intent to further redraw the Himalayan frontiers,” and that “the territorial status quo can be changed, on the scale sought by China, not by political talks but by further military conquest.”<sup>288</sup> In this line of thinking Beijing could easily have displayed its satisfaction with the status quo by dropping its claim in the eastern sector, which it has not done. Chellaney emphasizes the fact that “China chooses to press claims on additional Indian territories,” allegedly part of a grand strategy to “hold off indefinitely on a border settlement ... through an overt refusal to accept the territorial status quo.”<sup>289</sup>

However, it is useful to flip the coin. It is true that China would display a strong commitment to the status quo by dropping its claim to Arunachal Pradesh. It is also true, however, that India has not dropped its claim to Aksai Chin, and that New Delhi has on several occasions been presented with a swap offer which it has consistently refused to consider. In fact, in 2010 India compared the significance of Tibet and Taiwan to China with the significance of Jammu & Kashmir (which it claims Aksai Chin as a part of) to itself.<sup>290</sup> If one steps into the shoes of a Chinese strategist it would seem foolish to drop a claim that arguably gives China an extra card to play (or a concession to make in return for an Indian quid pro quo) in future negotiations. In fact Chellaney implicitly supports the same logic when he laments the fact that India has been all too willing to recognize Tibet as a part of China.<sup>291</sup>

Only if one believes New Delhi would have been so moved by a Chinese unilateral removal of its claim as to follow suit, and thus consolidate the status quo, would it make sense that a China

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287 Garver, *Protracted Contest*, 92.

288 Chellaney, “India's Intractable Border Dispute with China,” 52.

289 *Ibid.*, 51.

290 Francine R. Frankel, “The Breakout of China-India Strategic Rivalry in Asia and the Indian Ocean.” *Journal of International Affairs* 64, no. 2 (2011): 4.

291 Chellaney writes that “Whatever leverage India still had on the Tibet issue was surrendered in 2003 when it shifted its position from Tibet being an 'autonomous' region within China to it being 'part of the territory of the People's Republic of China.’” The implication being that India could possibly have found itself in a stronger bargaining position had it not so easily given in to China's request for assurances on its position on Tibet. “India's Intractable Border Dispute with China,” 52.

satisfied with the present territorial distribution should do so. From Beijing's vantage point there is of course the possibility, probably deemed much more likely, that New Delhi would stand firm on its claim, in which case China's dropped claim would have proved ill-fated. Neither offensive or defensive realism would expect such gambling, and there is not anything *ipso facto* revisionist about not being willing to drop a claim in a dispute that encompasses several areas.

Thus, we cannot conclude that China is behaving as a revisionist power in the Sino-Indian dispute by the fact that it has not dropped its claim in the eastern sector, just as we could not conclude that India is behaving as a revisionist power by its unwillingness to drop its claim to the western sector, if that was our focus here.<sup>292</sup> China has kept its claim in the eastern sector alive through such actions as its (failed) 2009 bid to keep Asian Development Bank from granting India support for a large development plan (part of which is to go to a flood management program in Arunachal Pradesh) and protesting visits to Arunachal Pradesh by the Indian president.<sup>293</sup> But these are diplomatic tools of statecraft, and unlike military means they are not taken to signal revisionism as we have defined it in this thesis.

The same uncertainty holds when it comes to the significance of transgressions. While exact Chinese claims in the western sector are not known, it is possible that Beijing is interested in asserting control over certain strategic areas here as well. According to a story in *The Sunday Guardian*, the Indian Army came in possession of a Chinese war-game plan which makes it clear that the PLA is worried about its weakness in the "Sub Sector North", of which Daulat Beg Oldi (30 kilometers away from where China made its incursion in April 2013) is the northernmost point. The author of the article suggests that this may have been the reason for Chinese incursions close to Aksai Chin; control of Daulat Beg Oldi would rob India of its best route if it should try to take hold of Aksai Chin by force.<sup>294</sup>

While this has not been substantiated by other sources (or a formal claim by China), it is certainly logical that Beijing is interested in reducing strategic vulnerabilities as much as possible. But until such possible aspirations are manifested in actual behavior we cannot take their mere plausibility as evidence of revisionism, and the fact that transgressions are conducted by both sides (although unfortunately available data are limited and of questionable reliability) complicates the picture. Should China start setting up permanent installations in territory it does not control this

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292 Of course, theoretically, there is nothing to suggest that a dispute will always be between one challenger to and one defender of the status quo. Both sides may well behave as revisionist or status quo powers.

293 Pranab Dhal Samanta, "India-China face-off worsens over ADB loan for Arunachal," *The Indian Express*, May 15, 2009, accessed December 23, 2013, <http://www.indianexpress.com/news/indiachina-faceoff-worsens-over-adb-loan-for-arunachal/459910/>; Ankit Panda, "China Responds to Indian President's Visit to Disputed State," *The Diplomat*, December 3, 2013, accessed January 9, 2014, <http://thediplomat.com/2013/12/china-responds-to-indian-presidents-visit-to-disputed-state/>.

294 Sharma, "Army accessed China war-game plan."

would be a new development that might signal a more unambiguous attempt to alter the facts on the ground. And while transgressions receive a lot of attention, understandable considering that small events can quickly escalate out of control, it is worth repeating that no shots have been fired between the two sides for almost five decades.<sup>295</sup>

Interestingly, Indian media reported in late November, 2013, that New Delhi had begun to seriously contemplate the swap deal.<sup>296</sup> Allegedly, Indian foreign ministry documents revealed that New Delhi was signaling a willingness to drop its western sector claim as long as China renounced its claim to the eastern sector. If such a proposal was to come to fruition it would serve as a much better test of whether China is still committed to a consolidation of the current territorial distribution than anything history has offered since Deng last proposed the same package deal. Indeed, it would be the first clear evidence of an Indian acceptance of the territorial status quo and put the onus more clearly on Beijing if it should choose to refuse such an offer.

### 2.3.2 Bhutan

China and Bhutan share a border of 470 kilometers, and Bhutan is the only state except for India that China still has an unresolved land-border dispute with.<sup>297</sup> It would be an understatement to say that these two neighbors of China are merely related, for India, after independence, soon took over the task its British rulers had formerly performed: that of controlling the external relations of the small Himalayan kingdom.<sup>298</sup> To this day Bhutan does not maintain diplomatic relations with any of the five permanent members of the UN Security Council, and while it arguably moved toward a more independent control of its foreign policy through its 1971 admittance as a UN member state (supported by New Delhi), India still plays an important role in Thimphu's foreign policy making.<sup>299</sup>

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295 Jeff Smith, "Frontier Tension."

296 Saurabh Shukla, "India 'ready to let China keep Aksai Chin' if neighbour country drops claim to Arunachal Pradesh," *Mail Online India*, November 28, 2013, accessed January 8, 2014, <http://www.dailymail.co.uk/indiahome/indianews/article-2515187/India-ready-let-China-Aksai-Chin-neighbour-country-drops-claim-Arunachal-Pradesh.html>.

297 Again, excluding the dispute with North Korea about which little detailed information is available.

298 Paul J. Smith, "Bhutan-China Border Disputes and Their Geopolitical Implications," in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), 23-24.

299 *Ibid.*, 28; Mohan Balaji, "In Bhutan, China and India collide," *Asia Times Online*, January 12, 2008, accessed December 26, 2013, <http://www.atimes.com/atimes/China/JA12Ad02.html>. The adjustment was reflected in a 2007 revision of the Perpetual Peace and Friendship Agreement (signed in 1949), where "the Government of Bhutan agrees to be guided by the advice of the Government of India in regard to its external relations" was changed to "the Government of the Kingdom of Bhutan and the Government of Republic of India shall cooperate closely with each other on issues relating to their national interests. Neither Government shall allow the use of its territory for activities harmful to the national security and interest of the other." Virendra Sahai Verma, "Dances with dragons," *The Hindu*, August 21, 2012, accessed December 26, 2013, [www.thehindu.com/opinion/op-ed/dances-with-dragons/article3800096.ece](http://www.thehindu.com/opinion/op-ed/dances-with-dragons/article3800096.ece).



One of the problems confounding the China-Bhutan dispute is the lack of any previous delineation to use as a reference point to negotiate from. The disputed areas have typically functioned as pasture lands, used by Tibetans and Bhutanese alike. As Mathou notes, the border between Tibet and Bhutan “had never been demarcated in the past. Officials and local people had a clear understanding of territory limits only for areas adjacent to major pass [sic] traditionally used by traders. The rest of the frontier was largely unknown and nobody has expressed any interest for the demarcation of territorial jurisdictions prior to 1959.”<sup>300</sup> Thus we are dealing with another Chinese claim grounded in its possession of Tibet, and with the Chinese crackdown on that region in 1959 Bhutan increasingly came to worry about its own fate. The fact that Mao allegedly had referred to Tibet as a palm with five fingers, of which Bhutan was one, did not ease such concerns.<sup>301</sup> Neither did Chinese incursions, beginning in 1962 (the same year as the Sino-Indian war) and continuing intermittently until the mid-80s, when border negotiations started.<sup>302</sup>

It should be note that at this stage outside observers still know very little about the details of the border negotiations between Bhutan and China.<sup>303</sup> Negotiations began in 1984, with the first five rounds spent reaching common ground on “guiding principles” for further negotiations. With the sixth round in 1989 “substantive talks” had started.<sup>304</sup> Allegedly the territory under dispute initially

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300 Thierry Mathou, “Bhutan-China Relations: Towards a New Step in Himalayan Politics,” in *The Spider and the Piglet: Proceedings of the First International Seminar on Bhutan Studies*, ed. Karma Ura and Sonam Kinga (Thimphu: Centre for Bhutan Studies, 2004), 396-97.

301 The other “fingers” were Arunachal Pradesh, Ladakh, Nepal and Sikkim. Medha Bisht, “Chumbi Valley: Economic Rationale but Strategic Resonance,” *IDS Comment*, September 23, 2010, accessed December 26, 2013, [http://www.idsa.in/idsacomments/ChumbiValleyEconomicRationalebutStrategicResonance\\_mbisht\\_230910](http://www.idsa.in/idsacomments/ChumbiValleyEconomicRationalebutStrategicResonance_mbisht_230910). To be fair, China is not the only giant neighbor that has caused concern in Bhutan. Talk of a possible Indian “Sikkimization” (referring to India’s annexation of Sikkim in 1975) and the discovery of Indian maps that included parts of Bhutan as Indian territory likewise raised suspicion, although probably on a smaller scale as India and Bhutan have settled their border. As regards China and Sikkim, Beijing recognized it as a part of India in 2005. Barbara Crossette, “India-Based Groups Seek to Disrupt Bhutan,” *The New York Times*, October 07, 1990, accessed December 26, 2013, <http://www.nytimes.com/1990/10/07/world/india-based-groups-seek-to-disrupt-bhutan.html?src=pm>; Smith, “Bhutan-China Border Disputes,” 28.; “China and India sign border deal,” *BBC*, April 11, 2005, accessed December 26, 2013, [http://news.bbc.co.uk/2/hi/south\\_asia/4431299.stm](http://news.bbc.co.uk/2/hi/south_asia/4431299.stm).

302 Garver, *Protracted Contest*, 182. At this stage most incursions were by Tibetan (armed) herders. Garver suggests this was a ploy by China to get Thimphu into negotiations.

303 It is easy to understand where Fravel is coming from when he writes that “This dispute has been particularly challenging to study because of a dearth of information from both sides.” *Strong Borders*, 171. Similarly, Paul Smith told me in a personal e-mail correspondence (May 9, 2014) that there were many aspects of this dispute which he had not been able to find clear answers to through his own investigation (and that officials he had asked had been very wary of answering questions regarding specifics of the negotiations). There is a lot of speculation in different (mostly Indian) weblogs of uncertain trustworthiness. The most valuable source I have found are the available transcripts from meetings of Bhutan’s National Assembly (lower house of Parliament), where the border issue is often discussed. But even here there are many contradictions and ambiguities that makes it hard to reach confident conclusions.

304 National Assembly of Bhutan, “TRANSLATION OF THE PROCEEDINGS AND RESOLUTIONS OF THE 74THSESSION OF THE NATIONAL ASSEMBLY OF BHUTAN HELD FROM 28TH JUNE TO 19TH JULY, 1996,” June 28, 1996, 92, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/1574th%20Session.pdf>. According to Fravel, relying on a secondary source, the territory in the west that was no longer disputed had been dropped from China’s claim in 1990. Fravel, *Strong Borders*, 171.

totaled “more than 1,000 square kilometers” in the western sector of the border between China and Bhutan, but in 1996 it was stated that “there are essentially only three areas in the western sector which are still under negotiation” making up a total of 269 square kilometers.<sup>305</sup> Apparently, between the outset of negotiations (when the two sides disputed over 1,000 square kilometers in the west) and this 1996 report, a further 495 square kilometers of territory in the north were claimed by both sides, but it was stated in 1992 that “the Chinese side have more or less agreed to concede these areas to Bhutan.”<sup>306</sup> The “more or less” is key here, because it soon became clear that China was not dropping its claim to these northern areas gratuitous, but instead wanted a swap deal whereby Beijing removed its claim to these 495 square kilometers in return for Thimphu dropping its claim to the remaining 269 square kilometers of disputed territory in the west.<sup>307</sup>

In 1998 came what has so far been the most significant result of the negotiations, the “Agreement on Maintenance of Peace and Tranquility along the Sino-Bhutan Border Areas.” Among other things the agreement states that “prior to the ultimate solution of the boundary issues, peace and tranquility along the border should be maintained and the status quo of the boundary prior to March 1959 should be upheld,” and “both sides agreed to settle this issue through friendly consultations.”<sup>308</sup> From Bhutan's point of view this was a welcome achievement in that it now gave Thimphu a specific agreement to point to when protesting Chinese activities such as logging and road-building in areas under dispute.<sup>309</sup>

In 2000, Bhutan extended its claim line in the western sector.<sup>310</sup> Six years later it appeared the total area of Bhutan had been reduced by 18 percent, from 47,000 square kilometers to 38,394 square kilometers.<sup>311</sup> The area that had allegedly become Chinese consisted of mountainous (and

305 National Assembly of Bhutan, “TRANSLATION OF THE PROCEEDINGS AND RESOLUTIONS OF THE 74TH SESSION.” What happened to the other areas that were apparently no longer a part of the dispute goes unmentioned in the discussion.

306 Ibid., 92, 94.

307 National Assembly of Bhutan, “PROCEEDINGS AND RESOLUTIONS OF THE 75th SESSION OF THE NATIONAL ASSEMBLY HELD FROM 20TH JUNE TO 16TH JULY, 1997,” June 20, 1997, 5, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/1375th%20Session.pdf>.

308 Ministry of Foreign Affairs, the People's Republic of China, “Agreement between the Government of the People's Republic of China and the Government of the Kingdom of Bhutan on the Maintenance of Peace and Tranquility Along the Sino-Bhutanese Border Areas,” November 6, 2001, accessed December 27, 2013, <http://www.fmprc.gov.cn/eng/wjb/zzjg/yzs/gjlb/2686/2687/>.

309 Smith, “Bhutan-China Border Disputes,” 29.

310 “During the 14th round of border talks held in China the Bhutanese delegation had further extended the claim line in three areas in Doklam, Sinchulumba and Dramana. From Doklam the claim line has been extended to include the areas along Sinchulumba to Pangkala and from Dramana to Giu Chhu.” Two things are unclear here: (i) whether or not these were areas Bhutan had previously utilized (and if they were used by Bhutanese herders, as Bhutan suggested, one wonders why Thimphu waited so long with claiming these areas); and (ii) how much territory these areas comprised. In later reports, the figure for disputed territory in the west remains at the 269 square kilometers mentioned in 1996. National Assembly of Bhutan, “TRANSLATION OF THE PROCEEDINGS AND RESOLUTIONS OF THE 79TH SESSION OF THE NATIONAL ASSEMBLY OF BHUTAN,” June 28, 2001, 146, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/479th%20Session%20.pdf>.

311 Kumar, “Sino-Bhutanese Relations: Under the Shadow of India-Bhutan Friendship,” *China Report* 46, no. 3 (2010): 247-48.

apparently uninhabited) territory in the north. Almost nothing is known to the public about this affair, in fact the only official reference that seems to be available in the public realm is an explanation by Bhutan's Secretary for International Boundaries which suggests that the older Bhutanese map was in fact erroneous, and that this had been discovered after “a team of army, surveyors and people who were well versed with the border areas were deputed to verify ... the border areas.”<sup>312</sup> The new map was adjusted for this mistake. However, the fact that this “new map” had only been discovered in 2006 is indeed strange. According to the Secretary for International Boundaries, it had been presented to the National Assembly already in 1989, and had also been given to the Chinese government.<sup>313</sup> Thus, this large chunk of territory, which included Kula Kangri (previously considered the highest mountain in Bhutan) had not been a part of the territorial dispute.<sup>314</sup>

The most recent available (official) figures for the size of the disputed areas are from 2009, when the Secretary for International Boundaries specified that:

... China first offered Luling valley of 186 Sq. Km in 1989. In 1990 they further offered 77 Sq. Km up to Charithang Chhu. During technical discussions in 2005 they again offered 110 Sq. Km. We do not know where the line will fall as the Chinese maps and our maps are different in scale, names of places, rivers, passes and ridges are also different. Moreover, they said that the disputed area is 1300 Sq. Km whereas our disputed area works out to be 1128 Sq. Km. Therefore, we have proposed that joint field technical visit be discussed during the 19<sup>th</sup> Round of Boundary Talks.<sup>315</sup>

However, even if the exact territory under dispute is not known (or even agreed upon by the parties involved), it appears the package deal is still on offer.<sup>316</sup> Furthermore, a technical survey in the northern sector was conducted jointly in early September 2013 (apparently the only significant result of the 21st round of negotiations in August the same year), although it has not yet been reported whether or not this survey successfully led to an agreement on the exact size of the territory under dispute.<sup>317</sup>

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312 National Assembly of Bhutan, “TRANSLATION OF THE RESOLUTIONS OF THE 85th SESSION OF THE NATIONAL ASSEMBLY OF BHUTAN,” June 16, 2006, 28, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/11RESOLUTIONS%20OF%20THE%2085th%20SESSION.pdf>.

313 Ibid.

314 Regarding Kula Kangri in specific, it was stated in a later session of the assembly that it “lies well inside Tibetan territory and it takes two days walking distance from the actual border [to get there].” National Assembly of Bhutan, “PROCEEDINGS AND RESOLUTIONS OF THE 4TH SESSION OF THE NATIONAL ASSEMBLY,” November 20, 2009, 24, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/89English%20Resolution4th%20Session.pdf>.

315 Ibid., 28.

316 “21st Sino -Bhutan border talks,” *Kuensel Online*, August 21, 2013, accessed December 27, 2013, <http://www.kuenselonline.com/21st-sino-bhutan-border-talks/#.Ur6K8apjDz7>.

317 “China, Bhutan conduct technical survey of border areas,” *Business Standard*, September 18, 2013, accessed December 27, 2013, [http://www.business-standard.com/article/pti-stories/china-bhutan-conduct-technical-survey-of-border-areas-113091800677\\_1.html](http://www.business-standard.com/article/pti-stories/china-bhutan-conduct-technical-survey-of-border-areas-113091800677_1.html).

It seems clear that for China the western sector is considered much more strategically important than the northern areas. This is reflected in the proposed package deal, where China is willing to give up the (larger) northern sector if Bhutan agrees to let it have the (smaller) western sector (see Appendix 1, Figure 6).<sup>318</sup>

The significance of the western sector lies in its proximity to the Chumbi Valley, at the (western) intersection between Bhutan, India and China. Described by one observer as “the single most strategically important piece of real estate in the entire Himalayan region,” this valley extends downward from Tibet toward the Siliguri corridor, the “chicken neck” (only 25 kilometers wide at its narrowest) that connects the rest of India to its northeastern section.<sup>319</sup> The connection is not direct (Chumbi Valley borders India's Sikkim, not the Siliguri corridor), but incorporation of these territories under Chinese control would strengthen Beijing's position.<sup>320</sup> China has controlled the Chumbi Valley since the early 50s, but reportedly Beijing would like more maneuvering space there to facilitate troop deployments. As the situation stands right now, “Indian control and defense of Sikkim and Bhutan means that a PLA advance through the Chumbi Valley would be subject to Indian observation, artillery , bombardment, and flank attack.”<sup>321</sup> Thus, according to one observer, “The Chinese strategy of claiming areas in western Bhutan is to widen [the valley's] shoulders to facilitate military manoeuvres ...”<sup>322</sup> In a worst case scenario for strategy planners in New Delhi, China would better be able to attack its Achilles heel in Siliguri by controlling these areas.<sup>323</sup>

That is not to say that China by incorporating this sector could unchallenged slice its way through southwestern Bhutan and enter the Siliguri corridor. New Delhi also maintains a presence in western Bhutan with the Indian Military Training Team headquartered in the Haa district (see Appendix 1, Figure 6), which according to one observer “both trains the Bhutanese Army and keeps a watch on PLA activities nearby.”<sup>324</sup> So while China would better its position by controlling this area, it would not by itself be a game changer should a military conflict with India erupt. Nor is it to say that China's interest is purely offensive. The Chumbi Valley can be traveled both ways; it

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318 According to one observer, Bhutan had shown interest in this offer, but considerations on behalf of India led to the initiative petering out. Govinda Rizal, “Bhutan-China Border Mismatch,” *Bhutan News Service*, January 01, 2013, accessed December 26, 2013,

<http://www.bhutannewsservice.com/column-opinion/commentary/bhutan-china-border-mismatch/>.

319 Garver, *Protracted Contest*, 167.

320 The distance between the Yadong (in Chumbi Valley) and Siliguri is approximately 100 kilometers.

321 Garver, *Protracted Contest*, 169.

322 Verma, “Dances with dragons.”

323 This fear was reflected in an analysis conducted by the Indian Army during the Sino-Indian war in 1962. As this analysis saw it, “the threat of a forward thrust from the Chumbi Valley, through Sikkim and Bhutan, to the Siliguri corridor, was the most dangerous [of the potential threats at the time], as this could, if effectively implemented, cut off the entire north-east from the Gangetic plains.” Raghavan, *Dividing Lines*, 262.

324 Pravin Sawhney, “Dragon Moves,” *Force*, December 2012, accessed May 4, 2014, [http://www.forceindia.net/Dragon\\_Moves.aspx](http://www.forceindia.net/Dragon_Moves.aspx).

was Britain's chosen route when it occupied Shigatze (Tibet) in 1904.<sup>325</sup> By controlling the western sector China would also improve its defensive abilities should another state move troops through the Chumbi Valley.

### **Chinese pressure and overall assessment**

The lack of delineation and demarcation has brought its share of problems to the areas under dispute. These can be categorized as those that appear uncontrolled by the government (relating to activities of the local population) and those where the state is more clearly involved. To the first category belongs the complaints by Bhutan that Tibetan herdsmen and harvesters have been using Bhutanese areas for grazing and collecting Cordyceps (valuable fungi used for medicinal purposes). These problems seem to have been most common in the border areas of the Trashigang district (in northeastern Bhutan, see appendix 1, Figure 6), where there does not appear to be any disputed territory between the two states. Much of this problem probably comes down to the lack of demarcation.<sup>326</sup>

The second category is more serious. As with the case of the Sino-Indian dispute, border transgressions by soldiers have been a problem here as well. In this case available data are even more lacking, the only figures that appear to be available in the public realm are a reported 21 transgressions in 2008 and 17 in 2009 by PLA troops.<sup>327</sup> Unsurprisingly, all of these occurred in the western sector and involved Chinese soldiers patrolling as far as up to an outpost of the Royal Bhutan Army (RBA) in Lharigang, Charithang Valley. A second problem belonging to this category is Chinese road construction in disputed areas. By 2006 there were reportedly six roads that worried Bhutan, two of them leading up to the disputed areas and the other four going into disputed territory. Patrols by the RBA had frequently run into Chinese road builders and soldiers who, when notified of their breach of the 1998 agreement, “always claimed that firstly they were constructing the roads in their own territory and not on Bhutanese land, secondly they were building roads for the benefit of the local Tibetans and lastly the road constructions were being carried out on the instructions of their government.”<sup>328</sup> After several protests by Bhutan, China stopped these

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325 Garver, *Protracted Contest*, 169.

326 For a discussion of the issue, see National Assembly of Bhutan, “TRANSLATION OF THE PROCEEDINGS AND RESOLUTIONS OF THE 78TH SESSION OF THE NATIONAL ASSEMBLY OF BHUTAN,” June 25, 2000, 108-10, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/378th%20session.pdf>. As the report states, “It had become very easy for the Tibetans to cross into Bhutan, graze their yaks and collect medicinal plants because the area was unoccupied. Neither the army nor the forestry personnel were carrying out regular patrolling in the area. Bhutanese herders did not bring their yaks to graze in the area because of the poor conditions of the grazing routes.” *Ibid.*, 110.

327 National Assembly of Bhutan, “PROCEEDINGS AND RESOLUTIONS OF THE 4TH SESSION,” 30.

328 National Assembly of Bhutan, “ENGLISH TRANSLATION OF THE RESOLUTIONS OF THE 83RD SESSION

activities, but in 2008 proceeded to build 900 meters more of motor road in disputed areas. Bhutan again protested, after which China once more halted road construction.<sup>329</sup> As of the time of writing there has been no more reports of road building in disputed areas.

Bhutan's Secretary for International Boundaries interpreted China's road building activities as aimed at speeding up the talks and reaching a settlement, but it seems clear that China is adamant that such a settlement must include its ownership over the disputed areas in the west. Reportedly some of the road constructed is in an area located above the very same Charithang Valley where the PLA has been patrolling.<sup>330</sup> So while the number of Chinese transgressions appears relatively small (as compared to those in areas disputed with India), and the road building has been stopped after Thimphu's lodging of protests, China appears to be the more proactive party involved in this dispute. While Beijing has been offering concessions and is willing to drop its claims to the northern sector altogether, this comes coupled with pressure in the western areas, both through temporary incursions by the PLA and road building in disputed areas, the latter particularly worrying as it is a way of changing the facts on the (disputed) ground. While I feel it necessary to repeat the caveat that the information available for drawing strong inferences regarding this dispute is very limited, it does appear from the available material that Beijing has been trying to create a sense of urgency in Thimphu; to signal that it is in Bhutan's own interest to reach a deal as soon as possible, perhaps by accepting the package offer. However, it should also be noted that so far no violence has been used by either side.

Thus, what can be said with some confidence is that China in this dispute has been seeking to secure a rather small (in absolute terms) sector of territory that is strategically significant in improving its position relative to India. Fears of a Chinese wish to swallow its small neighbor are thus overblown,<sup>331</sup> suggestions that it wants to improve its strategic position vis-a-vis India are not.

Smith suggests the that two sides may be approaching a settlement, and quotes the Chinese head delegate as stating in 2010 that “the majority of the work is completed. What's left is minor.”<sup>332</sup> However, a similar remark was made a decade earlier (prior to the setback in 2002), then also by the head of the Chinese delegation: “the boundary issue has, by and large, been resolved.”<sup>333</sup> In 2012

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OF THE NATIONAL ASSEMBLY OF BHUTAN,” June 3, 2005, 16, accessed December 29, 2013, <http://www.nab.gov.bt/downloads/883rd%20Session.pdf>.

329 National Council of Bhutan, “RESOLUTIONS (TRANSLATION) OF THE 4TH SESSION OF THE NATIONAL COUNCIL OF BHUTAN,” November 23, 2009, 25, accessed December 29, 2013, [http://www.nationalcouncil.bt/wp-content/uploads/2011/02/4th\\_Session\\_Res\\_eng.pdf](http://www.nationalcouncil.bt/wp-content/uploads/2011/02/4th_Session_Res_eng.pdf).

330 Verma, “Dances with dragons.”

331 As stated in the 1998 agreement, “The Chinese side reaffirmed that it completely respects the independence, sovereignty and territorial integrity of Bhutan.” Talk of a continued intention to secure the “five fingers” are thus not convincing. Ministry of Foreign Affairs, “Agreement between the Government of the people's Republic of China and the Government of the Kingdom of Bhutan.”

332 Smith, “Bhutan-China Border Disputes,” 33.

333 Kinley Dorji, “Bhutan and China hold annual talks,” *Kuensel Online*, November 30, 2001, accessed December 26,

Wen Jiabao, meeting the Bhutanese Prime Minister Jigmi Y. Thinley for the first time, remarked that China was “willing to complete border demarcation with Bhutan at an early date,” apparently the highest level assurance that a settlement is on the horizon.<sup>334</sup> It remains to be seen whether these are merely platitudes of expressed goodwill and – if an agreement is reached – who ends up conceding which parts of their claim.

### 2.3.3 Assessing the disputes

As noted, at the time of writing this thesis India and Bhutan are (with the exception of North Korea) the only states with which Beijing still has unresolved land border disputes. The two disputes share certain characteristics, in that the urgency of both were exacerbated after China's invasion of Tibet and that one of the countries (Bhutan) has been highly reliant on the other (India) in matters of foreign policy.

Of the states under consideration here Bhutan is the only that does not have any prior border delineation with China to use as a reference. On the one hand, since the territorial status quo in the other cases could be traced back to actions of China's imperial adversaries one would perhaps think the lack any such “unequal treaties” would have benefited the resolution of this territorial dispute. On the other hand, such previous delineation can be very helpful in providing a clear reference point for negotiations, and as we have seen China has been willing to approach treaties it has formally denounced as illegitimate in a pragmatic way. Thus, to some extent the absence of anything other than a customary and sometimes unclear border between Tibet and Bhutan contributed to the emergence of this dispute.

So far, China has dropped its claim to the majority of the original disputed territory close to its western border with Bhutan. And while precise information about the disputed territories is lacking, it appears China has repeatedly made an offer of a “package deal” whereby it renounces its claims to the norther sector as long as Bhutan drops its claim to the 269 square kilometers disputed in the west. On the face of it this dispute thus resembles several of the other we have considered; China appears willing to settle for an agreement that would grant it only a portion of its original claim.

However, there are certain differences, most importantly the road construction that, although limited, has contributed to changing the facts on the ground. It appears both China and India see the western sector in the China-Bhutan dispute as strategically significant, and this is most likely why a

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2013, <http://www.kuenselonline.com/bhutan-and-china-hold-annual-talks/>.

334 Verma, “Dances with dragons.”

resolution has yet to be reached, as Bhutan has to take Indian considerations into account when conducting its foreign policy. China has not used force, but it has arguably put pressure on Bhutan through PLA transgressions (although data limitations does not permit a conclusive judgment) even if the absolute numbers appear to be limited. While it appears that this case could possibly fit with limited aims revisionism on China's part, the evidence at the current stage remains inconclusive. What can be ruled out, however, is any sort of grand territorial revisionist aims, since China has already dropped parts of its claim and signaled a willingness to drop the majority of what remains, so long as it gets what it considers a strategic area in the west.

As for the Sino-Indian dispute, suggestions that China has been displaying revisionist behavior by its insistence on maintaining its claim to Arunachal Pradesh are unconvincing when the issue is seen in context. Up until now only China has displayed a willingness to settle the dispute in a way that would freeze the status quo, through the proposed package deal whereby China keeps Aksai Chin and India keeps Arunachal Pradesh. It is true that three decades has passed since the last time this solution was proposed (as far as we know), and that China in 1985 claimed that for the package deal to still be acceptable it would need to include Tawang as a Chinese area. But it is uncertain whether or not this was intended as anything more than a way of putting pressure on India, after New Delhi's consistent refusal of the swap offer.

Since then the risk of tensions escalating out of control, as happened in 1962 and to a lesser (non-violent) extent in 1987, has been reduced through confidence-building measures and agreements on maintaining the LAC. Transgressions have for the most part been undramatic events, and China has so far not built permanent structures inside what India considers its side of the LAC. Were it to start doing so this would have been a sign of an intention to change the facts on the ground, and indeed clearer proof that it may have further ambitions inside the Ladakh region. But so far Beijing has kept to temporary patrolling mostly of short duration and distance. The April 2013 incident was an exception in this regard, but also ended with Chinese withdrawal after India agreed to destroy a number of permanent installations it had built in a disputed area. Thus, China's behavior in its dispute with India up until now does not appear revisionist. Its transgressions are consistent with a strategy of maintaining its claim and putting pressure on New Delhi to move toward negotiation.





## 3. Disputes in the South China Sea and East China Sea

### 3.1 Background

Both the South China Sea and East China sea are partially enclosed seas connected to the Pacific Ocean. The former borders eight states (China, Taiwan, the Philippines, Malaysia, Brunei, Indonesia, Singapore and Vietnam), connects the Pacific Ocean and the Indian Ocean, and contains a number of islands, rocks, reefs and shoals,<sup>335</sup> as has become common knowledge through the ongoing disputes over sovereignty and rights. The East China Sea lies to the north of the South China Sea and is bordered by four states (South Korea, Japan, Taiwan and China). The most noteworthy dispute of this sea relates to the sovereignty over the islands known as Senkaku (Japan), Diaoyu (China), Diaoyutai (Taiwan) or Pinnacle (English name) Islands (see Appendix 1, Figure 7).<sup>336</sup> These are claimed by Japan (which has administered them continuously since 1972), China and Taiwan. In addition, China and Japan are involved in a EEZ-dispute; the East China Sea is no more than 360 nautical miles at its widest which presents challenges when the disputants base their EEZ-claims on different principles. Japan argues the two states should use an equidistance line to determine their respective EEZs' border, whereas China favors using “national prolongation principles” to settle the border, which would make its EEZ go further east (and consequently cause Japan's to retract).<sup>337</sup>

China also has an EEZ-dispute with South Korea, and the two states both claim sovereignty over “a submerged rock in the western East China Sea” on which the latter disputant has constructed an observation station.<sup>338</sup> These disputes will not be covered in this thesis due to considerations of space, and because generally speaking they have been less volatile than the maritime disputes with Japan and Southeast Asian states (and the submerged rock itself appears to be of little strategic value).

In the South China Sea, the most prominent disputes concern two archipelagos: Paracel Islands and Spratly Islands (see Appendix 1, Figure 8).<sup>339</sup> The Paracels are known as Xisha Qundao in Chinese and Hoang Sa in Vietnamese, and are claimed by China, Vietnam and Taiwan. The

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335 Hereafter the word “features” will be used to as an umbrella term for these types of sea territory.

336 Hereafter referred to as the Senkaku Islands or Senkakus, with no intention of favoring Japan's claim

337 June Teufel Dreyer, “Sino-Japanese Territorial and Maritime Disputes,” in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman et al. (Armonk: New York, 2013), 81, 83. Both of these views are compatible with the United Nations Convention on the Law of the Sea (UNCLOS), Japan refers to article 57 whereas China refers to article 76.

338 Mark J. Valencia, “The East China Sea dispute: context, claims, issues, and possible solutions,” *Asian Perspective* 31, no. 1 (2007): 134.

339 These names, instead of their native varieties, will be used to refer to the archipelagos.

archipelago consists of two groups of features, the northeastern Amphitrite group the southwestern Crescent group. Since 1974 China has controlled this archipelago in its entirety. The Spratlys are known as Nansha Qundao in Chinese, Truong Sa in Vietnamese, Kapulauan ng Kalayaan in Filipino and Kepulauan Spratly in Malay. They are claimed in their entirety by China, Vietnam and Taiwan, while the Philippines, Malaysia and Brunei have claims only to some of the features of the archipelago.

Most of the features that make up the Paracels and Spratlys seem to have been given limited attention throughout much of history, an assessment that also fits the Senkaku Islands. As one observer noted regarding the Spratlys and the historically exaggerated arguments of its claimants, “The talk of defending every inch of sacred territory held since time immemorial rings hollow against the reality that the few stray fishermen and merchants who struggled ashore there considered it a great misfortune to have done so.”<sup>340</sup>

But whereas historical references to the Spratlys are few (and vague), China's usage of the more proximate areas of the sea goes way back, probably to around 53 CE.<sup>341</sup> They seem to have reflected an economic rationale: The Spratlys are far away from the Chinese mainland, and since trade ships sailed close to coast to ensure access to supplies of fresh water and food, and “was not so much 'destination-oriented' as given to 'tramping' from port to port in a system of exchange,” adventures far into the high seas made little sense.<sup>342</sup> In the early stages China's usage was far from exclusive, “the sea route connecting T'ien-chu (India) and Fu-nan (Cambodia) with Canton ... was well established by the first century, but was dominated by non-Chinese seamen for many centuries thereafter.” China's shipping activities only took off after the ninth century, before which “most of the shipping in the region ... was Malay, Cambodian, Indonesian, Persian or Indian.”<sup>343</sup> However, for half a millennium, between the tenth and fifteenth century, the characterization of the South China Sea as a “Chinese lake” largely reflected reality.<sup>344</sup> Then came a reversal of China's maritime advantage, brought about by policies of the late Ming dynasty, concomitant with the dawn of a European presence in the waters of East Asia.

The history that follows is one of European sea primacy in Asia and serves to illustrate that to reduce the South China Sea to its islands, reefs and shoals would be to miss the forest for the trees. Just as important is probably the fact that throughout history those that controlled the sea had

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340 Brantly Womack, “The Spratlys: From Dangerous Grounds to Apple of Discord,” *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 33, no. 3 (2011): 375.

341 Marwyn S. Samuels, *Contest for the South China Sea* (New York: Methuen, 1982), 10, 68.

342 *Ibid.*, 23.

343 *Ibid.*, 11. The same story of numerous users is true regarding fishing in the sea. Peter Dutton, “Three Disputes and Three Objectives: China and the South China Sea,” *Naval War College Review* 64, no. 4 (2011): 59.

344 Samuels, *Contest for the South China Sea*, 22.

a regional launching pad for invasion at their disposal. In China's case, according to one observer, it had “prior to 1949 ... suffered 470 invasions from the sea, including seventy large-scale invasions, such as those during the Opium Wars.”<sup>345</sup> By the time of the Opium Wars the South China Sea had already been dominated by Britain and France for half a century. This domination would gradually be challenged by Japan.

Japan's spoils brought about through its victory in the Sino-Japanese war of 1894-95 included “The island of Formosa [Taiwan], together with all islands appertaining or belonging to the said island of Formosa,” another territorial loss from the “century of humiliation” in Chinese history.<sup>346</sup> The position taken by China (and Taiwan) is that up until then the Senkaku Islands were a part of Taiwan, marking the boundary between it and the Ryukyu Islands.<sup>347</sup> Japan for its part claims the Senkakus had the status of *terra nullius* when Japan discovered them in 1884.<sup>348</sup> Thus, as the argument goes, the fact that they were only incorporated into the Japanese empire in January 1895, while the Sino-Japanese war was still ongoing, was coincidental.

After Japan's victory over China, Paris' increasingly started to worry that Tokyo would assert itself more forcefully in the South China Sea. This led France, although hesitant, in 1930 to assert control over a number of the Spratlys, with implicit support from London and strong opposition by Tokyo.<sup>349</sup> Japan gradually started establishing a presence both on Spratlys and Paracels, and with Europe preoccupied by events closer to home Japan in February 1939 occupied China's Hainan Island, put forth claims to the Paracels and Spratlys, and occupied more of the land features of these archipelagos.<sup>350</sup> France and Britain protested, but did not consider the matter important enough to take away focus from the European developments that would lead to the outbreak of World War II in September the same year.<sup>351</sup>

The two peace treaties signed after Japan's defeat in the Second World War that are relevant to the ongoing dispute over the Spratlys and Paracels – the San Francisco Peace treaty of 1951 and the Treaty of Taipei of 1952 (between the Republic of China and Japan) – are unclear as far as

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345 Guangqian Peng, “China’s Maritime Rights and Interests,” in *Military Activities in the EEZ: A U.S.-China Dialogue on Security and International Law in the Maritime Commons*, ed. Peter Dutton (Newport: U.S. Naval War College, 2010), 16.

346 “TREATY OF SHIMONOSEKI, 1895,” *China's External Relations - A History*, accessed March 27, 2014, <http://www.chinaforeignrelations.net/node/182>.

347 China and Taiwan furthermore emphasize historical evidence of both usage and naming prior to Japan's incorporation of the islands. Seokwoo Lee, “Territorial Disputes among Japan, China and Taiwan Concerning the Senkaku Islands,” *Boundary & Territory Briefings* 3, no. 7 (2002): 2.

348 *Ibid.*, 10.

349 Geoffrey Till, “The South China Sea dispute: An international history,” in *Security and International Politics in the South China Sea: Towards a cooperative management regime*, ed. Sam Bateman and Ralf Emmers (New York : Routledge, 2009), 28-29.

350 Reportedly Japan made the islands a part of Taiwan (which, as noted, it had gained through the Treaty of Shimonoseki). Chang, *The Sino-Vietnamese Territorial Dispute*, 17.

351 Till, “The South China Sea dispute,” 29-30.

transfer of ownership is concerned, merely noting that Japan renounces its claims to the listed territory.<sup>352</sup> As far as the Senkaku Islands were concerned, they had been administered as a part of Okinawa Prefecture, and thus came under Washington's administration after the war.

### 3.2 Developments in the Cold War era

*South China Sea.* After the Second World War the US came to dominate the sea, a situation that has largely remained to this day.<sup>353</sup> But whereas the US unquestionably was the strongest naval power in the region it did not, unlike Britain and France earlier, make claims to land features in the area on behalf of itself or others. Instead regional states gradually started to assert their claims.

Prior to the early 1970s most of the claimed features of the South China Sea remained unoccupied. However, the Republic of China (the first actor to occupy a feature) established a presence on Woody Island (the largest of the Paracels and one of the islands in the Amphitrite group) already in January 1947. Chiang Kai-Shek's men left again in 1950, shortly after having fled mainland China, and the victorious PRC occupied the same island five years later. In 1956 ROC (hereafter referred to as Taiwan) established a permanent presence on Itu Aba, the largest of the Spratlys.<sup>354</sup> At the end of the 1950s South Vietnam had begun evicting Chinese fishermen from the Crescent group in the Paracels in a bid to establish control over this area of the archipelago.<sup>355</sup> This control, however, does not appear to have been very strong. Saigon had the more pressing matter of its war with communist North Vietnam to occupy its attention.

A more dramatic encounter between the PRC and South Vietnam occurred in 1974. In 1970 and 1971 the Philippines had occupied five Spratly features. Two years later South Vietnam occupied six features from the same island group, and in September 1973 Saigon proceeded to announce that henceforth its province Phuoc Tuy would exercise jurisdiction over eleven of the Spratlys.<sup>356</sup> All this came in the context of the discovery of oil reserves and a stronger focus on maritime rights. At a time when it did not occupy any of the Spratlys, Beijing intended to strengthen its hold over the Paracels, where it already had a presence.<sup>357</sup> Simultaneously, China issued

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352 See Samuels, *Contest for the South China Sea*, 77-81.

353 Stein Tønnesson, "The South China Sea in the Age of European Decline," *Modern Asian Studies* 40, no. 1 (2006): 20.

354 Geoffrey Till, "The South China Sea dispute," 31. Apparently the ROC had occupied Itu Aba previously too (after Woody Island, but before leaving mainland China), and pulled out simultaneously as from Woody Island.

355 M. Taylor Fravel, "China's Strategy in the South China Sea," *Contemporary Southeast Asia* 33, no. 3 (2011): 297. According to Chang this included attempts to scare away fishermen by sending gunboats to the area, and even kidnapping. *The Sino-Vietnamese Territorial Dispute*, 22.

356 Fravel, *Strong Borders*, 278; Greg Austin, *China's Ocean Frontier: International Law, Military Force and National Development* (St Leonards, N.S.W.: Allen & Unwin, 1998), 73.

357 Fravel, *Strong Borders*, 277-78.

diplomatic protests against occupations in the Spratlys and lodged (for the first time) a claim to maritime resources grounded in its territorial claims.<sup>358</sup> An increasingly tense situation, where China increased its presence and both sides conducted patrolling around the Paracels, culminated in clashes on January 19, 1974. A battle was fought in the morning, after which South Vietnamese forces pulled back. The same afternoon China's marine was ordered to take possession of three islands in the Crescent group, before then under control of Saigon.<sup>359</sup> The result was a complete Chinese control over the Paracels, which remains to this day. Incidentally, North Vietnam appears to have changed its position on the island disputes around this time. It had on occasions in 1956 and 1958 given China support for its claim to the Spratlys and Paracels, but appears to have become more hesitant once South Vietnam started asserting its claim these island groups more forcefully.<sup>360</sup> Thus, Hanoi did not offer Beijing any moral support when South Vietnam evicted Chinese fishermen from the Paracels, nor did it do so on any occasion related to the dispute later. After China took control over all of the Paracels in 1974, North Vietnam "implicitly withdrew its previous recognition of Chinese claims to the islands" by pointing out the two sides should settle their dispute peacefully.<sup>361</sup>

In the Spratlys, China remained the odd man out in a company where most claimants had taken possession of features. China's position was weak compared to Vietnam (now unified), the Philippines, Malaysia and Taiwan, since "unchallenged occupation is nine-tenths of the law" when it comes to demonstrating effective control.<sup>362</sup> It would take more than a decade after the clash with Vietnam over the Paracels before the Chinese leadership decided to turn things around in the Spratlys. By that time, however, all of the features that were not partially or fully submerged during high tide were already occupied by other claimants.<sup>363</sup>

In 1987, Chinese leaders decided to secure a presence in the Spratlys by taking hold of nine of the features that remained unoccupied.<sup>364</sup> Beijing started out by taking possession of Fiery Cross Reef in January 1988.<sup>365</sup> Once China's move became clear to Vietnam, Hanoi responded by hurrying

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358 Ibid., 280.

359 Ibid., 282-83.

360 Chang, *The Sino-Vietnamese Territorial Dispute*, 20-22.

361 Ibid., 25.

362 Womack, "The Spratlys," 374.

363 Fravel, *Strong Borders*, 288. This relates to whether or not the features can be classified as islands under UNCLOS, and thus the maritime rights they may be entitled to. Only islands are entitled to an EEZ. According to Article 121 of UNCLOS, "An island is a naturally formed area of land, surrounded by water, which is above water at high tide," and "Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf." United Nations, *United Nations Convention on the Law of the Sea*, "PART VIII: REGIME OF ISLANDS."

364 Fravel, "China's Strategy in the South China Sea," 298.

365 Fravel, *Strong Borders*, 293. By late February construction had begun on this feature of an observation station and base.

to occupy five features nearby in an attempt to “form a perimeter around Fiery Cross.”<sup>366</sup>

Confrontations and more occupations ensued. The first one to turn violent occurred on March 13-14. The two sides do not agree on who reached the contested feature, Johnson Reef, first. Both sides had ships nearby and men placed on the reef, and both sides were to expel the other. What started as a shoving match swiftly turned into a battle once a shot had been fired, and the Chinese side (significantly outgunning the Vietnamese) ended it in less than thirty minutes, with 74 Vietnamese casualties.<sup>367</sup>

Having defeated Vietnam on Johnson Reef, Chinese commanders requested permission to evict Vietnamese forces from other features in the Spratlys, but they were turned down by the Central Military Commission.<sup>368</sup> In the sense that China was now merely one among several claimants to occupy features in the Spratlys, 1988 was more of a limited than complete victory; China had established a presence but only as one of several states, and with none of the largest features of the island group under its control. And in the end Beijing had only seized six of the nine features the original plan called for.<sup>369</sup> China had thus established a presence in the Spratlys, but it remained limited.

*East China Sea.* Following the discovery of what looked to be promising oil reserves in the area in 1969, tensions over the Senkaku Islands had been building.<sup>370</sup> In December 1970 and February 1971 respectively China and Taiwan asserted claims to the islands publicly.<sup>371</sup> The issue was particularly pertinent because the expected termination of US occupation of Okinawa Prefecture was on the horizon.<sup>372</sup> This termination came about in 1972 through the Okinawa Reversion Agreement, with the US effectively washing its hands of the dispute by arguing that they merely restored administrative control of the Senkaku Islands to Japan and did not take a position on the question of sovereignty, the same position it has maintained ever since.<sup>373</sup>

While the return of the Senkakus to Japanese administration was a most unwelcome development from China's point of view, Beijing was in this period more interested in improving its relations with Japan than in turning the island dispute into an issue endangering the bilateral relationship. On September 29, 1972, a little more than a year after Japan had been shocked by the

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366 Ibid., 294.

367 Ibid., 295.

368 Ibid., 296.

369 Fravel, “China's Strategy in the South China Sea,” 298.

370 Dreyer, “Sino-Japanese Territorial and Maritime Disputes,” 85.

371 Lee, “Territorial Disputes among Japan, China and Taiwan Concerning the Senkaku Islands,” 7.

372 Yabuki Susumu and Mark Selden, “The Origins of the Senkaku/Diaoyu Dispute between China, Taiwan and Japan,” *The Asia-Pacific Journal* 12, no. 3 (January 13, 2014), accessed March 27, 2014, <http://www.japanfocus.org/-Mark-Selden/4061>. The position taken by Beijing and Taipei was of course that such a reversion should exclude the Senkakus, since in their view Japan had taken these islands from China during Tokyo's imperial heyday.

373 Ibid.

announcement of Nixon's upcoming visit to China, normalization between Tokyo and Beijing was a fact.<sup>374</sup> Zhou Enlai reportedly suggested leaving out the Senkakus from the negotiations over normalization so as to ensure its success.<sup>375</sup> China took the same position with Japan in the negotiations over a peace treaty, starting in the mid 70s and eventually concluded on August 12, 1978.<sup>376</sup> However, in mid-April the same year, four months before the conclusion of the Treaty of Peace and Friendship between Japan and the People's Republic of China, China confronted Tokyo on the Senkaku dispute by sending a flotilla of about a hundred fishing ships to areas around the disputed islands, more than half of them reportedly armed.<sup>377</sup> On the face of it this action appears highly inconsistent with the insistence on keeping the issue low-key and away from the then ongoing peace negotiations with Japan. It may be that this was seen in Beijing as a necessary reminder that China had not given up its claim; an example of coercive diplomacy whereby China challenged Japan's consolidation of effective control over the islands, as the Japanese government in a Diet-session of the previous month had responded to a question by saying China's claim was "useless" and that nothing regarding the status of the Senkakus needed to be discussed. Japan protested the presence of Chinese fishing boats but did not respond with force. The Chinese vessels eventually left the area and Beijing later provided the unconvincing claim that the incident had been an accident.<sup>378</sup> In July the same year Japanese rightists erected a lighthouse on one of the Senkakus, which appears to have been the first instance of a structure being built on one of the islands by a nationalist group.<sup>379</sup>

### 3.3 Later developments

*South China Sea.* In the atmosphere that followed China's establishment of a presence in the Spratlys in 1988, other claimants continued occupation of features in the archipelago. For China's part, its occupation of Mischief Reef in 1994 received a lot of attention. Only in February 1995 did the Philippines discover that Beijing had been doing construction work on the reef the year before.<sup>380</sup> A protest was lodged by Manila, to which China responded that the purpose of the

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374 Yoshihide Soeya, "Changing Security and Political Contexts of Japan-Taiwan Relations: A View From Japan," in *Japan-Taiwan Interaction: Implications for the United States*, *NBR Analysis* 16, no. 1 (2005): 50-51.

375 Mamoru Ishida, "Finding common ground on the Senkakus dispute," *The Japan Times*, May 19, 2013, accessed April 15, 2014,

<http://www.japantimes.co.jp/opinion/2013/03/19/commentary/finding-common-ground-on-the-senkakus-dispute/>.

376 Joseph Y. S. Cheng, "China's Japan Policy in the 1980s," *International Affairs* 61, no. 1 (1985): 105.

377 Daniel Tretiak, "The Sino-Japanese Treaty of 1978: The Senkaku Incident Prelude," *Asian Survey* 18, no. 12 (1978): 1242.

378 *Ibid.*, 1241-43; Cheng, "China's Japan Policy in the 1980s," 105.

379 Lee, "Territorial Disputes among Japan, China and Taiwan Concerning the Senkaku Islands," 8.

380 Austin, *China's Ocean Frontier*, 88.



construction work was only to offer shelter to the Chinese fishermen operating in the area.<sup>381</sup>

In May 1995, Manila sent a ship with press photographers (and two naval ships for protection) to Mischief Reef, to which China protested diplomatically. Later a Chinese boat reportedly “cut across the bow” of one of the naval ships.<sup>382</sup> After the Philippine ship called in for reinforcement two Chinese naval vessels reached the scene, eventually leading to a withdrawal by the Philippines.<sup>383</sup> In June the same year Manila destroyed a number of Chinese sovereignty markers on features in the Spratlys.

Even in this atmosphere of tension there were signs of restraint from those involved. In 1995 China and the Philippines agreed on a code of conduct, pledging to avoid use of force in settling their dispute (over the sea features in general, not only Mischief Reef).<sup>384</sup> No more features in the Spratlys have been occupied by China since 1994, or by any other state since 1998 (Malaysia) and 1999 (Vietnam). The distribution of occupied features in the Spratlys since then has for China, Malaysia, the Philippines, Taiwan and Vietnam been 7, 5, 8, 1 and 27 respectively.<sup>385</sup>

The first significant step toward deescalation in the South China Sea came with the “Declaration on the Conduct of Parties in the South China Sea,” (DoC) signed in 2002 by the ASEAN states and China.<sup>386</sup> In it all signatories pledged to avoid occupying more features and to avoid using the threat of, or actual, force. In this respect China's signing of the declaration can be seen as a major development in its approach, because up until then Beijing had insisted that its disputes in the South China Sea were to be handled on a bilateral basis without outside interference.<sup>387</sup> However, it should be noted that this agreement “was envisaged not as a conflict resolution mechanism but as a conflict management device,” meaning that it aimed to improve the general atmosphere between the disputants and avoid conflicts from escalating, rather than reaching a permanent settlement of the disputes.<sup>388</sup> Furthermore, China successfully worked to keep the DoC from including the Paracels, to avoid a clause that would freeze infrastructure building on the

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381 Ibid.

382 Meaning it had sailed past the forward part (bow) of the vessel, considered a hostile action.

383 Ibid., 88-89.

384 Fravel, “China's Strategy in the South China Sea,” 299.

385 M. Taylor Fravel, “Maritime Security in the South China Sea and the Competition over Maritime Rights,” in *Cooperation from Strength: The United States, China and the South China Sea*, ed. Patrick M. Cronin (Washington, D.C.: Center for a New American Security, 2012), 34.

386 ASEAN, *DECLARATION ON THE CONDUCT OF PARTIES IN THE SOUTH CHINA SEA*, accessed on February 10, 2014,

<http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>

387 Bates Gill, *Rising Star: China's New Security Diplomacy*, rev. ed. (Washington, D.C.: Brookings Institution Press, 2010), 36.

388 Ian Storey, “China's Bilateral and Multilateral Diplomacy in the South China Sea,” in *Cooperation from Strength: The United States, China and the South China Sea*, ed. Patrick M. Cronin (Washington, D.C.: Center for a New American Security, 2012), 61.

features, and (along with Malaysia) to make it a “declaration” instead of a “code.”<sup>389</sup> Still, it was a first step toward a demilitarization of the South China Sea disputes, even if it was of limited effect. One year later China, as the first non-ASEAN state to do so, signed the Treaty of Amity and Cooperation, renouncing the use of force in dispute settlement.<sup>390</sup>

*East China Sea.* The dispute over the Senkaku Islands started bubbling up again in the mid-90s. Since the peace treaty between China and Japan had been signed in 1978 tensions had generally been low, occasional problems did not get out of control and Deng Xiaoping's suggestion that dispute settlement be postponed indefinitely (the “shelving solution”) held sway.<sup>391</sup> But in 1992, when China passed its “Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone” where it reaffirms its sovereignty over the Senkakus (as well as Spratlys and Paracels), Tokyo started to claim publicly that there had never been an agreement to shelve the dispute, and that in fact there was no dispute over the Senkakus that needed to be addressed.<sup>392</sup> By the mid-90s Chinese exploration vessels had become a common sight in the area.<sup>393</sup> In July 1996, rightists from the Japan Youth Federation built a new lighthouse on one of the Senkakus. In August the same group set up a war memorial, and in September they were permitted to do repair work on the newly erected lighthouse. Demonstrations were held in Hong Kong and Taiwan, but also in China (where the government had previously tried to keep a lid on anti-Japanese protests).<sup>394</sup> Later in September a Hong Kong activist drowned in waters close to the Senkakus, trying to swim from a boat to one of the islands.<sup>395</sup> With tension running high Japanese journalists kept pushing for an official statement regarding how Washington would respond, should China take the islands by force. The US Defense Department finally provided an assurance that the defense treaty with Japan covered the Senkakus (after the State Department having first suggested it did not).<sup>396</sup> In a positive development, 1997 saw the conclusion of a fisheries agreement between Japan and China, in negotiations of which the two sides agreed not to impose their own national law in areas close to the

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389 Ibid., 62. However, the declaration goes on to express, in its final paragraph, that the attainment of a code of conduct is the goal in the longer term.

390 Gill, *Rising Star*, 36.

391 Michael J. Green, *Japan's Reluctant Realism: Foreign Policy Challenges in an Era of Uncertain Power* (New York: Palgrave, 2003), 85.

392 Reinhard Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China: Between the Materialization of the 'China Threat' and Japan 'Reversing the Outcome of World War II'?” *UNISCI Discussion Papers*, no. 32 (2013): 22.

393 Green, *Japan's Reluctant Realism*, 85.

394 Ibid., 86.

395 Lee, “Territorial Disputes among Japan, China and Taiwan Concerning the Senkaku Islands,” 8.

396 Green, *Japan's Reluctant Realism*, 87. According to Green the State Department had deemed it safe to say that the treaty did not cover the islands, as they considered the likelihood of use of force very low (and did not want to appear to take a position on the issue of sovereignty). However, as the treaty does specify that the US is obliged to defend territories administered by Japan, and as the Senkakus were returned to Japanese administration by the US in 1972, the position taken by the State Department was incorrect, thus the necessary clarification by the Pentagon.

Senkakus.<sup>397</sup> Yet the problem of Chinese military and research vessels operating in proximity to the islands did not abate.<sup>398</sup>

In 2004 tensions arose again, when a group of Chinese activists entered one of the Senkakus in March, and for the first time Japan arrested them. However, while the arrest did cause anger in Beijing, as it served to demonstrate Japanese effective control, Tokyo reportedly intervened swiftly with the local government to make sure the seven activists were not prosecuted as this would have raised tension further.<sup>399</sup> Reportedly, in talks behind-the-scenes after this incident China agreed to keep activists heading for the Senkakus from leaving its shores in return for a Japanese assurance that it would continue avoiding prosecution of Chinese activists in Japanese courts, although both governments have denied the existence of any such understanding.<sup>400</sup>

The following years saw new tension related to oil and gas field development. This is connected to the overlapping EEZ claims of China and Japan, as both are interested in the resources located close to the theoretical equidistance line (which, as noted, Japan has proposed to use to delineate the border of their EEZs). In September 2005, a Chinese destroyer reportedly aimed at a Japanese patrol plane operating close to the Chunxiao gas field.<sup>401</sup> This field had been discovered by China in 1995, and while Beijing had started development only on its side of the theoretical equidistance line, it came so near it that it was likely to pump up resources on the other side of the line (Japan's) in the process.<sup>402</sup>

However, after eleven rounds of negotiations between 2004 and 2008 a “principled consensus” was reached in June 2008, whereby gas fields in the overlapping EEZ area was to be jointly developed by the two states, so as to contribute to the stated longer term goal of turning the East China Sea into a “sea of peace, cooperation and friendship.”<sup>403</sup> Since the relevant area is close to the equidistance line between the two countries Chinese leaders faced criticism at home for what was seen as an implicit acceptance of Japan's preferred principle for settling the EEZ-dispute.<sup>404</sup>

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397 James Manicom, “Growing Nationalism and Maritime Jurisdiction in the East China Sea,” *China Brief* 10, no. 21 (2010): 11.

398 Green, *Japan's Reluctant Realism*, 87.

399 Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 29.

400 Ibid., 29-30; Paul Midford, “Sino-Japanese Conflict and Reconciliation in the East China Sea,” Paper Prepared for Delivery at the Annual Meeting of the International Studies Association, Toronto, March 26-29, 2014: 10.

401 J Sean Curtin, “Stakes rise in Japan, China gas dispute,” *Asia Times Online*, October 19, 2005, accessed May 21, 2014, <http://www.atimes.com/atimes/Japan/GJ19Dh01.html>.

402 Dreyer, “Sino-Japanese Territorial and Maritime Disputes,” 86-87.

403 Ibid., 92; “China, Japan reach principled consensus on East China Sea issue,” *Xinhua* June 18, 2008, accessed April 15, 2014, [http://news.xinhuanet.com/english/2008-06/18/content\\_8394206.htm](http://news.xinhuanet.com/english/2008-06/18/content_8394206.htm). In addition to joint exploration of the (then undeveloped) gas field the agreement also entailed that Japan would be allowed to cooperate with China on the Chunxiao field (which China had already started developing). Xinjun Zhang, “Why the 2008 Sino-Japanese Consensus on the East China Sea Has Stalled: Good Faith and Reciprocity Considerations in Interim Measures Pending a Maritime Boundary Delimitation,” *Ocean Development & International Law* 42, no. 1 (2010): 57.

404 Dreyer, “Sino-Japanese Territorial and Maritime Disputes,” 92. Beijing denied that the principled consensus signaled any such acceptance.

However, Japan arguably made a concession by agreeing that Chinese law should apply to the area and in the sense that most of the area to be jointly developed is on the Japanese side of the equidistance line.<sup>405</sup> In any case this initiative soon petered out, with no implementation in sight.

In December 2008, China conducted “irregular patrol activities” close to the Senkakus, probably as a way to assert its claim to the islands. This was understandably seen in Japan as an escalation since the patrolling is conducted by the China Marine Surveillance, a maritime law enforcement agency which carries a stronger signal of jurisdictional rights, and went into the territorial waters of the islands.<sup>406</sup> As evidenced by Appendix 2, Figure 1, there were two reported instances of Chinese vessels entering the territorial waters (0-12 nautical miles away from shore) of the Senkakus and two within the contiguous zone (12-24 nautical miles away from shore) in December 2008. Thereafter, no more patrols within these areas were reported until September 2010 (discussed below).

Summarizing the developments of the 90s and 2000s, the situation in the South China Sea seemed to generally improve from the late 90s and onward. China's occupation of Mischief Reef marked a low point but was not followed by other occupations in the Spratlys by Beijing. Instead, by reaching a code of conduct with the Philippines and a declaration of conduct with ASEAN, as well as signing the Treaty of Amity and Cooperation, Beijing in this period appears to have been more focused on reassuring its neighbors and possibly even moving toward a multilateral approach. In the East China Sea there were periodic frictions, and as the issue increasingly became intertwined with nationalist sentiment both governments found themselves in a more complex situation, but even here there were signs that both sides were interested in keeping things as they were (evidenced by Japan's decision to not prosecute the Chinese group that landed on the Senkakus, and if true the mutual understanding reached after the 2004 incident). Oil and gas development remained a thorny issue, however.

In the following period a number of incidents in these seas were to escalate tension further. Before we take a closer look at the most important incidents of this period it is useful to first deal with two controversial issues: The nine-dash line that features on Chinese maps of the South China Sea and China's position (and resultant behavior) regarding EEZs and rights.

### **3.4 The South China Sea and China's nine-dash line**

Up until now we have dealt mostly with the territorial features of the sea. This is the most tangible

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405 Ibid.

406 Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 30.

part of the conflict: China, like Taiwan and Vietnam, claims all of the Paracels and Spratlys; the Philippines claims 53 of the Spratlys; Malaysia claims 12 of the Spratlys; and Brunei 1 of the Spratlys.<sup>407</sup> Furthermore, China, the Philippines and Taiwan claim the Scarborough Shoal. As Fravel points out, the contents of China's claim has been consistent since they was put forward in 1951 (sovereignty over the Paracels and Spratlys) and 1958 (maritime rights derived from ownership of these island groups).<sup>408</sup>

But as we already noted, the South China Sea is more than its disputed features. Often, particularly in the media, one will encounter the claim that China lays claim to “most of the South China Sea,” referring to the waters that constitutes it in addition to the disputed archipelagos.<sup>409</sup> Most commonly a reference to a nine-dashed line found on Chinese maps is marshaled as evidence to support this claim. The origin of this map is not entirely clear, but most observers suggest it was first published by the ROC government in 1947. Interestingly, Austin writes that he was told by an “authoritative PRC source” that the line had been drawn in the 1930s by a mid-ranking Nationalist official and may subsequently have taken “a life of its own.”<sup>410</sup> Another source traces its origin back to 1914.<sup>411</sup> What it is important to note, however, is that this line was not created by the PRC but in fact was inherited from the ROC. In other words this is not an example of China's claim expanding as its power expands (which could have been the case if the line had been a recent creation of the PRC) but rather a cartographical artifact whose original meaning is unknown.

This ambiguity surrounding this line would have disappeared if China (and Taiwan) had been willing to clarify exactly what we are to make of it, which so far it has not.<sup>412</sup> It can be seen both as a marker of sovereignty, meaning that China claims everything within it (i.e. the waters being “historic waters,” in effect turning the South China Sea into Chinese territorial waters), or less ominously as a marker within which China claims a number of land features.<sup>413</sup>

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407 Fravel, “Maritime Security in the South China Sea,” 34; Clive Schofield, “Dangerous ground: a geopolitical overview of the South China Sea,” in *Security and International Politics in the South China Sea: Towards a cooperative management regime*, ed. Sam Bateman and Ralf Emmers (Oxon: Routledge, 2009): 11.

408 Fravel, “Maritime Security in the South China Sea,” 41. In 1992 and 1998 these claims were “codified in a series of laws regarding territorial seas and EEZs.”

409 For instance, a recent article states that “China claims most of the South China Sea. The Philippines, Malaysia, Vietnam, Brunei and Taiwan also claim parts of those waters.” It is surprising, and perhaps revealing, that the author suggests a qualitative difference in the claims of China and Taiwan, especially considering that the line often used to back up the suggestion that China claims “most of” the South China Sea was first (and is still) used by the ROC. Doina Chiacu, “China's U.S. ambassador plays down tensions after Hagel trip,” *Reuters*, April 11, 2014, accessed April 18, 2014, <http://uk.reuters.com/article/2014/04/11/uk-usa-china-diplomacy-idUKBREA3A04520140411>.

410 Austin, *China's Ocean Frontier*, 14, (fn. 6).

411 Peter Kien-Hong Yu, “The Chinese (Broken) U-shaped Line in the South China Sea: Points, Lines, and Zones,” *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 25, no. 3 (2003): 407.

412 On how this could be done, see for instance Robert Beckman, “South China Sea: How China Could Clarify its Claims,” *RSIS Commentaries*, no. 116 (2010): 1-2.

413 Storey, “China's Bilateral and Multilateral Diplomacy in the South China Sea,” 54.

Some see the inclusion of the map in a note verbale, given by China to the Commission on the Limits of the Continental Shelf in May 2009, as reason to worry.<sup>414</sup> While the note did not refer to the line, it did say that “China has indisputable sovereignty over the islands in the South China Sea *and the adjacent waters...*”<sup>415</sup> The worry was that by “adjacent waters” Beijing was referring to all of the water contained within the line, but then again “adjacent waters” could just as well refer to the 12-mile territorial waters the features (that are not fully submerged during high tide) are entitled to, and EEZs in the case of those features qualifying as islands under UNCLOS.

There was reportedly a statement made by a senior colonel of the PLA in July 2010 that “China has indisputable sovereignty of the South Sea,” but it is far from clear that this represents the government view, or even a claim to all of the sea.<sup>416</sup> In fact, at a press conference in early 2012, Hong Lei, spokesperson for the Chinese Foreign Ministry, said that “At the core of the South China Sea dispute are the territorial sovereignty dispute over some of the Nansha [Spratly] Islands and the demarcation dispute over *part of the waters* of the South China Sea. What should be pointed out is that *neither China nor any other country lays claim to the entire South China Sea.*”<sup>417</sup>

Without a Chinese clarification we ultimately cannot know exactly what the nine-dash line represents today, or even whether China's leadership has reached a definitive interpretation itself. The nine-dash line may also be an instance of deliberate ambiguity, allowing Beijing to improve its bargaining position and make apparent concessions in the future. However, the fact that China has drawn straight baselines around the Paracels does suggest that it does not regard all the waters within the nine-dash line as historical waters. As Dzurek explains:

... the delimitation of straight baselines around the Paracel Islands is logically inconsistent with any purported claim to historical waters within the irregular, tongue-shaped [nine-dash] line found on Chinese maps. Some commentators maintain that this line is a historic waters claim, but historic waters have the status of either internal waters or territorial sea. A straight baseline divides internal waters from territorial sea. Moreover, the 1992 PRC Law on the Territorial Sea specifies that China's territorial sea extends 12nm (22.2km) from its baseline. Therefore, the new PRC baseline delimits its

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414 The note verbale itself did not represent an expansion of China's claim. China (and the Philippines) submitted objections to a joint submission by Vietnam and Malaysia to the Commission on the Limits of the Continental Shelf (CLCS). The Vietnam-Malaysia submission requested extended continental shelf rights into waters around the Spratlys. China and the Philippines objected in order to rendered this submission moot, since the CLCS is not mandated to deal with disputed areas. It was, however, the first time China submitted the nine-dash map as documentation to an international organization. Womack, “The Spratlys,” 379; Storey, “China's Bilateral and Multilateral Diplomacy,” 54.

415 Quoted in *ibid.*, my emphasis.

416 John Pomfret, “Beijing claims 'indisputable sovereignty' over South China Sea,” *Washington Post*, July 31, 2010, accessed April 18, 2014, <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/30/AR2010073005664.html>.

417 Ministry of Foreign Affairs of the People's Republic of China, “Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on February 29, 2012,” March 1, 2012, accessed March 26, 2014, [www.fmprc.gov.cn/eng/xwfw/s2510/t910855.htm](http://www.fmprc.gov.cn/eng/xwfw/s2510/t910855.htm), my emphasis.

claim to internal waters within the Parcel baseline and territorial sea up to 12nm from that baseline.<sup>418</sup>

Some observers have noted that two dashes were removed from the line in 1953 (in the Gulf of Tonkin), suggesting that other adjustments are not out of the question.<sup>419</sup> This does not guarantee that Beijing considers the line open to negotiation, but the conclusion that the nine-dash line represents a fixed and sure claim to all the waters within it is as of yet not supported by behavior or authoritative statements. Conversely the drawing of straight baselines around the Paracels suggests that the opposite may be more likely, and that the claim that China intends to treat all or the vast majority of the South China Sea as its own territorial waters is very much overblown at this stage.<sup>420</sup>

### 3.5 Beijing's interpretation of Exclusive Economic Zones and coastal state rights

Another source of concern, which has been the immediate reason for some of the incidents involving China and the US, is the different interpretations offered by Beijing and Washington of what sort of rights UNCLOS grants a coastal state within its own EEZ.<sup>421</sup>

Simply put, China argues that UNCLOS does not allow states to conduct military intelligence-gathering (on the sea or in the air) within another state's EEZ without prior consent. This is based on the UNCLOS provision that a coastal state has “sovereign rights to resources and ... jurisdiction over several activities, including 'maritime scientific research',” in its EEZ, and the understanding that intelligence gathering and other naval activities (other than innocent (continuous) passage) is not in the spirit of UNCLOS's emphasis on “peaceful purposes.”<sup>422</sup> This has been the position of China since the UNCLOS negotiations in the 1970s.<sup>423</sup> Conversely, the US

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418 Daniel J. Dzurek, “The People's Republic of China Straight Baseline Claim,” *IBRU Boundary and Security Bulletin* 4, no. 2 (1996): 85.

419 Fravel, “Maritime Security in the South China Sea,” 42. The original ROC map contained 11 dashes, subsequently reduced to nine.

420 Interestingly, the Philippines has challenged China by submitting an arbitration case to UNCLOS regarding the legality of China's nine-dash line. As the time of writing the case is still pending. Greg Torode, “Philippines South China Sea legal case against China gathers pace,” *Reuters*, September 27, 2013, accessed April 22, 2014, <http://www.reuters.com/article/2013/09/27/us-china-philippines-idUSBRE98Q0BX20130927>.

421 As noted briefly in Chapter 1 (fn. 78), this may appear to be an aspect of the “rules of the game,” which is not in focus in this thesis. However, this difference of interpretation regarding EEZs directly impinges on China's territorial issues in the South China Sea, because some of the features there may be entitled to such zones. Thus, ignoring it in our discussion would leave us with an incomplete understanding of the bigger picture of these territorial disputes and their potential regional implications.

422 Peter Dutton, “Introduction,” in *Military Activities in the EEZ: A U.S.-China Dialogue on Security and International Law in the Maritime Commons*, ed. Peter Dutton (Newport: U.S. Naval War College, 2010), 7; Jing Geng, “The Legality of Foreign Military Activities in the Exclusive Economic Zone Under UNCLOS,” *Merkourios* 28, no. 74 (2012): 26.

423 Alan M. Wachman, “Playing by or Playing with the Rules of UNCLOS?” in *Military Activities in the EEZ: A U.S.-China Dialogue on Security and International Law in the Maritime Commons*, ed. Peter Dutton (Newport:

argues that intelligence gathering does not fall outside the scope of peaceful purposes, and that China's classification of survey activities as "equivalent to marine scientific research (MSR) ... [and] therefore subject to coastal-state jurisdiction are misplaced and have no foundation in international law."<sup>424</sup> The legal aspect of the dispute falls outside our concern here, we are more interested in how it has translated into actual behavior, but it is true that most countries take the position of the US.<sup>425</sup> The most relevant question to address here is whether China by acting in accordance with its own interpretation of EEZs and rights is altering the status quo of its near seas. Incidents involving China and the US will be recounted below.

On April 1, 2001, an American EP-3 surveillance aircraft, operating around 70 miles off China's Hainan Island, was monitored by two Chinese fighter jets. One of them flew dangerously close to the US airplane and a crash occurred in which the Chinese pilot was (presumably) sent to his death and the US aircraft seriously damaged, making an emergency landing on Hainan Island. The American crew was detained and a diplomatic crisis ensued. China first insisted on an apology and a termination by the US of such reconnaissance missions close to its coast, but eventually the second demand was withdrawn and only an apology requested. The crisis was solved, and the American crew allowed to return home, after Beijing received a letter from the US ambassador, expressing regret that the Chinese pilot had died and that the US aircraft had entered Chinese airspace without prior permission.<sup>426</sup>

A second major incident occurred in March 2009. A statement was released by the Pentagon on March 8, saying that Chinese ships the day before had "shadowed and aggressively maneuvered in dangerously close proximity" to the USNS *Impeccable*, an ocean surveillance ship that had been gathering data around 75 miles off Hainan Island.<sup>427</sup> The crew of *Impeccable* had resorted to fire hoses to fend off the ships, but was blocked by two vessels forcing it to a halt. One of the Chinese vessels also tried to tear off a tow-line from the ship using a grappling hook.<sup>428</sup> Washington, when protesting the Chinese vessels' behavior, was promptly reminded that the *Impeccable* had been

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U.S. Naval War College, 2010), 115.

424 Raul (Pete) Pedrozo, "Coastal State Jurisdiction over Marine Data Collection in the Exclusive Economic Zone: U.S. Views," in *Military Activities in the EEZ: A U.S.-China Dialogue on Security and International Law in the Maritime Commons*, ed. Peter Dutton (Newport: U.S. Naval War College, 2010), 23.

425 Noticable countries to agree with China on this matter are India and Brazil. Fravel, "Maritime Security in the South China Sea," 35.

426 Zheng Wang, *Never Forget National Humiliation: Historical Memory in Chinese Politics and Foreign Relations* (New York: Columbia University Press, 2012), 178.

427 Chris Buckley, "China says U.S. naval ship broke the law," *Reuters*, March 10, 2009, accessed March 20, 2014, <http://www.reuters.com/article/2009/03/10/us-usa-china-idUSPEK9458120090310>.

428 "Pentagon says Chinese vessels harassed U.S. ship," *CNN Politics*, March 9, 2009, accessed March 20, 2014, [http://edition.cnn.com/2009/POLITICS/03/09/us.navy.china/index.html?\\_s=PM:POLITICS](http://edition.cnn.com/2009/POLITICS/03/09/us.navy.china/index.html?_s=PM:POLITICS). According to the Pentagon statement, "The Chinese ships involved were a Navy intelligence collection ship, a Bureau of Maritime Fisheries Patrol Vessel, a State Oceanographic Administration patrol vessel and two small Chinese-flagged trawlers".



operating in China's EEZ going against both (China's interpretation of) international law and Chinese domestic laws. The next day the US sent USNS *Impeccable* back to the area, this time under the protection of a guided-missile destroyer, to protest China's behavior.<sup>429</sup> In this sense the incident resembled one from 2001, when on March 23 the hydrographic survey ship USNS *Bowditch* had been ordered to leave China's EEZ and complied, then to return under armed guardianship some days later.<sup>430</sup> According to one source the USNS *Bowditch* was again directed to leave the same area in September 2002, and in March 2003 it was intentionally crashed into by Chinese fishing boats.<sup>431</sup>

Reportedly, other instances of "harassment," albeit less drastic, had been going on in the days leading up to the *Impeccable*-incident. One in the Yellow Sea, where a Chinese patrol vessel fixed a high-intensity spotlight at the USNS *Victorious* and crossed its bow without warning, another where a Chinese aircraft "conducted 12 fly-bys" of the same ship. The USNS *Impeccable* had also had its bow crossed and been buzzed by a Chinese aircraft a few days prior to the March 8 incident.<sup>432</sup> Thus, in 2009 there were a number of incidents within China's EEZ over a relatively short period of time, caused by the fact that both Washington and Beijing were adhering to their own interpretation of the relevant rules, as had also been the case in 2001.

Finally, an incident occurred in late 2013, during the first journey of China's only aircraft carrier, *Liaoning*. From the outset the group of five Chinese ships (*Liaoning*, two destroyers and two missile frigates) had been followed by an unwelcome observer, the guided missile cruiser USS *Cowpens*. On December 5, after nine days at sea, the incident occurred during a time when the Chinese fleet held naval exercises. One of the Chinese ships instructed *Cowpens* to leave the area, to which the latter responded that the Chinese ship had no authority over it since they were in international waters. A Chinese ship then crossed the bow of *Cowpens* at close distance forcing it to stop abruptly.<sup>433</sup> China's initial response was to say that the USS *Cowpens* had come within the fleet's "inner defense layer," thereby causing the incident.<sup>434</sup> The incident was, however, resolved

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429 Raul Pedrozo, "Close Encounters at Sea: The USNS *Impeccable* Incident," *Naval War College Review* 62, no. 3 (2009): 101-02.

430 *Ibid.*, 101.

431 "2001-2009 - South China Sea Developments," *GlobalSecurity.org*, accessed March 20, 2014, <http://www.globalsecurity.org/military/world/war/south-china-sea-2009.htm>.

432 David Rosenberg, "Contested Borderlands of the South China Sea," *SouthChinaSea.org*, April 21, 2009, accessed March 10, 2014, <http://www.southchinasea.org/contested-borderlands-of-the-south-china-sea/>; "Pentagon says Chinese vessels harassed U.S. ship."

433 Carl Thayer, "USS *Cowpens* Incident Reveals Strategic Mistrust Between U.S. and China," *The Diplomat*, December 17, 2013, accessed March 24, 2014, <http://www.thediplomat.com/2013/12/uss-cowpens-incident-reveals-strategic-mistrust-between-u-s-and-china/>; David Alexander and Pete Sweeney, "U.S., Chinese warships narrowly avoid collision in South China Sea," *Reuters*, December 14, 2013, accessed March 24, 2014, <http://www.reuters.com/article/2013/12/14/us-usa-china-ships-idUSBRE9BC0T520131214>.

434 Jia Nie, "China: Effective communication with US over encounter," *CCTV*, December 18, 2013, accessed March

without further problems, and both sides subsequently downplayed its seriousness.<sup>435</sup>

However, while this last incident also occurred within China's EEZ, it was not connected to the issue of EEZ rights and intelligence-gathering. Rather it appears to have been about navigational issues, with China arguing that the *Cowpens* was interfering with military exercises that had been announced in advance. Sam Bateman has corroborated this view, arguing that the US position “is open to question - it is not routine for navies to operate in close proximity to each other, particularly if one has issued an appropriate navigational warning about the exercise.”<sup>436</sup> Thus, neither the US or China handled this as an issue traceable to their diverging views of EEZs and rights.

The other incidents, however, are connected to how the two sides disagree on what sort of activities can be conducted inside foreign EEZs. They make it safe to assume that China is not about to turn around on the question of EEZs and rights. China has already been enforcing its own interpretation (much as the US has) and seems likely to keep doing so. In those instances where American intelligence-gathering vessels have returned later under armed guardianship China has not yet raised the stakes by attempting to reexpell them, but this is not the same as accepting a US (intelligence gathering or monitoring) presence within its EEZ. In terms of whether or not this affects freedom of navigation, however, it is useful to contextualize it.

Since the end of World War II the US has been the dominant sea power of the world. One noted scholar has highlighted the importance of command of the global commons in sustaining US hegemony, defining it as such: “Command means that the United States gets vastly more military use out of the sea, space, and air than do others; that it can credibly threaten to deny their use to others; and that others would lose a military contest for the commons if they attempted to deny them to the United States.”<sup>437</sup> From this point of view the US maneuverability in the waters of East Asia would be challenged if China decided (and was able) to effectively turn its near seas into a no-go zone for warships without prior permission from Beijing. While not a threat to the status quo of land territory, it would arguably affect the status quo of the regional “sea territory.”

The “if” here, however, is huge. China does not disagree with the right of innocent passage,

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24, 2014, <http://english.cntv.cn/program/china24/20131218/105815.shtml>.

435 Luis Ramirez, “Pentagon Downplays Near-Collision in South China Sea,” *Voice of America*, December 16, 2013, accessed March 24, 2014, <http://www.voanews.com/content/pentagon-downplays-south-china-sea-near-collision-cowpens-liaoning/1811768.html>; Christopher Bodeen, “After sea incident, China praises ties with US,” *Associated Press*, December 18, 2013, accessed March 24, 2014, <http://bigstory.ap.org/article/after-sea-incident-china-praises-ties-us>. It was not immediately clear whether or not this incident actually took place within China's EEZ or not, but I was informed by M. Taylor Fravel in a personal e-mail correspondence (March 24, 2014) that coordinates showing the areas where *Liaoning* was exercising had been published by Xinhua, and that these were “well within China's EEZ.”

436 Sam Bateman, “The USS *Cowpens* Incident: Adding to Strategic Mistrust,” *RSIS Commentaries*, no. 234 (2013): 2.

437 Barry R. Posen, “Command of the Commons: The Military Foundation of U.S. Hegemony,” *International Security* 28, no. 1 (2003): 8.

only with the US definition of the concept.<sup>438</sup> While China has shown through statements and behavior that it opposes military intelligence gathering in its EEZ it has not displayed an opposition to continuous passage of ships, be they military or civilian, outside of its territorial waters. And as it relates to maritime trade the “threat to freedom of navigation” narrative becomes even more unconvincing. As one observer put it, “the fundamental contradiction in the logic of the argument is that the world’s largest maritime trade juggernaut is very unlikely to threaten navigational freedoms as its economy is extremely reliant on those freedoms. ... to suggest that this disagreement [over EEZ jurisdiction] threatens the regional or global maritime trading system is absurd.”<sup>439</sup>

The implication we can derive from China's behavior in the EEZ-incidents so far is that Beijing is likely to continue taking action against ships spying on it inside its EEZs, not that it will pose a threat to normal navigation. Since China claims that the Spratlys have EEZ entitlements,<sup>440</sup> it may at some point start enforcing its interpretation there as well, but this would require that it first assert control of the larger features of the archipelago, and those already have occupants.<sup>441</sup> On the other hand, it is not unlikely that China would take advantage of the fact that Taiwan controls the largest of the Spratlys (Itu Aba), and claim that as Taiwan is a part of China so is the land features in the South China Sea under Taipei's effective control. This is in line with the fact that Beijing has sought cooperation with Taipei over the South China Sea disputes, and that China does not oppose Taiwan's building of structures on Itu Aba.<sup>442</sup> However, even if China does at some point take over the largest of the Spratly Islands (or claim that it already controls Itu Aba through Taiwan) and asserts itself in a claimed EEZ it is unlikely that this to any substantial degree would have severe implications for current sea lines of communication (SLOCs) because most of these run far from the

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438 Womack, “The Spratlys,” 375.

439 Lyle Goldstein, “Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire,” *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 33, no. 3 (2011): 339.

440 A Chinese submission to the UN from 2011 mentions that “China's Nansha [Spratly] Islands is [sic] fully entitled to Territorial Sea, Exclusive Economic Zone (EEZ) and Continental Shelf.” Letter From the Permanent Mission of the People's Republic of China to the Secretary General of the United Nations, April 14, 2011, accessed on March 24, 2014, [http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/mysvnm33\\_09/chn\\_2011\\_re\\_phl\\_e.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2011_re_phl_e.pdf). It is not clear from this phrasing whether it claims that all or just some of the Spratlys have this entitlement.

441 Just how many of the features in the South China Sea that could qualify as islands with full rights remains open to dispute. Fravel suggests that the five largest Spratlys (none of which China currently control), Woody Island in the Paracels (controlled by China) and Pratas Island (controlled by Taiwan) may fit the bill. Fravel, “China's Strategy in the South China Sea,” 294. On the other hand, if the requirement that the feature must be able to sustain human life is applied, it seems likely that of the Spratly Islands only Itu Aba (controlled by Taiwan) would qualify, as it's the only one to have fresh water. Of course it is possible that China may at some point claim a different interpretation of the relevant sections of UNCLOS and act as if smaller features have their own EEZ. So far, however, this has not happened.

442 Shannon Tiezzi, “Taiwan Will Not Cooperate With China in South China Sea,” *The Diplomat*, May 15, 2014, accessed May 26, 2014, <http://thediplomat.com/2014/05/taiwan-will-not-cooperate-with-china-in-south-china-sea/>; Michael Gold and Greg Torode, “As Taiwan beefs up prized South China Sea outpost, barely a peep from China,” *Reuters*, May 25, 2014, accessed May 26, 2014, <http://www.reuters.com/article/2014/05/25/us-taiwan-southchinasea-idUSBREA400E620140525>.

Spratlys.<sup>443</sup>

The “threat to freedom of navigation” story seems largely to boil down to an anxiousness about China's improved capabilities and ongoing naval modernization. The fact that China may at some point have the capabilities to deny others access to its near seas and perhaps assert control of strategic choke points such as the Malacca and Lombok straits is by itself deemed threatening and an unwelcome development, because Beijing's intentions (as those of any actor) are uncertain and may change. Such speculation is understandable, but cannot be taken as evidence that its position today is revisionist. That would be to make revisionism and improved capabilities one and the same thing, which they are not. Likewise, the fact that Beijing in 2012, reportedly for the first time, conducted reconnaissance missions in American EEZs points to tit-for-tat retaliation, not revisionism.<sup>444</sup> On the other hand, beyond the “threat to freedom of navigation” narrative, a more limited version suggesting that China will increasingly enforce its interpretation of EEZ rights as it improves its capabilities seems well supported by the events of the last decade.

### 3.6 Recent incidents

*South China Sea.* A number of incidents have occurred between the claimants to land features and maritime rights in the sea. Most of these have been related to the commercial exploitation of resources. In most cases involving China, Beijing has been exercising jurisdiction over what it claims as its own in response to other states fishing or conducting oil exploration. However, because usage and control relates to ownership the rationale behind exercising jurisdiction is broader than a merely economical one.

In supervising fishing activities China has been exercising jurisdiction in disputed areas primarily through patrolling by the South Sea Region Fisheries Administration Bureau and imposition of an annual fishing ban (which it demands other states subject themselves to as well).<sup>445</sup> On the matter of oil exploration by other states, China mostly uses its Marine Surveillance Force to patrol and assert its claims.<sup>446</sup>

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443 Daniel J. Dzurek, “China Occupies Mischief Reef In Latest Spratly Gambit,” *IBRU Boundary and Security Bulletin* 3, no. 1 (1995): 66.

444 Kimberly Hsu and Craig Murray, “China's Expanding Military Operations in Foreign Exclusive Economic Zones,” *U.S.-China Economic and Security Review Commission Staff Research Backgrounder*, June 19, 2013, accessed March 25, 2014, [http://origin.www.uscc.gov/sites/default/files/Research/Staff%20Backgrounder\\_China%20in%20Foreign%20EEZs.pdf](http://origin.www.uscc.gov/sites/default/files/Research/Staff%20Backgrounder_China%20in%20Foreign%20EEZs.pdf). Some commentators took this as a sign that China was perhaps about to change its stance on EEZ rights, but the Cowpens-incident suggests that so far it has not. See for instance Rory Medcalf, “Maritime Game-Changer Revealed at Shangri-La Dialogue,” *The Diplomat*, June 02, 2013, accessed March 24, 2014, <http://thediplomat.com/2013/06/maritime-game-changer-revealed-at-shangri-la-dialogue/>.

445 Fravel, “Maritime Security in the South China Sea,” 37-38.

446 *Ibid.*, 38.

The incidents involving fishing boats are too numerous and the information available far too sparse to allow detailed accounts of all. A Vietnamese figure (given by an official of the Quang Ngai People's Committee) suggests that “a total of 63 Vietnamese fishing boats and 725 fishermen had been detained by China” between 2005 and October 2010.<sup>447</sup> According to Fravel, official numbers for more recent years are unavailable, but there appears to have been much fewer incidents related to fishing vessels at the end of 2010 and throughout 2011.<sup>448</sup> To be fair, China is not alone in exercising such jurisdiction in the South China Sea. There have been a number of such incidents where other states have been doing the enforcement, some involving the detention of Chinese fishermen. Precise data appears to be lacking, but one Chinese source (published in 2010) suggests that the number of incidents in the South China Sea where Chinese fishing vessels have been “fired upon, detained or driven away” since 1989 counted “more than 300.”<sup>449</sup> The reason why China does not emphasize the incidents where it is on the receiving end of the enforcements may be that it wishes to avoid criticism at home for not standing up for its own. This would be consistent with its approach to incursions in the Sino-Indian dispute, where we noted that China does not report cases of Indian transgressions. In both cases this has the side effect of creating the image internationally that China is alone in unilaterally asserting its claims and rights, and thus obscures what may be closer to an action-reaction dynamic.

Incidents related to oil exploration have been far fewer in numbers than incidents related to fishing, but have received more attention as they have typically been further away from the Paracels (which China has controlled since 1974), and sometimes involve multinational companies. On March 2, 2011, an oil survey ship hired by London-based Forum Energy Plc. (working on behalf of the Philippines), was approached close to the disputed Reed Bank (see Appendix 1, Figure 8) by two Chinese vessels, demanding its leave from the area.<sup>450</sup> The Philippines protested China's behavior and assembled patrol ships and a surveillance plane, but by the time these reached the area the Chinese vessels had apparently chased away the survey ship and left the scene. On March 4 the survey vessel returned, this time guarded by the Philippine coast guard.<sup>451</sup>

447 “Vietnam demands unconditional release of fishermen held by China,” *Thanh Nien News*, October 8, 2010, accessed April 19, 2014, <http://www.thanhniennews.com/politics/vietnam-demands-unconditional-release-of-fishermen-held-by-china-14809.html>.

448 Fravel, “Maritime Security in the South China Sea,” 38.

449 Referred to in *Ibid.* In one case from 2009, Vietnamese ships were said to have fired upon Chinese boats, with three Chinese injuries. *Ibid.*, 36, 38.

450 A report by U.S. Energy Information Administration (EIA) suggests that while “the region around the Spratly Islands... [has] virtually no proved or probable oil reserves... the Spratly Island territory may contain significant deposits of undiscovered hydrocarbons. ... Evidence suggests that most of these resources are likely located in the contested Reed Bank” U.S. Energy Information Administration, “South China Sea,” *Analysis Briefs* February 7, 2013, accessed April 22, 2014, <http://www.eia.gov/countries/regions-topics.cfm?fips=scs>. It should be mentioned, however, that figures for oil reserves around the Spratlys are widely divergent.

451 “Philippine oil survey gets escort amid China spat,” *SpaceDaily.com*, March 4, 2011, accessed March 21, 2014,

In May the same year PetroVietnam had one of its exploration vessels harassed by Chinese vessels, with an exploration cable being cut, in disputed waters around 120 miles off Vietnam's coast.<sup>452</sup> Less than a month later a similar incident occurred, although Hanoi and Beijing adhere to different versions of it. According to Vietnam a Chinese fishing boat willingly rammed the exploration cables of one of PetroVietnam's vessels, cutting it off. According to China, the fishing net of the boat had become tangled with the exploration cable of the Vietnamese vessel by accident when the latter was chasing it away, thus in this version the cutting of the cable came about due to the Vietnamese ship's recklessness.<sup>453</sup> On November 30, 2012, another incident occurred that ended with an exploration cable of a Vietnamese vessel being cut. This happened at around 20 miles to the west (Vietnamese side) of the median line between China's Hainan Island and Vietnam.<sup>454</sup> However, this time PetroVietnam acknowledged that the cutting was likely to have been an accident.<sup>455</sup>

I have not been able to find any complete list over oil exploration and drilling activities in disputed waters, but it is worth noting that Chinese harassment of Vietnamese survey and drilling activities appear to be the exception rather than the rule. According to one observer Vietnam had by 2012 signed 60 contracts giving exploration and development rights to foreign companies, and while it is understandable that those instances where China has intervened have received more coverage it is important to keep in mind that many projects have gone through undisturbed.<sup>456</sup> Furthermore, China has not been able to intimidate its smaller neighbors from going through with exploration activities in disputed areas.<sup>457</sup> It should also be mentioned that Vietnam on one occasion in 2007 attempted to stop Chinese surveying activities close to the Paracels. Hanoi dispatched naval vessels for this purpose (something China has not done in its interferences of other claimants'

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[http://www.spacedaily.com/reports/Philippine\\_oil\\_survey\\_gets\\_escort\\_amid\\_China\\_spat\\_999.html](http://www.spacedaily.com/reports/Philippine_oil_survey_gets_escort_amid_China_spat_999.html); Randy Fabi and Manuel Mogato, "Insight: Conflict looms in South China Sea oil rush," *Reuters*, February 28, 2012, accessed March 21, 2014,

<http://www.reuters.com/article/2012/02/28/us-china-spratlys-philippines-idUSTRE81R03420120228>.

452 Ben Bland and Kathrin Hille, "Vietnam and China oil clashes intensify," *Financial Times*, May 29, 2011, accessed March 21, 2014, <http://www.ft.com/cms/s/0/4d3badc0-8867-11e0-a1c3-00144feabdc0.html>.

453 "Sea spat raises China-Vietnam tensions," *EnergyDaily.com*, June 10, 2011, accessed March 21, 2014, [http://www.energy-daily.com/reports/Sea\\_spat\\_raises\\_China-Vietnam\\_tensions\\_999.html](http://www.energy-daily.com/reports/Sea_spat_raises_China-Vietnam_tensions_999.html).

454 The boundary for this area outside the Gulf of Tonkin remains to be settled between China and Vietnam. Huy Duong and Van Pham, "Trouble outside the Gulf of Tonkin," *cogitASIA*, December 14, 2012, accessed March 22, 2014, <http://cogitasia.com/trouble-outside-the-gulf-of-tonkin/>.

455 "PetroVietnam CEO Says Chinese Ships Cut Cables 'By Accident'," *Bloomberg News*, December 4, 2012, accessed March 22, 2014, <http://www.bloomberg.com/news/2012-12-04/etrovietnam-ceo-says-chinese-ships-cut-cables-by-accident-1-.html>.

456 Leszek Buszynski, "The South China Sea: Oil, Maritime Claims, and U.S.-China Strategic Rivalry," *The Washington Quarterly* 32, no. 2 (2012): 141. How many of these contacts covered areas in disputed waters goes unspecified, but as the author discusses this in the context of the disputes and Chinese reactions it seems likely that many of them do.

457 Daniel Ten Kate, "South China Sea Oil Rush Risks Clashes as U.S. Emboldens Vietnam on Claims," *Bloomberg*, May 27, 2011, accessed March 22, 2014, <http://www.bloomberg.com/news/2011-05-26/s-china-sea-oil-rush-risks-clashes-as-u-s-emboldens-vietnam.html>.

activities), which resulted in a standoff with Chinese coast guard vessels.<sup>458</sup>

On April 8, 2012, eight Chinese fishing vessels were spotted in the vicinity of the disputed Scarborough Shoal (some 125 miles off the coast of the Philippines, claimed by China and Taiwan as well) by Philippine navy aircraft. Manila took prompt action by sending its warship BRP *Gregorio del Pilar* to the scene. Upon inspection, the Chinese fishing vessels were found to contain large amounts of poached seafood. Before an arrest could be made, however, two Chinese civilian survey ships showed up and blocked the entrance of the lagoon (within which the Chinese fishing vessels were anchored). A standoff ensued with the arrival of a second Philippine ship (this time a coast guard vessel) and a Chinese law enforcement ship.<sup>459</sup> However, by April 13 most of the ships had left the area, with only one Chinese survey vessel and a Philippine coast guard vessel at the scene.<sup>460</sup> After this the standoff continued for weeks, and at some point later a number of Chinese boats again started fishing in the proximity of the Scarborough Shoal. On May 22 Manila said the number was 96 ships, whereas Beijing maintained that only around 20 Chinese fishing vessels were operating in the area.<sup>461</sup>

According to the New York Times a low-key negotiation, mediated by Washington, was started some time in May 2012. This led to an understanding whereby both sides were to pull their vessels out of the area. However, China put up a rope that effectively sealed off the lagoon where the fishing had taken place, and left behind three ships to make sure the Philippines did not remove it and access the lagoon.<sup>462</sup> Another account suggests that the deal broke down in June, and thus no understanding was reached.<sup>463</sup> In any case, the end result was Chinese control over the shoal and a pullback by the Filipino vessels. By 2014, China had according to Voltaire Gazmin, Defense Secretary of the Philippines, allowed Philippine fishermen to use the area again, although Chinese

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458 Scott Bentley, "Vietnam and China: A Dangerous Incident," *The Diplomat*, February 12, 2014, accessed May 20, 2014, <http://thediplomat.com/2014/02/vietnam-and-china-a-dangerous-incident/>.

459 Tina G. Santos, "PH, Chinese naval vessels in Scarborough Shoal standoff," *INQUIRER.net*, April 11, 2012, accessed March 22, 2014, <http://globalnation.inquirer.net/32341/ph-chinese-naval-vessels-in-scarborough-shoal-standoff>; "Philippines shuffles ships in maritime standoff with China," *CNN*, April 12, 2012, accessed March 22, 2014, <http://edition.cnn.com/2012/04/12/world/asia/philippines-china-naval-standoff/index.html?iref=allsearch&iid=EL>.

460 DJ Yap, "Fishing boats gone from shoal but one Chinese ship remains," *INQUIRER.net*, April 14, 2012, accessed March 22, 2014, <http://globalnation.inquirer.net/33127/fishing-boats-gone-from-shoal-but-one-chinese-ship-remains>.

461 Tania Branigan and Jonathan Watts, "Philippines accuses China of deploying ships in Scarborough shoal," *The Guardian*, May 23, 2012, accessed March 22, 2014, <http://www.theguardian.com/world/2012/may/23/philippines-china-ships-scarborough-shoal>.

462 Jane Perlez and Steven Lee Myers, "In Beijing, Clinton Will Push for Talks Over Disputed Islands," *The New York Times*, September 3, 2012, accessed March 22, 2014, [http://www.nytimes.com/2012/09/04/world/asia/in-beijing-clinton-to-discuss-island-disputes.html?\\_r=0](http://www.nytimes.com/2012/09/04/world/asia/in-beijing-clinton-to-discuss-island-disputes.html?_r=0).

463 M. Taylor Fravel, "Threading the Needle: East Asia's Territorial Disputes and Great Power Relations," Paper prepared for conference on "China, the United States, and the East Asian Order: Managing Instability," Oslo, May 19-20, 2014: 18.

coast guard vessels were still in place.<sup>464</sup>

*East China Sea.* Starting in 2010, tensions between China and Japan over the Senkaku Islands increased significantly. In September 2010, the captain of a Chinese fishing vessel (one of more than a hundred in the area at the time) operating 15 kilometers away from the island Kubajima (one of the Senkakus) rammed two Japanese coast guard vessels that had attempted to expel his boat from the area.<sup>465</sup> The Chinese crew was arrested, reportedly the first time such measures had been taken by the Japanese coast guard against Chinese fishermen.<sup>466</sup> China demanded all the men and the fishing vessel be released, and Japan partly accommodated this by releasing all but the captain of the ship on September 13. Sanctions and cancellations of meetings were used by China to protest Japan's continued custody of the Chinese captain, and on September 24 Japan released him too.<sup>467</sup> In the aftermath of this episode patrolling of the waters close to the Senkakus by Chinese maritime law enforcement vessels resurfaced, having been avoided since the first four occurrences in December 2008 (see Appendix 2, Figure 1). However, China did not go beyond the Senkakus' contiguous zone and thus avoided entering their territorial waters. The increased patrolling was done to “protect Chinese fishermen,”<sup>468</sup> but of course had the added benefit of signaling jurisdiction over the area and challenge Japan's effective control.<sup>469</sup> In October the same year China suggested joint development of resources around the islands, which Japan refused.<sup>470</sup> At the end of the same month China announced that patrolling vessels would henceforth be permanently deployed in the area.<sup>471</sup>

In September 2012 the Sino-Japanese relationship again took a plunge when the Japanese government nationalized three of the Senkakus. The backdrop of this episode was a gambit started in April 2012 by Tokyo governor Shintaro Ishihara to purchase the islands from their private

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464 Alexis Romero, “Pinoy fishermen defy new Chinese fishing rules in Panatag Shoal,” *The Philippine Star*, January 26, 2014, accessed March 22, 2014, <http://www.philstar.com/headlines/2014/01/26/1283092/pinoy-fishermen-defy-new-chinese-fishing-rules-panatag-shoal>.

465 Tanaka Sakai, “Rekindling China-Japan Conflict: The Senkaku/Diaoyutai Islands Clash,” *The Asia-Pacific Journal*, 39-3-10 (September 27, 2010), accessed April 19, 2014, <http://www.japanfocus.org/-Tanaka-Sakai/3418>. On whether the ramming was intentional or not, Drifte convincingly argues that it most likely was. Yet, it was an initiative of his own, not likely to have had any government support as the captain had his license revoked when he returned to China. Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 30-31; Midford, “Sino-Japanese Conflict and Reconciliation in the East China Sea,” 10 (fn. 4).

466 Sakai, “Rekindling China-Japan Conflict.” It was also, however, the first time a Chinese fishing vessel jammed Japanese coast guard ships, and thus an unprecedented case.

467 Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 31.

468 Sakai, “Rekindling China-Japan Conflict.”

469 It may also be that Beijing employed its coastguard to control its own fishermen, and ensure that they did not create a new incident carrying the danger of Japanese prosecution. It does not appear that Chinese fishing vessels have entered the territorial waters of the Senkakus since the September 2010 incident.

470 “China seeks, Japan nixes joint resource development near Senkakus,” *Kyodo News*, October 22, 2010, accessed April 20, 2014, <http://www.thefreelibrary.com/China+seeks,+Japan+nixes+joint+resource+development+near+Senkakus.-a0240405733>.

471 Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 34.



owners, on behalf of the Tokyo metropolitan government.<sup>472</sup> In one interpretation of these events, Ishihara's actions presented the national government of Japan with a dilemma: the fact that Ishihara is a hard-line nationalist politician and was likely to use a successful purchase by the Tokyo metropolitan government to goad Beijing suggested that the national government ought to try to acquire the ownership of these islands themselves, but on the other hand doing so would also clearly anger Beijing, because nationalization would be seen as a change to the status quo of the disputed territory in Japan's favor.<sup>473</sup> Japanese policymakers may have reached the conclusion that buying and nationalizing the islands was the likely to do the least damage, and thus proceeded to do so, outbidding Ishihara. The contract between the national government and the theretofore owner of the three islands was signed on September 11, 2012.<sup>474</sup>

Protests and warnings from China had been expressed since April but became stronger once it became clear that the Japanese national government intended to buy the islands. Attempts to assure Beijing that it should prefer nationalization to an acquisition of the islands by “right-wing activists” were in the words of Vice Foreign Minister Zhang Zhijun “like asking China to choose from two doses of poison.”<sup>475</sup> In the aftermath of the successful purchase widespread protests occurred throughout China, ceremonial events between the two countries were canceled, economic sanctions were imposed, and Chinese patrolling around the islands increased to unprecedented levels (see Appendix 2, Figure 1).<sup>476</sup> From September 2012 and through December 2013 not a single month went by without Chinese maritime law enforcement vessels entering the territorial waters of the Senkaku Islands.

Taiwan also reacted to the Noda administration's purchase, by sending around 50 fishing vessels, escorted by eight surveillance ships, to the territorial waters around the Senkakus in late September 2012. When confronted by the Japanese coast guard one of the Taiwanese captains replied that they were in Taiwanese waters, and a water canon fight followed.<sup>477</sup>

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472 “Tokyo governor seeks to buy islands disputed with China,” *Reuters*, April 17, 2012, accessed April 20, 2014, <http://www.reuters.com/article/2012/04/17/us-japan-china-islands-idUSBRE83G0C020120417>. The Japanese names for these islands are Uotsurijima, Kita Kojima and Minami Kojima, three of four islands that were privately owned. They had previously been leased to the Japanese national government, with an upcoming expiration in March 2013. Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 35.

473 “Ukeru Magosaki: Continuing to table Senkaku issue is to Japan's advantage,” *Asahi Shimbun*, July 11, 2012, accessed April 20, 2014, <http://ajw.asahi.com/article/views/opinion/AJ201207110064>; Peter Lee, “Comedy of errors in East China Sea,” *Asia Times*, June 20, 2012, accessed April 20, 2014, <http://www.atimes.com/atimes/China/NG20Ad02.html>.

474 Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 36.

475 Ke Ren, “China Voice: Japan should face up to past, present wrongdoing,” *Xinhua*, 29 October 2012, accessed April 20, 2014, [http://news.xinhuanet.com/english/indepth/2012-10/29/c\\_131938015.htm](http://news.xinhuanet.com/english/indepth/2012-10/29/c_131938015.htm). Indeed, some Chinese suspected that Ishihara was secretly working together with the national government, and that the right-wing “threat” was merely used as a convenient device to nationalize the islands. Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 40.

476 See Drifte, “The Senkaku/Diaoyu Islands Territorial Dispute Between Japan and China,” 44-48.

477 Julian Ryall, “Japanese water cannon attack on Taiwanese fishing boats over Senkaku dispute,” *The Telegraph*,

A year later, on September 9, 2013, a Chinese drone flew close to the islands, although according to officials from Japan's Ministry of Defense the unmanned aircraft did not enter Japanese airspace.<sup>478</sup> Japan announced that it would henceforth shoot down any foreign drone venturing into its airspace, to which China responded by saying it had “never infringed on other countries' airspace,” and that such a move by Tokyo (in Chinese claimed airspace) would be considered an act of war.<sup>479</sup>

On November 23 the same year, Beijing made headlines by announcing the establishment of an Air Identification Zone (ADIZ) for the East China Sea within which it requires foreign airplanes to provide identification and other information to China (see Appendix 1, Figure 9).<sup>480</sup> It included the Senkaku Islands. While there is nothing in international law to govern ADIZs, and several other states have such zones, China's imposition was widely regarded as connected to the dispute over the Senkakus and criticized for covering disputed territory which Beijing does not control.<sup>481</sup> The US protested by sending two bombers into the zone without providing the required information, and while some Japanese commercial airlines initially followed China's requirements they were reportedly soon convinced by Tokyo to stop doing so.<sup>482</sup> By the end of November, the US, Japan and South Korea had all challenged the Beijing by sending planes through its ADIZ without providing the requested information, with no Chinese response to the actions.<sup>483</sup>

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September 25, 2012, accessed April 20, 2014,

<http://www.telegraph.co.uk/news/worldnews/asia/taiwan/9564421/Japanese-water-cannon-attack-on-Taiwanese-fishing-boats-over-Senkaku-dispute.html>. Japan and Taiwan reached a fishing agreement the next year, by which the latter is allowed to fish in the areas around the disputed islands, outside their territorial waters. “Japan, Taiwan agree on fishing rights around Senkakus,” *Asahi Shimbun*, April 10, 2013, accessed April 20, 2014, [http://ajw.asahi.com/article/behind\\_news/politics/AJ201304100058](http://ajw.asahi.com/article/behind_news/politics/AJ201304100058).

478 “ASDF confirms unidentified drone flying over East China Sea,” *Asahi Shimbun*, September 10, 2013, accessed April 20, 2014, <http://ajw.asahi.com/article/asia/china/AJ201309100069>.

479 Ankit Panda, “Japan to Shoot Down Foreign Drones,” *The Diplomat*, October 22, 2013, accessed April 20, 2014, <http://thediplomat.com/2013/10/japan-to-shoot-down-foreign-drones/>; “Chinese drone training in line with international law, practice,” *Xinhua*, October 26, 2013, accessed April 20, 2014, [http://news.xinhuanet.com/english/china/2013-10/26/c\\_125603941.htm](http://news.xinhuanet.com/english/china/2013-10/26/c_125603941.htm).

480 For the Chinese announcement, including a full list of requirements, see “Announcement of the Aircraft Identification Rules for the East China Sea Air Defense Identification Zone of the P.R.C.,” *Xinhua*, November 23, 2013, accessed April 20, 2014, [http://news.xinhuanet.com/english/china/2013-11/23/c\\_132911634.htm](http://news.xinhuanet.com/english/china/2013-11/23/c_132911634.htm).

481 David A. Welch, “What's an ADIZ? Why the United States, Japan, and China Get It Wrong,” *Foreign Affairs*, December 9, 2013, accessed April 20, 2014, <http://www.foreignaffairs.com/articles/140367/david-a-welch/whats-an-adiz>. As Welch mentions, however, ADIZs “in no way confer any sovereign rights.”

482 Thom Shanker, “U.S. Sends Two B-52 Bombers Into Air Zone Claimed by China,” *The New York Times*, November 26, 2013, accessed April 21, 2014, [http://www.nytimes.com/2013/11/27/world/asia/us-flies-b-52s-into-chinas-expanded-air-defense-zone.html?emc=edit\\_na\\_20131126&r=2&](http://www.nytimes.com/2013/11/27/world/asia/us-flies-b-52s-into-chinas-expanded-air-defense-zone.html?emc=edit_na_20131126&r=2&).

483 Christopher Bodeen, “China sends warplanes into air defense zone,” *The China Post*, November 29, 2013, accessed April 21, 2014 <http://www.chinapost.com.tw/asia/regional-news/2013/11/29/394799/China-sends.htm>.

### 3.7 Assessing the disputes

Our period of focus here is from 1989 through 2013. At the outset of this period, China had already established control over all of the Paracel Islands (1974) and six of the Spratly Islands (1988). It had a claim to the remainder of the Spratlys, as well as the Senkaku Islands in the East China Sea.

By the end of 2013 China had occupied one more of the Spratlys, Mischief Reef (1994). Furthermore, it seems safe to say that China has gained effective control over Scarborough Shoal (which, although much closer to the Philippines than to the three other claimants, did not previously have a permanent presence by any state),<sup>484</sup> even though Philippine fishermen have reportedly been allowed to resume their activities there. While the incident that eventually led to this effective control was brought about by the effort of the Philippines to arrest Chinese fishermen with its navy, and thus does not appear to have been planned by Beijing, China seized the opportunity to establish a presence there. China did not use its navy but instead relied on coast guard vessels, so this change was not brought about through military means or lethal force. On the other hand, China's coast guard vessels are armed, and thus it would be an understatement to suggest that no element of coercion was involved, even if this was a response to the presence of the Philippine naval vessel. Sanctions also played a role, and the Philippines may have realized that the asymmetrical economic dependence between the two countries was too much in China's favor, leading Manila to back down.<sup>485</sup> Thus, the Scarborough incident led to a change in the status quo of that shoal, brought about through the presence of coast guard vessels and economic pressure, but without military force.

In the Senkaku Islands, China has started regular patrols through territorial waters, thus posing the first direct challenge to Japan's effective control over the island group and in that way

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484 M. Taylor Fravel, "China's Island Strategy: 'Redefine the Status Quo.'," *The Diplomat*, November 01, 2012, accessed April 21, 2014, <http://thediplomat.com/2012/11/chinas-island-strategy-redefine-the-status-quo/>.

485 China imposed stricter controls on Philippine bananas, and for a while appears to have stopped purchases altogether, during the Scarborough Shoal crisis. Ostensibly this has to do with safety regulations, but it was widely regarded as a punishment (much like what happened with Norwegian salmon after the Nobel Peace Prize in 2010). I have not found exact numbers on how hard China's sanctions hit the Philippines, but one source stated during this period that "It's estimated that as many as 200,000 people will lose their livelihood if China continues to restrict imports [of bananas]." According to World Bank numbers, in 2012, 32 percentage of the Philippines' population worked in agriculture and exports accounted for 30.8 percentage of GDP. (The agricultural sector altogether accounted for 11.8 percentage of the GDP in 2012.) Considering the fact that bananas are a major export article and that the Chinese market is the largest for the Philippines' banana export, it is unsurprising that such sanctions could significantly hurt the economy. Keshia West, "Banana crisis blamed on Philippines-China dispute," *Australia Network News*, June 29, 2012, accessed April 22, 2014, <http://www.abc.net.au/news/2012-06-29/an-banana-exporters-caught-in-philippines-china-dispute/4100422>; The World Bank, "Employment in agriculture (% of total employment)," s.a., accessed April 22, 2014, <http://data.worldbank.org/indicator/SL.AGR.EMPL.ZS>; The World Bank, "Philippines at a glance," March 15, 2014, accessed April 22, 2014, [http://devdata.worldbank.org/AAG/phl\\_aag.pdf](http://devdata.worldbank.org/AAG/phl_aag.pdf).

challenging the status quo there.<sup>486</sup> Starting in December 2008, this activity really only took off after September 2012. It seems reasonable to qualify this by pointing out that many of the tension-raising events were brought about by Japan, the most obvious example being the legal procedures the prosecutors went through to put the Chinese captain on trial and the national government's purchase of three theretofore privately owned Senkakus. As noted Japan and China had up until 2010 treated the waters around the Senkakus as if they were high seas, with Tokyo avoiding the application of domestic laws there. The fact that Japan in September 2010 appeared to be moving from only maintaining physical control to the actual application of national laws to these islands and their territorial seas worried Beijing, although in the end it was able to successfully disrupt the proceedings.<sup>487</sup> Nationalization of the three islands in September 2012 were similarly seen as a threatening change in Beijing.

However, it remains the case that these changes only worked to strengthen the reality of Japanese control, and while they were understandably considered steps in the wrong direction in China, they were nonetheless steps along the same path on which the situation had been since the US returned administration of Okinawa to Japan in 1972. In other words, while nationalization and application of national law may have been perceived as game changers by China it only enhanced a situation that had already existed for several decades.

China clearly seems intent on challenging the status quo of these islands, and it may even to some extent have successfully done so, in that the Japanese position that there is no dispute to negotiate over seems less viable than ever. The imposition of an ADIZ was the latest Chinese move to assert its claim before the end of 2013, but it remains to be seen how much it will really change. It is also true that all other states neighboring the East China Sea (Japan, South Korea and Taiwan) already had such zones. Japan's at its closest is only 81 miles away from China's coast and thus extends over China's EEZ.<sup>488</sup>

Regular patrolling in the South China Sea has similarly occurred since around 2005, “although the frequency and type of ship involved are largely unknown.”<sup>489</sup> However, it is not clear whether or how often these South China Sea patrols has entered territorial waters of features held by

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486 Fravel and Johnston recently reported that between October 2013 and April 2014 there has been a “substantial decline” of such patrolling, although they are careful not to infer too much from it. (Their findings are based on the same Japan Coast Guard data as Appendix 2, Figure 1 in this thesis.) M. Taylor Fravel and Alastair Iain Johnston, “Chinese signaling in the East China Sea?” *The Monkey Cage* (Washington Post Blog), April 12, 2014, accessed April 22, 2014,

<http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/04/12/chinese-signaling-in-the-east-china-sea/>.

487 Midford, “Sino-Japanese Conflict and Reconciliation in the East China Sea,” 9-10, 18.

488 Shannon Tiezzi, “Is China Ready to Repair Ties With Japan?” *The Diplomat*, April 15, 2014, accessed April 21, 2014, <http://thediplomat.com/2014/04/is-china-ready-to-repair-ties-with-japan/>.

489 Michael D. Swaine and M. Taylor Fravel, “China's Assertive Behavior—Part Two: The Maritime Periphery,” *China Leadership Monitor*, no. 35 (2011): 6.

other claimants (I have not found any evidence of this), and patrolling international waters does not by itself constitute an indicator of revisionism. On the other hand, China has clearly been asserting its claims in the South China Sea by expelling fishermen and obstructing surveying activities of other claimants. As far as the fishing activities of Vietnam close to the Paracels goes, China is demonstrating its effective control of this archipelago (the status quo since 1974) by expelling and detaining Vietnamese fishermen operating close to it, and thus maintaining, not challenging, the status quo there.

By interfering with surveying activities of other claimants in disputed areas China does not control, Beijing has clearly raised tensions. By the end of 2013, “cable cutting” incidents had reportedly occurred three times (twice in 2011, once in 2012) in waters claimed by both Vietnam and China, but on the last occasion (November 2012) PetroVietnam stated that it had likely been accidental. Furthermore, on one occasion a Forum Energy survey vessel was chased away from the disputed Reed Bank, although it returned later (protected by the Philippine coast guard) without a similar reaction from Beijing. While it is true that China has been assertive in these incidents it is also true that such actions can be seen as responses to provocations by the other party (see Appendix 2, Table 1). Fravel suggests that in the South China Sea, “China views its actions as responding to the assertiveness of other states that challenge Chinese claims.”<sup>490</sup> Of course such a self-perception of defensive motivations is hardly unique,<sup>491</sup> but it appears that China by the end of 2013 had not conducted any development of disputed areas.<sup>492</sup>

As far as agreements are concerned, China did sign the Declaration on the Conduct of Parties in the South China Sea in 2002, an initiative that was later revived by the agreement between ASEAN and China on implementation guidelines for the declaration in June 2011.<sup>493</sup> Furthermore, in 2012 ASEAN released a document entitled “Six-Point Principles on the South China Sea,” and China later agreed to hold consultations with ASEAN regarding a Code of Conduct.<sup>494</sup> Regarding China's bilateral issues with Vietnam an agreement (on principles for resolving these maritime issues) was reached in October 2011, and in October 2013 the two sides

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490 Fravel, “Maritime Security in the South China Sea,” 41.

491 For instance, some of the other disputants may consider time to be in China's favor and thus conclude that actions such as surveying and development of disputed areas may be less risky now than in the future.

492 As of writing this (May 2014) China has for the first time started drilling in disputed waters, in between the Paracels and Vietnam's coast. The full implications of this unfortunately cannot be dealt with here, as it falls outside the period in focus, but it is undoubtedly a significant move by Beijing. For a coverage including detailed maps of the location of the deep sea drilling rig, see Ernest Z. Bower and Gregory B. Poling, “China-Vietnam Tensions High over Drilling Rig in Disputed Waters,” CSIS Critical Questions, May 7, 2014, accessed May 20, 2014, <http://csis.org/publication/critical-questions-china-vietnam-tensions-high-over-drilling-rig-disputed-waters>.

493 Fravel, “Maritime Security in the South China Sea,” 44.

494 Carlyle A. Thayer, “ASEAN, China and the Code of Conduct in the South China Sea,” *SAIS Review* 33, no. 2 (2013): 77-81.

agreed to establish a working group to discuss the possibility of joint exploration.<sup>495</sup> Yet at this stage the parties have not been able to move beyond general agreements. China for its part remains adamant that the disputes must be solved bilaterally by the countries involved, which would make sense in the Paracels but less so in the Spratlys, where the numerous claimants complicate the picture.<sup>496</sup>

Thus, China has in our time period of consideration marginally altered the status quo of the Spratlys by occupying the Mischief Reef, it has significantly challenged Japan's claim to effective control over the Senkakus, and it has established a degree of control (no structures are built there yet) over the disputed Scarborough Shoal. As far as resources go, China has on occasions dealt assertively with such activities by others, though not by employing its navy, but this has not succeeded in deterring these states from continuing their activities (as can also be seen in Appendix 2, Figure 1). As defined in this thesis, China's behavior in both the Senkakus, Spratlys and Scarborough are consistent with a limited-aims revisionism. It is true that China has not relied on military means, but it has employed armed coast guard vessels which is also a form (albeit less serious) of coercion. That being said, it must be emphasized that those actions that qualify as limited-aims revisionism here have strong tit-for-tat dynamics. In the Spratlys it is worth repeating that China still occupies fewer of the land features than Vietnam and the Philippines do (the numbers for these states being 7, 27 and 8 respectively), and that the state that last occupied a Spratly was Vietnam (1999). The occupation of Scarborough Shoal only happened after the Philippines sent a navy vessel to deal with Chinese fishermen in the area. The interference with exploration activities conducted by Vietnam and the Philippines were in response to these activities being carried out in disputed waters. And the dramatic increase of Chinese patrolling in the territorial waters of the Senkakus happened after the last three privately owned islands were nationalized. This does not absolve China from responsibility, but it does suggest that the picture is more complicated than it appears at first glance.

Finally, as regards China's behavior in its EEZs, we have seen that it has challenged the US on its right to conduct intelligence gathering there, and remains likely to keep doing so. For the time being there is no evidence that China is posing a threat to freedom of navigation as it usually understood (continuous passage), even by naval ships.

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495 "China and Vietnam agree principles for resolving maritime disputes," *IBRU Boundary News*, October 13, 2011, accessed May 20, 2014, [https://www.dur.ac.uk/ibru/news/boundary\\_news/?itemno=12969](https://www.dur.ac.uk/ibru/news/boundary_news/?itemno=12969); Teddy Ng, "China, Vietnam to set up group to explore disputed South China Sea," *South China Morning Post*, October 14, 2013, accessed May 15, 2014, <http://www.scmp.com/news/china/article/1331106/china-vietnam-set-group-explore-disputed-south-china-sea>.

496 Thayer, "ASEAN, China and the Code of Conduct in the South China Sea," 77.



## 4. Conclusions

This thesis has investigated China's behavior in land-border disputes and maritime disputes unresolved as of 1989. It has done so in an attempt to answer the research question, “Is China today behaving more like a status quo power or a revisionist power?” based on the logic that how a state deals with territorial disputes is an important indicator of its intentions, although without suggesting that this necessarily translates into how it will approach the less tangible systemic level “rules of the game.” Hypothesis 1 of this thesis has been that “China is behaving more like a regional status quo power,” whereas Hypothesis 2 has been that “China is behaving more like a regional revisionist power.”

Of the eight land-border disputes we have considered only two remain unresolved today. In the other six, settlements have been reached peacefully with China in each instance settling for substantially less than it originally laid claim to (see Table 2).

Table 2: Summary of land-border disputes and post-settlement distributions of territory.

Land border disputes <sup>a</sup>			
Other disputant	Disputed territory (km <sup>2</sup> )	China's final share (km <sup>2</sup> )	Share in percentage
Russia (after 1991)	1,045 / 1,245	563 / 664	53.8 / 53.3
Kazakhstan	2,240	762	34
Kyrgyzstan	3,656	1,208	33
Tajikistan	28,430	1,192	4.2
Vietnam	227	114	50.2
Laos	18	~9	~50
India	~130,000	N/A	N/A
Bhutan	764-1,300	N/A	N/A

<sup>a</sup> The sources for the figures can be found in the corresponding sections of the thesis. These are approximate numbers (as emphasized throughout). For Russia the two different figures are due to different size estimates for the river islands. For Laos I have not found specific figures for the post-settlement distribution, and rely on the suggestion that they were divided “almost evenly” (see the section on the dispute). The figure for disputed territory between China and Bhutan is given as an interval because of the uncertainty regarding how much territory is actually involved. The first number corresponds to the “package deal” whereas the second is what China allegedly suggested was under dispute in 2009.

In the resolved disputes China received half or more of the disputed territory in three cases: Russia, Vietnam and Laos, but two of these concerned small sections of territory (Vietnam and Laos), and the largest Chinese share in percentage terms (Russia) was no higher than 54 percent. In the dispute with Tajikistan – arguably where China's original claim was most grandiose in relative terms,



encompassing a fifth of Tajikistan's territory – Beijing settled for less than 5 percent of what it had claimed. Thus, none of the disputes that were settled between China and its land border neighbors showed revisionist behavior by Beijing. Instead, the overall impression is that China has been interested in securing and consolidating its borders, not in pursuing maximalist and inflexible claims, expanding its claims when its neighbors have been weak or employing its military to pressure its neighbors into accommodating its claims.

There are two land-border disputes that remain to be settled, those with India and Bhutan, the latter intimately connected to the first both geographically and politically. It would be problematic to suggest that the lack of a settlement with India can be explained by Chinese revisionist behavior. So far in this dispute only Beijing has signaled a willingness to consolidate the current territorial distribution through an agreement that freezes the status quo, a proposal that was raised at least three times prior to 1985. The package deal has not been reported to have resurfaced in negotiations since then, but this does not mean that it is off the table, even though China in the mid-80s started to emphasize that a package deal would need to transfer the symbolically important Tawang region to China. Whether or not this requirement is absolute and still stands, or was put forward in order to signal to New Delhi that the package deal in its original shape may not always be on the table, is hard to say. The same ambiguity holds for the border transgressions, where we have noted that data are limited. The crux of the matter remains the diverging perceptions of where the Line of Actual Control runs. From what is known the great majority of transgressions are undramatic, and while some have raised tension, such as the one close to Daulat Beg Oldi in April 2013, they have always ended with a Chinese withdrawal and thus far not included the building of any permanent structures by China.

Thus the Sino-Indian dispute in our time period of consideration remains a case where violence or threat of violence has been avoided, and confidence-building measures reached in order to keep it that way. It has not seen much progress in the last few years, however, and describing the situation as a deadlock where both sides are waiting for the other to compromise appears reasonable. It is hard to say whether the main reason is to be found in the remnants of strategic distrust from the 1962 border war, the domestic costs of compromise (perhaps particularly in India),<sup>497</sup> or the fact that for India giving up Aksai Chin is seen as detrimental to its territorial dispute with Pakistan whereas for China, Arunachal Pradesh (and Tawang in particular) has symbolic value in relation to Tibet. It remains to be seen whether the package deal resurfaces, and if does whether or not both sides are willing to consolidate the territorial status quo.

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<sup>497</sup> As Susan Shirk has noted, China plays a much larger role in Indian public debate than vice versa. Shirk, "One-Sided Rivalry: China's Perceptions and Policies toward India."

As for the dispute between China and Bhutan, it is the only one of the land-border disputes where the description of Chinese behavior as limited-aims revisionist appears appropriate. From the available information we know that China has downsized its claims, and that it has presented Bhutan with a package offer which would grant Beijing the 269 square kilometers in the west that it presumably considers to be the most salient area of the dispute. Where we see signs of limited revisionism is in the Chinese activities in the disputed western sector, more specifically the construction of roads which are permanent structures that are contributing, even if in a limited way, to altering the facts on the ground in Beijing's favor.

China's interest in this area can be considered both offensive and defensive, as it would improve its ability both to move troops through the strategic Chumbi Valley and to defend against foreign troops moving toward Tibet from the same valley. The disputed territory in the west is contiguous to the Chumbi Valley, but does not directly border India, and thus its incorporation into China would be more of a strategic improvement than a game changer. The fact that India and China have not solved their dispute, and the memories of 1962, may contribute to increasing the value China sees in this area (and the value India sees in keeping it from China's control). The assessment of China's behavior in its dispute with Bhutan as a possible exception to its otherwise status quo behavior in land-border disputes comes with the caveat that this is also the dispute of which the least is known to the outside world, including exactly which territories it encompasses and what sort of concessions have been made so far. This does not mean that it should be discounted, but at the same time any conclusion reached about it at the current stage will have a veneer of uncertainty. It should therefore not overshadow the more general trend of status quo-reinforcing land-border settlements.

Moving to the maritime disputes we have seen that since 1989 China has occupied another of the Spratly Islands (Mischief Reef) and Scarborough Shoal. To secure the latter Beijing used coercion in the form of armed coast guard vessels that refused to leave the area. It is true that China was responding to the Philippines' deployment of a naval ship, but it also true that whereas Manila backed down China did not, and ever since Beijing has controlled the shoal (although it has so far left it undeveloped). In the Paracels, Beijing has maintained the effective control it has had since 1974. China's position here has some similarities to Japan's in the Senkaku Islands, in that it exercises effective control and does not recognize the existence of a dispute, although an important difference is that China also has bases and population in the Paracels whereas Japan has left the Senkakus undeveloped and unpopulated.

Beijing has mostly relied on its coast guard to secure its maritime interests, rather than (more provocatively) employing its navy. This was also the case on the four occasions when China

interrupted oil exploration and surveying conducted by Vietnam and the Philippines in disputed waters. This interruption does not qualify as revisionism as defined in this thesis, for such responses, while provocative and potentially escalating, are attempts to *avoid* a change in the status quo of these waters (as exploration and development could be seen as ways of exercising control over the areas). On the other hand, if China both took action to stop other claimants from exploring and developing oil and gas reserves and also started such activities in disputed areas itself, this would be clearer revisionist behavior. The unprecedented events that started in May 2014 (China National Offshore Oil Corporation deploying an oil rig to disputed waters between the Paracels and the coast of Vietnam) fall outside the time frame of this thesis but are undoubtedly a significant development that warrants close observation and further study.

In the East China Sea, Beijing is challenging Japan's effective control over the Senkaku Islands. While there were tensions throughout much of the period under consideration here, 2010 marked a significant change. Before that incidents were largely handled cooperatively by both governments; Japan did not apply domestic law to the islands (avoided prosecution of Chinese activists in Japanese courts) and China, while expressing an opposition to the status quo publicly, limited its actual challenges to it. Beijing thus saw Japan's initial insistence on prosecuting the Chinese captain under Japanese law as a worrying development, as it threatened to change the situation from one where Japan only maintained effective control to one where it would also exercise Japanese law; in other words a step from *de facto* to *de jure* control over the Senkakus. After September 2012, in response to Tokyo's purchase of three privately owned islands, Chinese patrolling really took off, and in every month since then Chinese coast guard vessels have entered the territorial waters of the islands. This has undoubtedly challenged Japan's effective control, although Beijing has not been able to achieve its goal of getting an admission from Japan that there is indeed a territorial dispute over these islands.

In the sense that Beijing has built permanent structures on Mischief Reef, employed coercion to establish a presence on the Scarborough Shoal and challenged Japan's effective control over the Senkakus, China has been behaving in a way consistent with limited-aims revisionism. However, we have also seen that there have been tit-for-tat dynamics at work in all these disputes, and to the extent that the limited-aims revisionist label fits China it is arguably of a more reactive than proactive kind. In other words, China has not shied away from occupying features and assembling its coast guard to further its aims, but at the same time has done so mostly in situations where it has found itself challenged by its counterpart.

This raises the question of how one should classify behavior that is consistent with both limited-aims revisionism and action reaction dynamics. As we have noted there is nothing to

suggest that a dispute will always be between *one* challenger and *one* (or several in the case of multilateral disputes) defendant. In the South China Sea the situation may be one where several claimants could qualify as limited-aims revisionists, although an adequate treatment of the behavior and motives of all the actors involved falls outside the scope of this thesis. While in the Senkakus Japan can also be said to represent a challenge to the status quo, in the sense that it wishes to go from *de facto* to *de jure* control of the islands, it is clearly China that represents the challenge to the status quo *of effective control*. So while we see an action reaction dynamic involved here as well, China's limited-aims revisionism is less ambiguous in the case of the Senkaku Islands. In the Paracels, as noted, China has been maintaining the status quo and can thus not be described as acting in a revisionist manner.

Going back to the research question and hypotheses, the findings of this thesis are more in line with Hypothesis 1, that China is behaving more like a regional status quo power. This is particularly true for the land-border disputes, where six out of eight have been resolved in ways that did not substantially alter the territorial status quo or involve revisionist behavior. To put this in context, Paul Huth found in his study of 129 territorial disputes between 1950 and 1990 that “In a majority of cases (seventy-six, or 59 percent) ... challengers were not willing to compromise on their territorial claims.”<sup>498</sup> On the other hand we have cases of possible limited-aims revisionism in China's dispute with Bhutan, in the dispute over the Spratlys and Scarborough Shoal, and in the dispute over the Senkaku Islands. But to the extent that these cases fit the limited-aims revisionist label we must keep in mind that China's behavior here has mostly been reactive, and the sort of coercion they have seen has not yet included military means. Thus, only in a limited sense do they lend support to Hypothesis 2.

There are several possible explanations for why China's land-border disputes for the most part appear to have been easier to solve than the maritime disputes. One is that the territories in question in these disputes are considered less strategically significant. This can be connected to the idea that China already has a sufficiently large land buffer to protect its heartland from potential overland aggression, whereas it has insufficient strategic depth in its near seas.<sup>499</sup> Another possibility is that maritime disputes are by nature more complex as they involve both territory, maritime resources, overlapping EEZs, and sometimes three or more claimants. This is particularly true as far as economic resources such as oil and gas are concerned, in that all claimants are interested in extracting such resources, and this has been the trigger for many of the incidents that have occurred. A third possibility is that the maritime disputes, particularly over the Senkakus, are

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498 Huth, *Standing Your Ground*, 141.

499 See Fravel, “International Relations Theory and China's Rise,” 517-18.

more closely intertwined with nationalism, and has therefore proven harder to solve. These are sketches that ought to be studied further, and they are not mutually exclusive.

# Appendix 1: Maps

## Russia and Central Asia

### China-USSR Border: Eastern Sector



800915 (A06005) 9-88

#### Manzhouli-Zabaykalsk Area



800916 (A06006) 9-88

#### Amur-Ussuri Confluence Area



800917 (A06007) 9-88

Figure 1: Map of the eastern sector (prior to the collapse of the Soviet Union). (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin.)

### China-USSR Border



### China-USSR Border: Western Sector



Figure 2: Map of the western sector (prior to the collapse of the Soviet Union). (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin.)

# Vietnam

## China-Vietnam Border



Figure 3: Map of China-Vietnam border in 1988 (prior to the settlement). (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin.)



# India and Bhutan

China-India Border: Eastern Sector

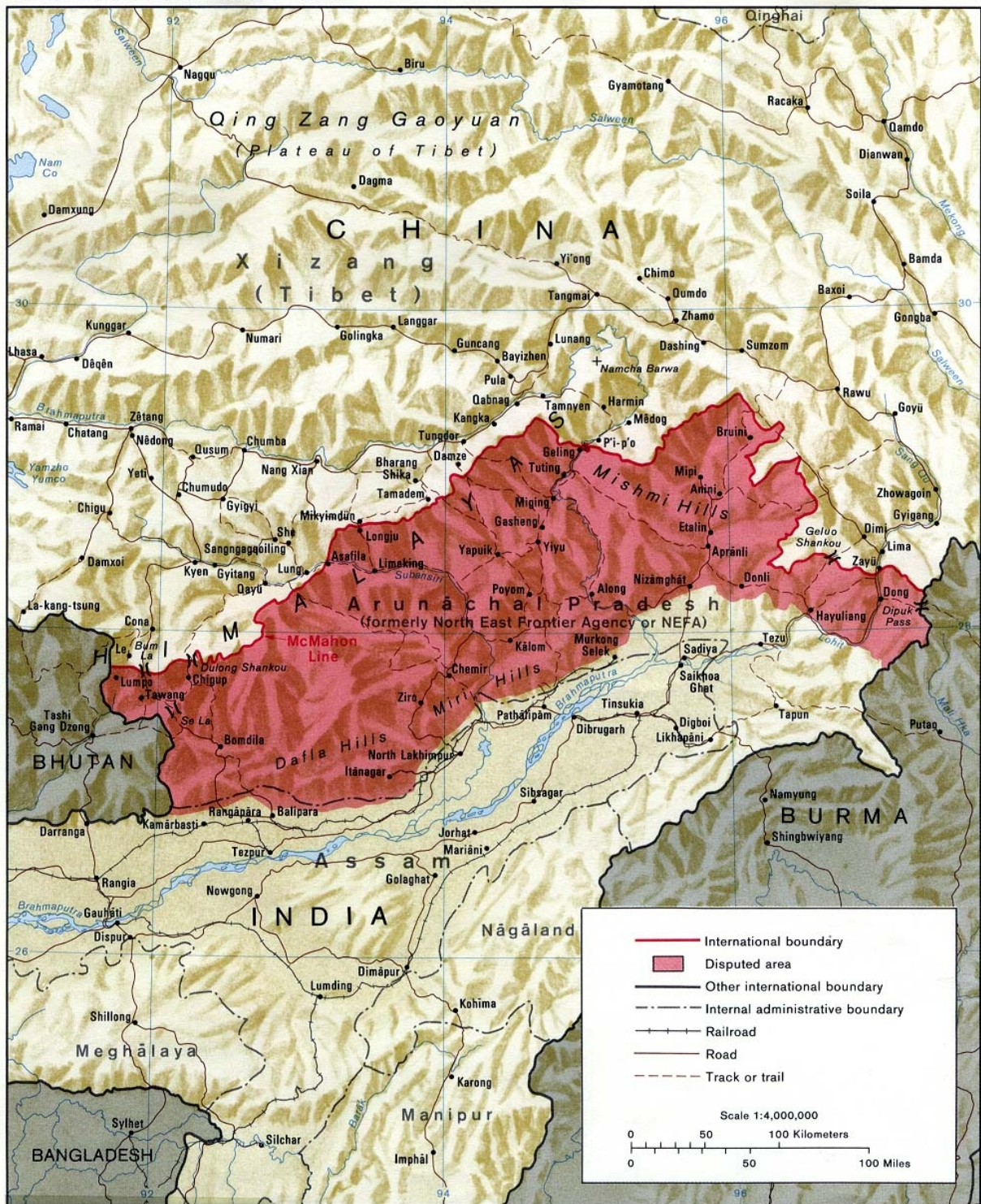


Figure 4: Map of the eastern sector. (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin.)

### China-India Border: Western Sector



800911 (A06000) 9-88

Figure 5: Map of the western sector. (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin.)



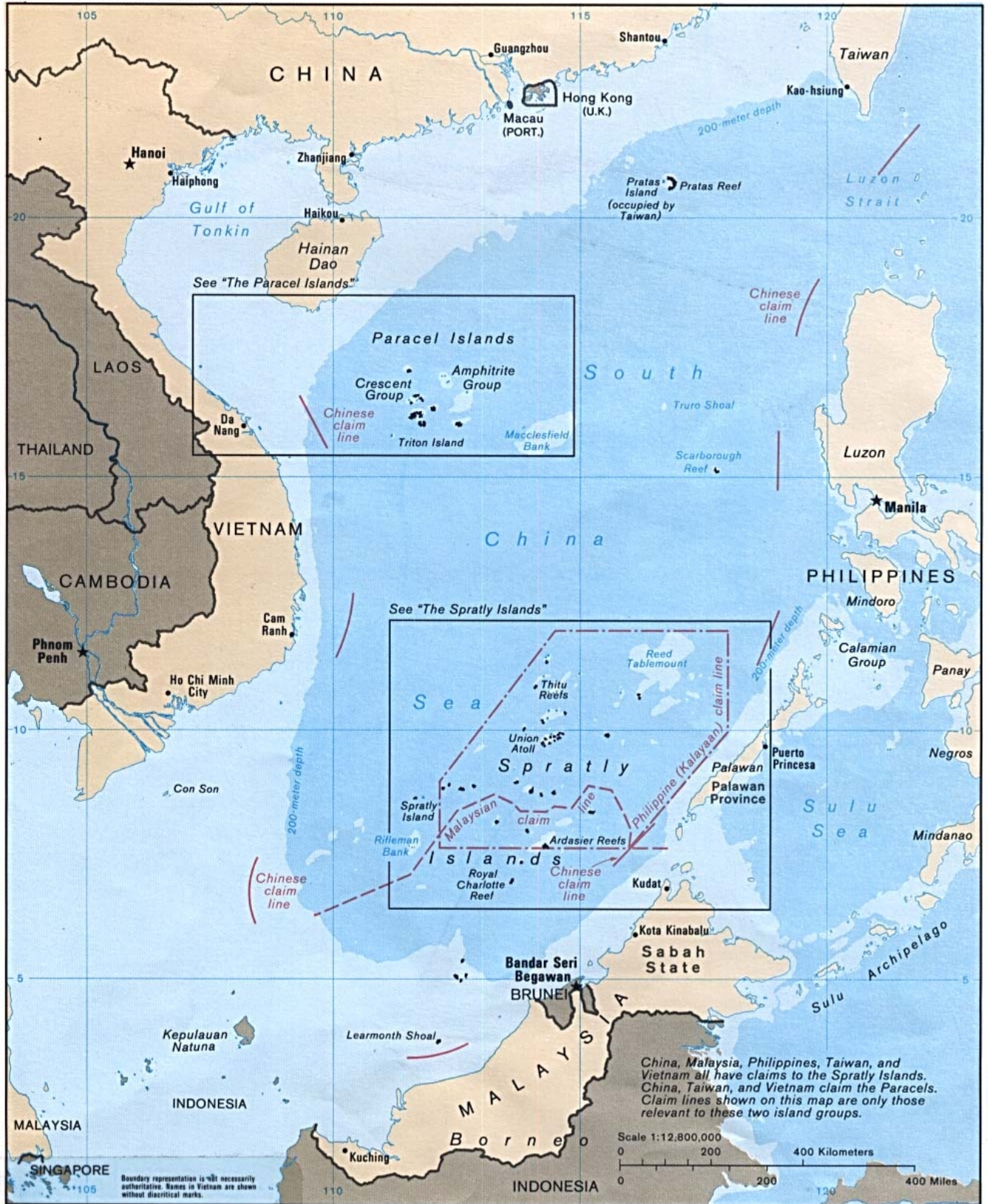
Figure 6: Map of Bhutan (2012), including (striped) areas of dispute with China. (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin. Modified by author (cropped to allow for more detail).)

East China Sea and South China Sea



Figure 7: Map with the location of the Senkaku Islands marked (showing distances between other territories). (Licensed under Creative Commons. Wikimedia, [http://commons.wikimedia.org/wiki/File:Senkaku\\_Diaoyu\\_Tiaoyu\\_Islands.png](http://commons.wikimedia.org/wiki/File:Senkaku_Diaoyu_Tiaoyu_Islands.png).)

### South China Sea Islands



800921 (A06012) 9-88

Figure 8: Map of the South China Sea featuring China's nine-dash line. (Note that this is an older map, with Hong Kong marked as a British colony.) (Public domain. Original map courtesy of the University of Texas Libraries, The University of Texas at Austin.)

# 东海防空识别区划设示意图

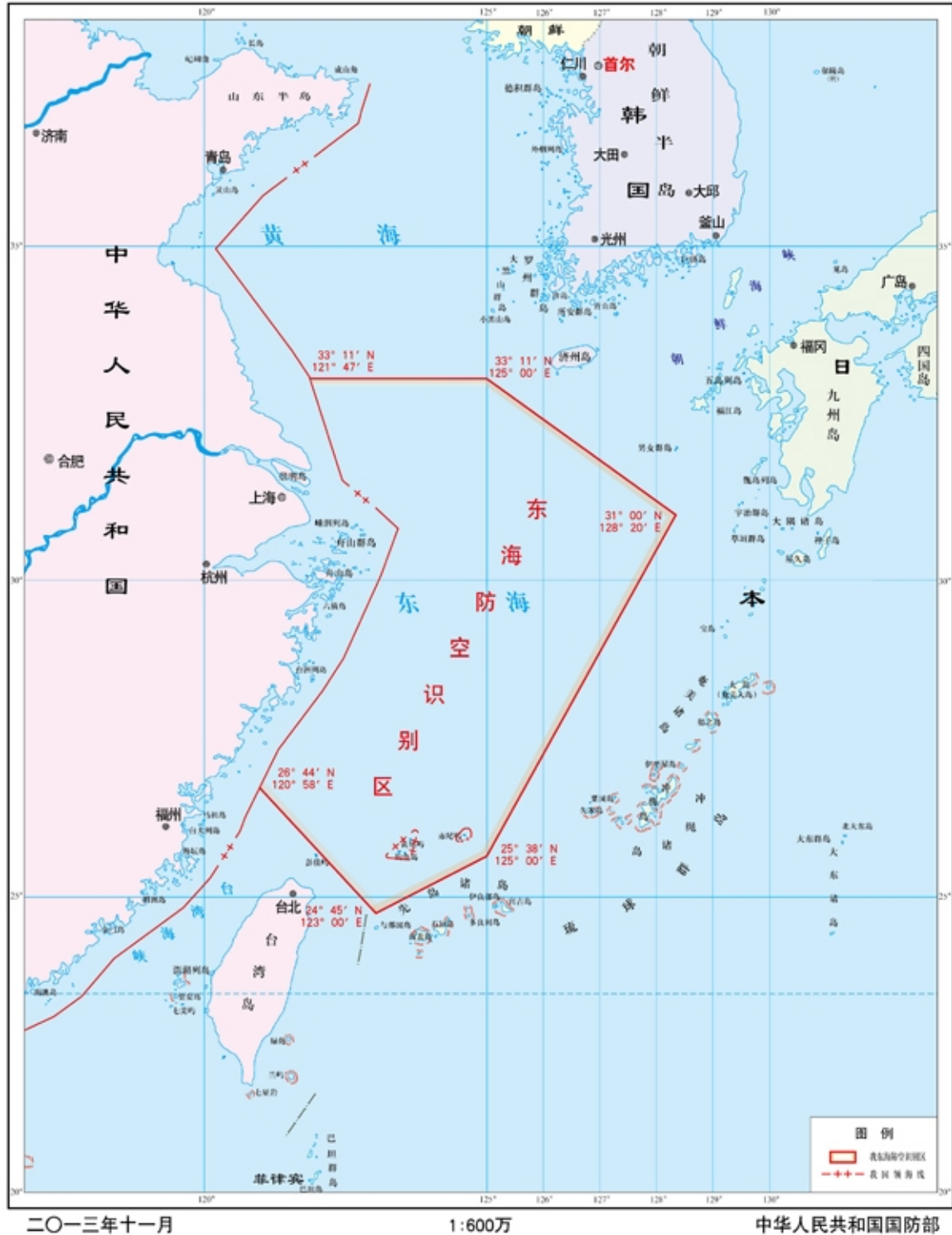


Figure 9: Official map of China's East China Sea Air Defense Identification Zone, released by the The Ministry of National Defense of the Government of the People's Republic of China on November 23, 2013 ([http://eng.mod.gov.cn/HomePicture/2013-11/23/content\\_4476177.htm](http://eng.mod.gov.cn/HomePicture/2013-11/23/content_4476177.htm)).



Appendix 2:  
Charts and  
tables

Chinese patrols close to the Senkaku Islands

(January 2009 - August 2010 is excluded as no entries by public ships were reported in this period.)

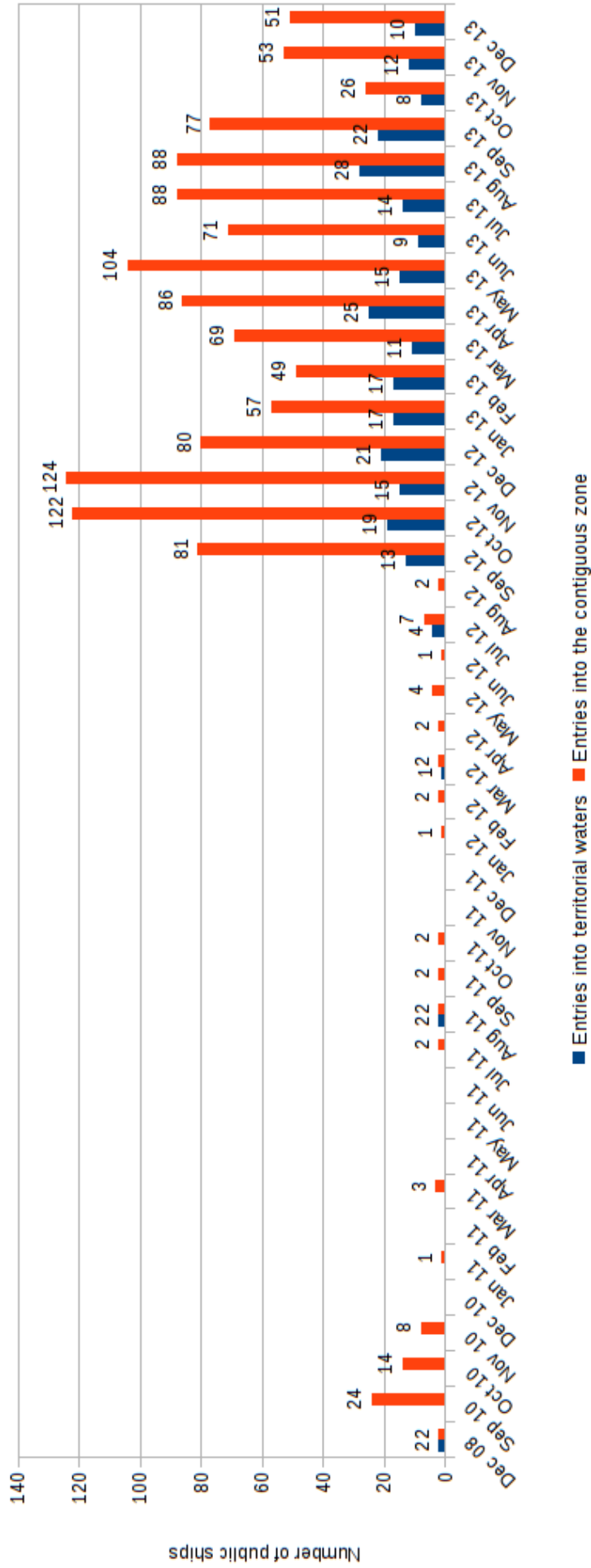


Figure 1: Reports of Chinese vessels in the vicinity of the Senkaku Islands. This chart is based on one published by the Japan Coast Guard (<http://www.kaiho.mlit.go.jp/senkaku/index.html>, in Japanese). The territorial waters extend 12 nautical miles from shore, whereas the contiguous zone is the area between 12 and 24 nautical miles from shore.



Table 1: Actions taken by other claimants in the South China Sea

<u>Date</u>	<u>Action</u>
2006-2007	Vietnam increases offshore petroleum exploration projects in waters claimed by China.
January 2007	The Fourth Plenum of the Vietnam Communist Party's Central Committee adopts a resolution mandating the development of a national 'Maritime Strategy Towards the Year 2020.' The strategy envisions that maritime industries, especially fishing and petroleum, would account for 55 percent of GDP in 2020, up from 48 percent in 2005.
April 2007	Vietnam elevates Trùòng Sa (Spratly Island) to the level of a "township" under the Trùòng Sa District.
November 2007	The Philippine legislature begins debate on an archipelagic baselines law, which includes 53 features from the Spratlys as part of the Philippine archipelago.
June 2008	The 2004 joint seismic survey agreement with the Philippines and Vietnam expires, dashing China's hopes for "joint development" (Deng Xiaoping's guideline for managing these disputes).
February 2009	The Philippine legislature passes an archipelagic baseline law that includes claims to some of the Spratlys. The bill is signed into law in March 2009.
March 2009	Malaysian Prime Minister Badawi makes a public visit to Swallow Reef, a feature in the South China occupied by Malaysia, to demonstrate Malaysia's own claim.
November 2009	Vietnam's foreign ministry hosts a large international academic conference on the South China Sea to launch its campaign to "internationalize" the dispute.
December 2009	The number of Vietnamese fishing vessels sheltering in the Paracel Islands, controlled by China since 1974, increases (many are detained by China).
January 2010	Vietnam assumes the rotating chairmanship of ASEAN and begins a public effort to build consensus within ASEAN on the South China Sea.

March 2010	The Vietnamese prime minister makes a public visit to one of the Vietnamese-held Spratly Islands to demonstrate Vietnam's claim.
April 2010	Approximately 20 Vietnamese fishing and coast guard vessels surround a Chinese Fisheries Administration patrol vessel.
July 2010	The United States and 11 other countries express concern about the situation in the South China Sea during the annual meeting of the ASEAN Regional Forum.
November 2010	Vietnam's foreign ministry hosts a second international academic conference on the South China Sea.
February 2011	The Philippines begins a seismic survey in the waters near Reed Bank.
April 2011	The Philippines submits a <i>note verbale</i> to the UN contesting China's claims from its May 2009 note to the UN.
March 2011	Vietnam begins seismic surveys in waters claimed by China.
June 2011	Five legislators from the Philippines visit Thitu Island
June 2011	Vietnam holds live-fire naval exercises in the South China Sea.
October 2011	ExxonMobil, working with a license from Vietnam, announces hydrocarbon findings after drilling in waters claimed by China. <sup>a</sup>
July 2012	Vietnam renews the license of Indian company ONGC to conduct exploration activities in an area also claimed by China. <sup>b</sup>
July 2012	The Philippines auctions off three areas also claimed by China for exploration. <sup>c</sup>
November 2013	Vietnam and India sign deal for development and exploration projects in waters claimed by China after bilateral government talks. <sup>d</sup>

Entries up until and including June 2011 are adapted (with no alterations) from Michael D. Swaine and M. Taylor Fravel, "China's Assertive Behavior—Part Two: The Maritime Periphery," *China Leadership Monitor*, no. 35 (2011): 15-16. The last four entries include only major, energy-related events after June 2011.

<sup>a</sup> Ben Bland, Leslie Hook and Sheila McNulty, "US gas find off Vietnam adds to China tension," *Financial Times*, October 26, 2011, accessed May 20, 2014,

[www.ft.com/intl/cms/s/0/e5674186-ffe5-11e0-ba79-00144feabdc0.html](http://www.ft.com/intl/cms/s/0/e5674186-ffe5-11e0-ba79-00144feabdc0.html); <sup>b</sup> Rakesh Sharma "ONGC to Continue Exploration in South China Sea," *The Wall Street Journal*, July 19, 2012, accessed May 20, 2014, <http://online.wsj.com/news/articles/SB10000872396390444464304577536182763155666>; <sup>c</sup> "Philippines to auction South China

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<http://www.livemint.com/Politics/F9w30ydAHiFGRSNe8oKPEK/India-Vietnam-ink-pact-to-expand-oil-exploration-in-South-C.html>.



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