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# **Territorial and Maritime Boundary Disputes in Asia**

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## **Abstract**

Territorial disputes involve a state's national sovereignty and territorial integrity—its core interests. Historically, they have been the most common issue over which states collide and go to war. Since 1945, Asia has been more prone to conflict over territory and maritime boundaries than other regions in the world. Asia accounts for the greatest number of disputes over territory that have become militarized and that have escalated into interstate wars. Disputes in Asia have also been resistant to settlement, accounting for the lowest rate of settlement when compared with other regions. Most importantly, Asia today has far more territorial disputes than any other part of the world. When combined with the rise of new powers, which are involved in multiple territorial disputes, such conflicts are poised to become an increasing source of tension and instability in the region.

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Territorial disputes involve a state's national sovereignty and territorial integrity—its core interests. Historically, they have been the most common issue over which states collide and go to war. Decisions by top political leaders either to use force or to settle these disputes have enormous consequences for peace and stability in international relations. Nowhere are such disputes more important today than in Asia, where shifting power dynamics are changing the context in which states pursue their territorial claims. Some states, such as China and India, for example, are now more capable of pursuing their claims than in the past.

A territorial dispute is typically defined as a conflicting claim by two or more states over the ownership or sovereignty of the same piece of land. This definition includes disputes over land borders as well as disputes over offshore islands, such as the Spratly Islands in the South China Sea. Nevertheless, the focus on territorial sovereignty over land excludes conflicts over maritime boundaries, which can occur when the Exclusive Economic Zones or extended continental shelves of two states overlap. This chapter will consider both territorial and maritime boundary disputes, as the latter have grown in importance over the past two decades and in some cases are intertwined with claims to sovereignty over offshore islands and rocks.

Below, I examine patterns of conflict and cooperation in Asia's territorial disputes since 1945. Although the temporal scope of this chapter is broader than some of the others in this volume, it situates recent trends in these conflicts within a wider context. The analysis reaches several conclusions:

First, Asia has been more prone to conflict over territory than other regions in the world. Asia also accounts for the greatest number of disputes over territory that have become militarized and that have escalated into interstate wars. Since 1945, disputes in Asia have also been resistant to settlement, accounting for the lowest rate of settlement when compared with other regions.

Most importantly, Asia today has far more territorial disputes than any other part of the world. When combined with the rise of new powers, which are involved in multiple territorial disputes, such conflicts are poised to become an increasing source of tension and instability in the region, especially the disputes over offshore islands and the demarcation of maritime boundaries.

One caveat is necessary before proceeding. The chapter does not examine the initiation of disputes in the region, namely, the original decisions by national leaders to lay claims to specific territory. The origins of many disputes lie in the period before 1945. Those disputes that erupted after 1945 are often linked with the creation of newly independent states with unclear or poorly delimited boundaries with their neighbors. In general terms, they are linked with the creation of newly independent states through either revolution or decolonization and the absence of clearly defined boundaries in many of the political entities in the region before colonization.

The chapter unfolds as follows. The first section examines scholarship on conflict and cooperation in territorial disputes from the literature on international relations. The second section turns to overall trends in these disputes in Asia, comparing them with other regions in the world to demonstrate that Asia has been the one region, past and present, with the greatest number of territorial disputes. The following two sections examine in greater detail the sources of conflict and cooperation in Asia since 1945. The last two sections consider the current situation, examining the characteristics of active territorial disputes in the region and the rise of disputes over maritime boundaries.

## **Territorial Disputes in International Relations**

Territorial disputes play a central role in international relations. Existing research has demonstrated a clear relationship between the presence of a territorial dispute between two states and the probability of the dispute becoming militarized (Vasquez and Henehan 2001). Moreover, contested land has historically been the most common issue over which states wage war. John Vasquez has suggested that territorial disputes have been associated with between 80 and 90 percent of all wars (Vasquez 1993). Finally, territorial disputes are associated with what scholars call enduring or strategic rivalries among states, namely, relationships characterized by frequent threats or uses of force (Thompson 2001). Territorial disputes are sometimes a cause of these rivalries and sometimes a symptom of broader conflicts of interest that create the rivalry. If territorial disputes can increase the odds of armed conflict between states, then the successful resolution of such disputes contributes to peace by eliminating an important opportunity for conflict. In many cases, territorial settlements can mark the end of a rivalry, even if only as a reflection of improved relations between two states (Huth 1996a; Rasler and Thompson 2006).

Territory and armed conflict are related for several reasons, which can be summarized pithily as national interests and nationalism. Often disputed territory is highly valued for material reasons, usually the land's underlying strategic or economic importance (Hensel 2000; Hensel 2001, 81–109; Huth 1996b; Huth 2000; Huth and Allee 2002). Territory is also important for symbolic reasons because it is viewed in terms of a state's national identity or as an inherent part of the integrity of the state. Scholars, for example, discuss territorial disputes as an issue that is indivisible, or appears to be so, and is thus much more difficult to settle (Goddard 2006; Hassner 2003; Hensel and Mitchell 2005). Many times, of course, the material and symbolic value of

territory becomes intertwined, especially when disputes intensify before domestic audiences who do not wish to see their leaders admit defeat over something as fundamental as national sovereignty. In addition, the symbolic nature of territorial disputes may both lower the costs for leaders to use force and create greater pressure for leaders to use force when challenged. Non-democratic states may be more likely to use force because they are less constrained than democracies and perhaps more reliant on symbolic politics to maintain legitimacy. Finally, as one of the primary purposes of armed forces is to seize and hold territory from an adversary, territorial disputes can be particularly prone to threats or uses of force when compared to other types of dispute, such as those over trade (Huth 2000).

Nevertheless, even those disputes which are highly prone to conflict rarely escalate. Escalation often occurs because of the dynamics of the security dilemma (Jervis 1978). Because territorial disputes involve conflicting claims to sovereignty over the same area, policies to strengthen claims that one state views as inherently defensive can be seen by its adversary as challenging and offensive. When sovereignty is contested, the consolidation and defense of a territorial status quo can be viewed as aggressive, especially when it entrenches a disadvantage for one side. As a result, both participants in a dispute may see their own actions as defensive responses to the other side's aggression, resulting in spirals of hostility as each seeks to bolster its claims and relative position (Christensen 2002). In this context, states should be especially sensitive to their ability to control the land that they claim, which will be critically shaped by the actions and capabilities of the opposing side in the dispute (Fravel 2008).

At the same time, states can and do settle their disputes over territory. Many of the reasons why states might settle such disputes are the inverse of those linked with escalation. All things being equal, disputes over less salient territory should be easier to settle than disputes over

highly valued territory. Although the settlement of disputes has received less attention in the literature overall, empirical studies demonstrate several regularities with respect to the settlement of disputes (Hensel 2000; Hensel 2001; Huth 1996b; Huth 2000; Huth and Allee 2002). First, states are more likely to settle disputes in instances in which states are allies and broadly share common security interests, which raise the costs of conflict between them. Second, states are more likely to pursue settlements when they are both democracies. Third, states are more likely to settle disputes when the territory is less valuable. Fourth, paradoxically, when states are stronger militarily, they are more likely to offer concessions necessary to settle disputes. However, as allies and pairs of democratic states are relatively rare, both the material value of the territory as well as superior military capabilities would seem to account for the majority of settlements.

Even then, however, the factors linked with those disputes more likely to be settled shed little light on when and why national leaders may make such important decisions. Part of the answer lies in the broader context in which states pursue their territorial claims. A state should be most likely to compromise and offer concessions to counter either internal or external threats to its security that shift the relative value of the territory being disputed. Any dispute with another state carries some price or opportunity cost, usually foregone military, economic, or diplomatic cooperation. When these costs outweigh the value of the land at stake, compromise becomes more attractive than holding out or using force. As a result, a state may use territorial concessions for aid from the opposing state as a means of ameliorating the more pressing or immediate threats that it faces. External threats to the security or survival of the state are one source of compromise. When engaged in acute competition with a rival, for example, a state can use territorial concessions to form an alliance with a third party against its adversary. Internal

threats to the strength and stability of a state offer a second reason for compromise. When faced with an armed rebellion, for instance, a state can trade territorial concessions for assistance from neighboring states, such as policing the border or denying safe haven to insurgents (Fravel 2008).

### **Asia's Territorial Disputes in Comparative Perspective**

As a region, Asia has witnessed more territorial disputes, and more armed conflicts over disputed territory, than any other region in the world. In 2000, Asia also accounted for almost 40 percent of all active territorial disputes worldwide. This section examines these claims using a data set that was created by Paul Huth and his collaborators (Allee and Huth 2006a; Allee and Huth 2006b; Huth 1996a; Huth and Allee 2002). This data allows for the comparison of overall trends in cooperation and conflict in territorial disputes across regions. Subsequent sections will examine Asia more closely and extend the timeframe of analysis from 2000 to 2012. Consistent with this volume, Asia as a region includes Northeast Asia, Southeast Asia, South Asia, and Central Asia.

A comparison of trends in Asia's territorial dispute with other regions of the world is revealing. First, between 1945 and 2000, Asia experienced more territorial disputes than any other part of the world. As Table One shows, Asia accounts for 28 percent of all disputes during this period. In absolute terms, Asia's share of worldwide territorial disputes is partly an artifact of the large numbers of states in the region, and thus increased opportunities for conflict over territory. Nevertheless, the high incidence of territorial disputes cannot be attributed solely to this. During this same period, Sub-Saharan Africa has had slightly more states than Asia, but



accounts for only 18 percent of worldwide territorial disputes. In addition, Asia has had the highest number of disputes per state (roughly 2), along with the Middle East and North Africa.

[ INSERT TABLE ONE ABOUT HERE ]

Second, Asia has experienced more armed conflict over territory than any other region. As Table One demonstrates, Asia accounts for 34 percent of territorial disputes worldwide that have become militarized. Put differently, more than half of territorial disputes in Asia have experienced the threat or use of force and become what scholars of international relations describe as a militarized interstate dispute (Jones, Bremer and Singer 1996). Moreover, militarized disputes over territory in Asia were much more likely to result in an interstate war than such disputes in other regions, with the exception of the Middle East and North Africa. Asia accounts for about 33 percent of all interstate wars over territory from 1945 to 2000, as more than one quarter of the region's militarized disputes escalated into wars.

Third, territorial disputes in Asia have been more resistant to settlement than those in other regions. Asia accounts for only 20 percent of all territorial disputes that were settled between 1945 and 2000, while the Middle East and North Africa account for the greatest number of settlements. Put differently, only 42 percent of territorial disputes in Asia were settled during this period. The use of international arbitration as a mechanism for resolving territorial disputes in Asia is similar to other regions. The Americas, the Middle East and Asia each account for around 24 percent of settlements reached through some form of arbitration. Interestingly, despite being the most institutionalized region in the world, Europe has had the fewest number of disputes settled through arbitration.

Finally, by 2000, Asia accounted for 38 percent of all unresolved territorial disputes in the world. The region with the second highest number of active disputes, Africa with 13, had roughly half as many disputes as Asia. If the territorial disputes are associated with armed conflict and war, the large number of unresolved disputes in the region should concern scholars and policymakers alike.

The remainder of this chapter examines conflict and cooperation in Asia's disputes in more detail. One important housekeeping note is necessary before proceeding. For the purposes of comparison, the analysis above uses Huth's data without any alterations or amendments in order to ensure consistent comparisons across regions. The analysis below presents a more detailed review of disputes in Asia. As a result, it includes some disputes that were not in Huth's data and extends the scope of analysis by 12 years, from 2000 to 2012, to capture additional episodes of escalation and settlement.<sup>1</sup> As a result, the total number of disputes, militarized episodes, and settlements will differ from the data presented above.<sup>2</sup>

### **Armed Conflict over Territory in Asia**

In addition to having more disputes than any other region, Asia's disputes have also been more prone to becoming militarized than in other parts of the world. Those militarized disputes have been more likely to result in devastating interstate wars, even though the frequency of war in the region overall has declined in the past two decades.

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<sup>1</sup> Information on all disputes in Asia is presented in Table Two.

<sup>2</sup> In the analysis above, I assume that any missing disputes or instances of militarization are randomly distributed across all regions.

A closer look at the escalation of territorial disputes in Asia reveals several key trends. First, as Figure One shows, the militarization of disputes in Asia peaked from the 1950s to the mid-1960s. This was a period when new states were formed, some through revolutions, and newly installed national leaders were seeking to consolidate control. During this period, newly established states clashed with colonial powers in the region as they sought to complete the pursuit of independence, such as Indonesia's conflict with the Netherlands over West Irian Jaya. Other armed conflicts arose as new states sought to consolidate control over their boundaries. As precise borders were often absent, clashes occurred as frontiers were garrisoned. In 1959, for example, Indian and Chinese forces clashed several times as China pursued Tibetan rebels who had fled south and India moved forces north to secure its border with China. These clashes set the stage for the border war that occurred in 1962 (Fravel 2008).

[ INSERT FIGURE ONE ABOUT HERE ]

Second, over time the frequency of militarized conflicts in territorial disputes has declined. At the end of the Cold War, many scholars predicted that the region would be characterized by increasing conflict over territory following the collapse of bipolarity and the instability that this would generate (Betts 1993; Friedberg 1993/94). This prediction, however, is not supported by the data during the period being examined. The frequency of militarized disputes over territory has steadily declined since 1992. As discussed later in the chapter, shifting power balances may increase conflict over territory in the region in the future.

Third, the militarization of Asia's disputes has not been distributed evenly across all disputes. Instead, consistent with research on enduring rivalries and territory, three disputes

account for about 40 percent of episodes of dispute militarization in the region. The dispute between North and South Korea over unification of the peninsula accounts for 18 of the region's 102 militarized episodes over territory. The disputes between India and Pakistan, especially over Jammu and Kashmir, witnessed 12 such episodes while various disputes between China and Vietnam account for ten. Each of these relationships would be considered as a rivalry, consistent with the role that security dilemma dynamics can play in the escalation of disputes. The disputes between the two Koreas and India-Pakistan concern national unification, arguably the most salient of all territorial disputes and the ones where the expected utility of using force would be highest.

Fourth, participation in militarized disputes over territory is also concentrated in a small number of countries. Some instances of militarization have involved pairs of non-democratic states, while others have involved one democratic and one non-democratic state. Not unsurprisingly, the Koreas and India-Pakistan are among the most frequent participants in the region's militarized disputes.<sup>3</sup> In addition, China has participated in more instances of militarized conflicts over territory than any other state, a total of 36 times. As China has been involved in 23 territorial disputes, however, this high rate of participation is not surprising.

Since 1945, seven wars over disputed territory have occurred in Asia. Five of these wars occurred between the late 1940s and the mid-1970s, including the 1947–48 India and Pakistan war, the Korean War (1950–53), the China–India Border War (1962), the Vietnam War (1965–75), and the 1965 India–Pakistan War. The last two wars occurred in the mid-1980s (the 1984–85 border clashes between China and Vietnam) and the late 1990s (the 1999 Kargil War between

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<sup>3</sup> India has participated in 29 MIDs, Pakistan 26, South Korea 22, and North Korea 18.

India and Pakistan). Thus, the distribution of wars over time is consistent with newly established or newly independent states seeking to consolidate the territorial integrity of their states.<sup>4</sup>

The two deadliest wars over territory were total wars of national unification, not limited wars over a section of a border or an offshore island. These were both the longest and deadliest wars involving disputed territory in the region. The first is the war between North and South Korea to unify the Korean peninsula under one government. This conflict escalated to the international level, involving direct fighting between the United States and China. The second total war over territory was the war between North and South Vietnam to unify Vietnam under one government. Similarly, this escalated into a conflict involving the United States and other allied forces against a smaller but nevertheless significant contribution of Chinese troops. Such total wars, however, are perhaps less likely in the future than they were in the past.

The other five wars over territory in Asia have been fought over more limited aims. Most of these conflicts include portions of a disputed land border. The dispute over Kashmir comes closest to a territorial dispute involving national unification, though not a total war like Korea or Vietnam. It is perhaps unsurprising that India and Pakistan have gone to war three times over Kashmir: in 1947 during the process of independence, in 1965, and again in 1999.

In addition, the regional powers have fought in multiple wars. China has clashed with India and Vietnam over contested boundary claims. As discussed above, India has fought with Pakistan as well as China. One important exception is Japan, which has not fought a war over territory since 1945.

Finally, at least at the level of war, armed conflict over territory in the region does not seem to have increased following the end of the Cold War. Although Pakistan and India clashed

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<sup>4</sup> This list excludes China's 1979 war with Vietnam, which was sparked by Chinese concerns about Soviet encirclement and Vietnam's 1978 invasion of Cambodia.

over Kargil in 1999, it would be hard to attribute this conflict to a change in the structure of the international system following the collapse of the Soviet Union, especially as India and Pakistan clashed before the end of the Cold War for similar reasons.

Nevertheless, three territorial disputes that resulted in wars remain and all of these involve questions of national unification, which have the potential—however unlikely—to escalate into major military conflicts. Although tensions across the Taiwan Strait have been reduced following the election of Ma Ying-jeou in 2008, the same cannot be said for relations between India and Pakistan or North and South Korea. As a result, opportunities for war over territory remain in the region.

### **Cooperation over Territory in Asia**

Between 1945 and 2012, approximately 34 territorial disputes in Asia among 27 pairs of states have been settled. More than half of these settlements were territorial disputes in which China was a participant.<sup>5</sup>

The characteristics of those territorial disputes that were settled are inconsistent with two of the major empirical regularities from the literature on territorial disputes. First, all but two of the agreements reached to settle territorial disputes listed in Table Two were between two non-

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<sup>5</sup> The number of settlements is higher than reported in Huth for two reasons. Huth's data excludes several conflicts between China and Laos, North Korea and Vietnam over White Dragon Tail Island. The unit of observation in Huth's data is a dyad, which means that one dyad can include multiple disputes. China and Vietnam, for example, have been involved in four distinct territorial disputes over White Dragon Tail Island, the Paracel Islands, the Spratly Islands, and the land border.

democracies.<sup>6</sup> This raises the intriguing possibility that non-democratic states less directly accountable to mass publics might have more flexibility in when and how they settle their territorial disputes. Second, few of the disputes settled in the region involved those among allies. The main exception is China–North Korea, as the two states had signed a treaty the year before settling their disputed boundary in 1962 (Fravel 2008).

[ INSERT TABLE TWO ABOUT HERE ]

Instead, what may be most relevant from the literature is the underlying value of the territory. The vast majority of settlements focus on territorial disputes over land borders, not offshore islands. Only four of the 34 disputes settled were over offshore islands. Although in some cases these land border disputes are vast, such as the dispute between India and Pakistan over Kashmir, or India and China over three sectors along their shared boundary, many of the disputes involved smaller parcels of land.

Over time, as shown in Figure One, settlements appear to have occurred in two waves, the early 1960s and the 1990s. As discussed below, this pattern is associated with the settlement of disputes involving China. Nevertheless, it is noteworthy for several reasons. First, contrary to arguments that the collapse of bipolarity would produce an increase in wars and conflicts suppressed by Cold War competition, Asian states have been able to settle their disputes before and after the Cold War. The vacuum of power to the extent that it occurred did not prevent the settlement of disputes.

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<sup>6</sup> Indonesia–Portugal, 1999 and France–India, 1954.

## *China's Settlement of Territorial Disputes*

China's large share of all territorial settlements in Asia warrants further discussion. China has settled 17 of its 23 territorial disputes. In 15 of these 17 cases, the disputes were settled when China offered significant compromises over the territory being contested.<sup>7</sup>

Several factors explain China's willingness to compromise in disputes on its long land border and not other disputes. First, the territory being contested along China's land borders is generally less valuable than offshore islands or homeland territories such as Taiwan. All things being equal, states are more likely to cooperate in their less salient disputes. China is no exception here. Second, China's strength in the local military balance along its land borders has reduced the potential risks of compromising with opposing states. With a large standing army, China has greater leverage in disputes on its land border, where it can most easily project power, decreasing the chance that other states will perceive territorial concessions as a sign of weakness. The low value of contested land and high level of military power indicate why China has more frequently pursued compromise over its frontiers than over offshore islands or homeland areas. Nevertheless, neither factor can account for the variation over time in China's willingness to compromise nor explain why, in each case, China chose to do so. The value of contested land and the strength of the PRC's claims have mostly been constant in China's land border disputes since 1949, but its willingness to compromise has varied widely (Fravel 2005; 2008).

With one exception, China has only settled disputes on its long land border because its territorial conflicts are intertwined with the varied challenges of maintaining its territorial integrity as a large and multiethnic state. Ethnic geography, or the location and distribution of

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<sup>7</sup> This section draws on Fravel 2008.



ethnic groups, largely defines the different goals that China's leaders have pursued in their country's territorial disputes. The PRC's ethnic geography consists of a densely populated Han Chinese core, a large but sparsely populated non-Han periphery, and unpopulated offshore islands. In territorial disputes on their country's land border, China's leaders seek to maintain control over vast borderlands populated by ethnic minorities that were never ruled directly by any past Chinese empire. In homeland disputes, China's leaders seek to unify what they view as Han Chinese areas not under their control when the PRC was established in 1949, namely Hong Kong, Macao, and Taiwan. In offshore island disputes, China's leaders aim to secure a permanent maritime presence among unpopulated rocks and islands far from the mainland that is linked with economic and strategic factors (Fravel 2005; 2008).

Internal threats to regime stability and security best explain China's willingness to compromise in its many territorial disputes. China has offered concessions in each and every dispute along its land border but not in any homeland disputes, and in only one offshore island dispute. Ethnic minorities who have maintained strong social and economic ties with neighboring states and harbored aspirations for self-determination live in many of the frontier areas near China's borders. When faced with internal threats, especially ethnic unrest in the frontiers, China's leaders have been much more willing to offer concessions in exchange for assistance that strengthens the state's control over these regions, such as denying external support to rebels or affirming Chinese sovereignty over the areas of unrest (Fravel 2005; 2008).

The first wave of settlements involving China occurred in the early 1960s. In 1959, a revolt in Tibet sparked the largest ever internal threat to the PRC's territorial integrity. The outbreak of this revolt dramatically increased the cost of maintaining disputes with states adjacent to Tibet (Burma, Nepal, and India). China offered concessions in its conflicts with these

states in exchange for their cooperation in eliminating external support for the rebels and affirming Chinese sovereignty over Tibet. In the spring of 1962, China faced renewed ethnic unrest in the frontiers, especially Xinjiang, during the economic crisis following the failure of the Great Leap Forward. This combination of internal threats to both territorial integrity and political stability increased the cost of contesting land with its neighbors. China pursued compromise in disputes with North Korea, Mongolia, Pakistan, Afghanistan, and the Soviet Union in order to rebuild its economy and consolidate state control by easing external tensions (Fravel 2005; 2008).

Similar threats explain the second wave of settlements throughout the 1990s. In 1989, the upheaval in Tiananmen Square posed an internal threat to the stability of China's socialist system of government. This legitimacy crisis, which the weakening of other communist parties worldwide exacerbated, increased the cost of maintaining territorial disputes with its socialist neighbors (Soviet Union, Laos, and Vietnam). China traded concessions in exchange for cooperation to counter its diplomatic isolation and ensure the continuation of economic reforms. Soon after Tiananmen, ethnic unrest in Xinjiang posed a new internal threat to the state's territorial integrity. The armed uprisings and demonstrations increased the price for pressing claims against neighboring Kazakhstan, Kyrgyzstan, and Tajikistan. China compromised in these disputes in exchange for assistance to limit external support for Uighur separatists (Fravel 2005; 2008).

## *International Institutions and Territorial Disputes in Asia*

International institutions have not featured prominently in the settlement of territorial disputes. On this score, Asia is like any other region. The role of two international institutions is discussed below: the Association of Southeast Asian Nations (ASEAN) and the Shanghai Cooperation Organization (SCO).

ASEAN and the South China Sea: Four of the ten states in ASEAN claim some or all of the land features known in the South China Sea as the Spratly Islands, which China and Taiwan also claim. Vietnam also claims the Paracel Islands along with China and Taiwan. In the past, action taken by ASEAN has helped to manage the potential for escalation of these disputes.

Nevertheless, ASEAN itself lacks the ability to facilitate the resolution of the underlying claims.

In the late 1980s, the dispute over the Spratlys escalated when China executed a plan to seize disputed features not currently occupied by other claimants. China's seizure of Fiery Cross Reef in January 1988 sparked a spiral of instability as China and Vietnam raced to seize adjacent features that had not yet been occupied by any of the claimants (Fravel 2008). In March, China and Vietnam clashed over Johnson Reef. The situation remained tense for several more years. In 1992, ASEAN moved to take action, issuing its first statement on the South China Sea (ASEAN 2002). It also moved to create the ASEAN Regional Forum (ARF), an annual meeting involving a much larger number of states with interests in the region such as the United States, in response to concerns about instability (Leifer 1996).

ASEAN's role increased in 1995 after China occupied Mischief Reef, a feature claimed by both the Philippines and Vietnam. At the meeting of the ARF that summer, the Chinese foreign minister issued a series of pledges designed to repair ties with states in the region.

ASEAN also began to discuss the drafting of a code of conduct, which was signed as a declaration between China and ASEAN in 2002 (Buszynski 2003). Following the recent tensions in 2009 and 2010, the ARF once again served as a forum to manage tensions in the dispute. For example, more than half of the participants in 2010 used the meeting to express concern about developments in the dispute that revolved largely around Chinese actions seen as assertive or aggressive. Just days before the 2011 meeting of the ARF, China and ASEAN reached an agreement on implementing guidelines for the 2002 code of conduct declaration, as China sought to preempt discussion of the issue at the meeting that year.

The limits of ASEAN were revealed in 2012. During the ASEAN Ministerial Meeting in July 2012, member states could not agree on language to describe the situation in the South China Sea. Vietnam and the Philippines pushed for the inclusion of references to specific episodes of conflict with China over oil concession blocks and Scarborough Shoal, respectively. Other states, however, were less inclined to depart from existing anodyne statements. As ASEAN Chair for 2012, Cambodia decided for the first time since the founding of the organization that no joint statement would be issued (BBC 2012). Days before the East Asian Summit in November 2012, Cambodia announced that ASEAN had agreed not to internationalize the disputes in the South China Sea. Five of the ten member states, however, submitted letters objecting to Cambodia's characterization of ASEAN's position (Szep and Pomfret 2012).

The limits of ASEAN stem from several factors. First, only some of its members are involved in territorial disputes with China and each other in the South China Sea. Maritime issues matter more to some states than to others. Second, some member states, especially those in continental Southeast Asia in close proximity to China, are unwilling to sacrifice their ties with

China to bolster the position of other states in these disputes. ASEAN may be able to help to manage the potential for escalation in the South China Sea, but it is unlikely to serve as a forum for resolving the underlying sovereignty disputes. Third, as the disputes revolve around offshore islands that are perceived as being valuable territories (see section 6 below), states have bargained hard and resisted compromising because of the perceived high stakes (Fearon 1998).

Shanghai Cooperation Organization: Management of territorial disputes in Central Asia after the end of the Cold War helped to create conditions that facilitated the establishment of a new multilateral organization. Following the establishment of the Soviet Union, a “four plus one” negotiating structure was established (Fravel 2008). The newly independent Central Asian states lacked the resources and knowledge of the Soviet Union’s boundary negotiations with China. Although boundaries were negotiated bilaterally, the talks were held on the basis of this four-plus-one structure, through which China reached agreements with Kazakhstan, Kyrgyzstan and Tajikistan. The group also negotiated a series of border demilitarization and confidence-building measures.

Over time the group became known as the “Shanghai Five.” Based on its successes in resolving outstanding territorial disputes and demilitarizing the border, a decision was made to create a permanent organization with a broader mandate in 2001, the Shanghai Cooperation Organization (SCO) (Bailes, Dunay, Guang and Troitskiy 2007). Since then, Uzbekistan has joined the group along with a number of observers—India, Iran, Pakistan, and Mongolia—and dialogue partners—Belarus and Sri Lanka. Although the organization’s mission has expanded to include cooperation in a variety of areas, its establishment would not have been possible without the successful resolution of the border disputes between China and its neighbors in this region.

Nevertheless, the SCO was a consequence and not a cause of successful bilateral efforts to settle territorial disputes in the 1990s.

Looking forward, regional multilateral institutions are unlikely to play a leading role in the resolution of the underlying claims in the region's territorial disputes. Ultimately, these require direct talks among the states with claims. Instead, at best multilateral institutions can help to manage the disputes and prevent unwanted escalation before a settlement is reached.

### **Asia's Remaining Territorial Disputes**

Despite the ability of Asian states to settle some territorial disputes, the region has 24 active territorial disputes.<sup>8</sup> Given the relationship between territory and armed conflict, the presence of these unresolved disputes should worry scholars and policymakers for several reasons.

First, the great powers in the region remain involved in multiple disputes. China disputes its long border with India, its border with Bhutan, the Senkaku Islands with Japan, the Paracel Islands with Vietnam, and the Spratly Islands with numerous states, in addition to the conflict over Taiwan's unification. Japan also maintains disputes with South Korea over the Tokdo / Takeshima Islands and with Russia over the Kurile Islands, in addition to its dispute with China. In addition to those with China, India remains locked in disputes with Pakistan and Nepal.

Moreover, amid the major shifts in national power underway in the region, the presence of disputes involving the major powers injects additional uncertainty. Rising states such as India

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<sup>8</sup> Some of these disputes, such as the Spratly Islands, involve multiple states. Thus, the number of bilateral disputes is significantly higher.

or China might push to settle disputes on more favorable terms, thereby increasing the odds of escalation and use of force. Declining states might worry about their weakening position and be more resolved to threaten or use force to defend their claims. Of course, these states also have strong incentives to avoid armed conflict with each other, not least of which is the concern that conflict would disrupt economic growth crucial not just to the rising status of these states but also to the legitimacy of their leaders. Nevertheless, shifting power balances inject additional uncertainty into these conflicts.

Second, the remaining disputes in the region have persisted for a long time, which suggests that they are perhaps the most difficult to settle. The average age of remaining disputes is almost 49 years, while the median age is 58. As Hassner has shown, the longer a dispute lasts, the more intractable it becomes. States harden their positions and declaratory policies, sink increasing costs into administering and developing the portion of disputed territory that they control, the public becomes more aware of the disputes, and so forth (Hassner 2006/07). In addition, most of the remaining disputes are those with high levels of salience for the claimants, which suggest that all sides will bargain hard and stand firm to maximize their interests (Fearon 1998). Thus, although many disputes have been settled in the region, those that remain will almost by definition be harder to settle as such disputes take on properties of indivisibility.

Third, many of the active disputes that remain have been militarized significantly in the past. Of the 21 remaining territorial disputes, 13 have been militarized at some point. Some disputes have witnessed multiple militarized incidents. Competition in three of these 12 disputes has resulted in interstate wars. Based on these indicators, the two most dangerous disputes in the region are those between India and Pakistan over Jammu and Kashmir, and between North Korea and South Korea over the unification of the peninsula. The sinking of the South Korean naval

vessel *Cheonan* and North Korean shelling of Yeonpyeong Island in 2010, for example, underscored the danger of unresolved territorial disputes. The legacy of India's defeat in its 1962 war with China continues to shape Indian perceptions of China's future intentions. Similarly, although China and Vietnam have settled the dispute along their land border that played a role in China's decision to invade in 1979, memory of it and the deadly border clashes throughout the 1980s continue to affect decision-making in relation to the disputes over offshore islands in the South China Sea.

### **The Maritime Dimension: Offshore Islands and Maritime Boundaries**

Disputes over territorial sovereignty are related closely to conflicts over maritime jurisdiction. Under the UN Convention on the Law of the Sea (UNCLOS), a state can only claim maritime rights from land features. The convention institutionalized a set of rights for coastal states in waters adjacent to land territory (Presscott and Schofield 2005). Within 12 nautical miles (nm) of its coast, a state enjoys the equivalent of sovereign jurisdiction with the exception of innocent passage. The area up to 200nm from a state's coast is an Exclusive Economic Zone (EEZ), where states enjoy the sole right to exploit natural resources and conduct certain other types of activities. States can enjoy additional exclusive rights if their continental shelf extends beyond 200nm (up to 350nm from shore).

As a result, in Asia and elsewhere, new disputes have emerged when any of these maritime zones overlap, especially after the ratification of UNCLOS in the early 1990s. Although, strictly speaking, it did not concern resolution of disputes over land, the exclusive



rights contained in the treaty created new potential disputes where a state's EEZ or continental shelves overlap. Ironically, a regime designed to manage the oceans created new disputes that are similar to those over territory because they involve areas where competing states can claim exclusive rights. As a result, Asia now has many disputed maritime borders. As Table Two indicates, there have been twenty-eight disputes over maritime boundaries in Asia. Only about 14 percent of these disputes have been completely resolved, while another 18 percent have been partially resolved—rates lower than in other regions (Presscott and Schofield 2005). In recent years, these disputes have garnered a great deal of attention because of their relationship to natural resource exploitation, especially fishing stocks and hydrocarbons.

In addition, the passage of UNCLOS increased the salience of disputed offshore islands because they serve as one basis for maritime claims in addition to a state's coast. UNCLOS increased the value of controlling islands by linking them with the ability to claim broader maritime rights. The salience of islands has also arguably increased with the explosion of trade in the region, most of which is transported via the oceans, and the growing consumption of energy, especially hydrocarbons. In short, the future of territorial conflict in Asia lies in the maritime domain.

Unfortunately, most disputes involving offshore islands in Asia have not been resolved. As Table Two shows, only one-third of territorial disputes over offshore islands have been settled, and one-third of existing disputes in the region are over offshore islands. In addition, many of the offshore island disputes include more than two states with claims. China, Taiwan, Vietnam, the Philippines, Malaysia and Brunei claim some or all of the islands in the Spratly archipelago. China, Taiwan, and Vietnam claim the islands of the Paracels archipelago. China,

Taiwan and Japan claim the Senkaku Islands. All things being equal, disputes with more than two participants are even harder to settle.

Because of their size and proximity to oceans, many of the major powers have unresolved maritime disputes. Japan maintains disputes over three different groups of islands as well as maritime boundaries with Russia, South Korea, China, Taiwan and the Philippines. China also disputes three groups of islands and has unresolved maritime boundaries with other claimants in the South China Sea, Vietnam over the southern portion of the Gulf of Tonkin, North Korea, South Korea and Japan. China has only successfully resolved one maritime boundary dispute, when it reached an agreement with Vietnam over demarcating the northern portion of the Gulf of Tonkin in 2000.

Several factors suggest that competition may grow more intense and acute over these disputes in the future. All states, but especially developing economies in Asia, are increasingly dependent on maritime resources, especially fish. Persistent concerns about energy increase the importance of these disputes even when the underlying reserves are unknown. Sovereignty of the islands is a symbol that resonates with domestic audiences, perhaps precisely because few of these features are occupied. The United States itself is not a claimant, but remains incredibly sensitive to threats to freedom of navigation in the maritime zones of other countries because it underpins the ability of the US Navy to operate unhindered throughout the oceans of the world.

Nevertheless, other factors indicate that perhaps increased conflict is not inevitable. As exporting nations in a complex web of supply chains, all states in the region depend on freedom of navigation and secure sea lines of communication. Armed conflict among any one group of states would likely raise region-wide questions about stability. Conflicts over resources can also be more amenable to settlement because the resources can be more easily shared than land. Paul

Huth's 1996 study of territorial disputes found that economic resources were significantly associated with the settlement of territorial disputes.

## **Conclusion**

Asia's territorial disputes can help to illuminate existing theories from the international relations literature. Patterns of conflict in Asia's territorial disputes provide support for various claims from this literature. Violent conflict over territory has usually occurred in the most consequential disputes—especially those over national unification—and often in the context of rivalries where security dilemma dynamics should be especially pernicious. Patterns of cooperation also highlight the importance of the utility and significance of disputed land, as less important disputes have been more likely to become settled than more important ones. The role of regime type appears to have been less relevant, as many non-democratic states have managed to settle their disputes, especially with each other. International institutions have not played a strong role in the settlement of disputes either, though they may be able to help to moderate the potential for escalation.

Looking forward, the prospects for territorial conflict in the region are mixed. On the one hand, many disputes in the region have been settled, thus removing opportunities for armed conflicts between states that could escalate into armed disputes and even war. On the other hand, many disputes remain in the region. The active disputes include those that have proved difficult to settle in the past and those whose salience has increased, such as offshore islands and maritime boundaries. Moreover, all of the major powers in the region—China, Japan, and

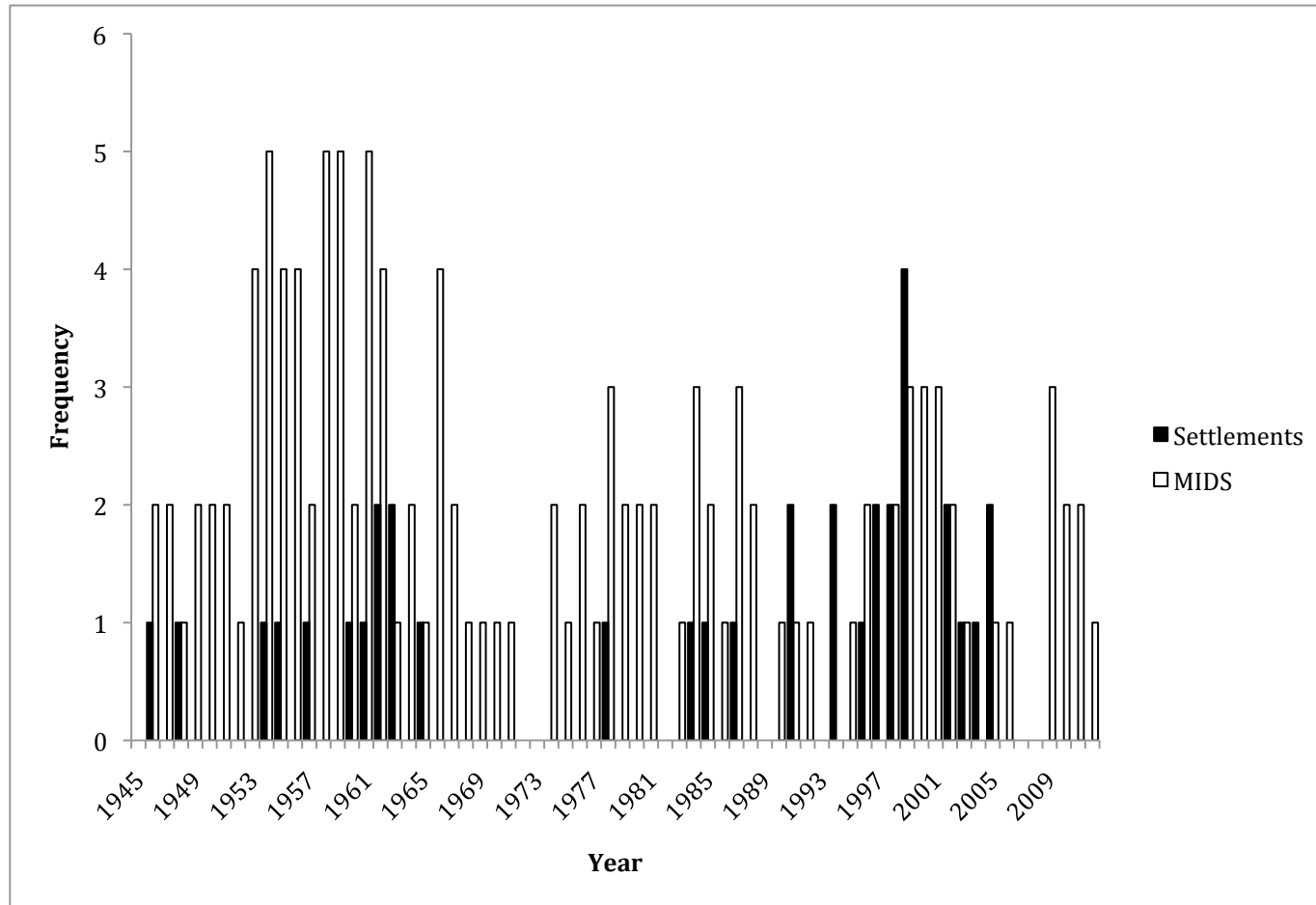
India—remain involved in territorial disputes, including disputes with each other (China–India, China–Japan). As power balances shift in the region, the potential for conflict over territory may grow and the odds of these disputes being settled may decline.

**Table One: Cooperation and Conflict over Disputed Territory By Region, 1945–2000**

	Disputes	% of Total Disputes	Militarized Disputes	% of Militarized Disputes	Wars	% of Wars	Settlements	% of Settlements	Settlements Through Arbitration	% of Settlements Through Arbitration	Active (in 2000)	% of Active (in 2000)
<i>Africa</i>	30	18%	10	14%	2	10%	17	18%	3	18%	13	18%
<i>Americas</i>	19	12%	9	13%	2	10%	10	11%	4	24%	9	13%
<i>Asia</i>	46	28%	24	34%	7	33%	19	20%	4	24%	26	38%
<i>Europe</i>	30	18%	6	8%	2	10%	21	23%	2	12%	9	13%
<i>MENA</i>	39	24%	22	31%	8	38%	26	28%	4	24%	12	18%
<b>Total</b>	<b>164</b>		<b>71</b>		<b>21</b>		<b>93</b>		<b>17</b>		<b>71</b>	

Source: Huth territorial dispute data-set. Militarized disputes exclude those that escalated to “wars.” “Settlements” includes those that were reached through arbitration.

**Figure One: Escalation and Settlement of Asia's Territorial Disputes, 1945-2012**



**Table Two: Asia's Territorial Disputes, 1945-2012**

**LAND BORDERS AND AREAS**

	<b>Countries</b>	<b>Year Settled</b>	<b>Summary</b>
Afghanistan	Russia	1946	Penjeh, Islands in Amour and Pyandzh rivers, disputes over river borders
Pakistan	India	1948	Area of Junagadh
India	France	1954	Borders of French enclaves; French control over Pondichery, Karikal, Mahe, and Yanam
China	Russia	1955	Call for termination of Soviet base rights at Port Arthur and withdrawal of Soviet forces
China	Myanmar	1960	Three sectors along the border
China	Nepal	1961	Land border areas adjacent to Tibet
India	Portugal	1961	Portuguese enclave of Goa
China	Mongolia	1962	Land border areas, including Bogeda and Beita Mountains
China	DPRK	1962	Changbai/Paekdu Mt and islands in Tumen and Yalu Rivers
China	Afghanistan	1963	Wahkan Corridor
China	Pakistan	1963	Land border areas including parts of Pakistan-controlled Kashmir
India	Pakistan	1965	Rann of Kutch
China	United Kingdom	1984	Island of Hong Kong and the New Territories
Cambodia	Vietnam	1985	Preah Vihear Temple area
China	Portugal	1987	Macau
China	Laos	1991	Land border areas
China	Russia	1991	Eastern sector of the land border
China	Russia	1994	Western sector of the land border
China	Kazakhstan	1994	Land border areas, including Ala Pass
China	Kyrgyzstan	1996	Land border areas including Khan Tengri and Irkeshtam
China	Kazakhstan	1997	Land border areas, including Khan Tengri
China	Kazakhstan	1998	Land border areas, including Sary-Childy and Chogan Obo
China	Kyrgyzstan	1999	Land border areas, including the Uzengi Kush

China	Vietnam	1999	Land border areas
China	Tajikistan	1999	Land border areas
Portugal	Indonesia	1999	Refusal to recognize Indonesian annexation of East Timor and maintaining claim to sovereign rights
China	Tajikistan	2002	Land border areas, including the Pamir Mountains
Uzbekistan	Kazakhstan	2002	Land border areas
Uzbekistan	Kyrgyzstan	2003	Land border areas
China	Russia	2004	Hexiazi/Black Bear Island and Abagaitu Shoal
Kazakhstan	Russia	2005	Land border areas
Kazakhstan	Turkmenistan	2005	Land border areas
Afghanistan	Pakistan		Durand line; desire for incorporation of Pathan-populated territory
Cambodia	Thailand		Preah Vihear Temple area
China	Bhutan		Land border areas
China	Taiwan		Island of Taiwan
India	China		Disputes over three sectors on land border plus area adjacent to Pakistan occupied Kashmir
India	Pakistan		Junagadh area
India	Nepal		Land border areas
Kyrgyzstan	Tajikistan		Land border areas
Malaysia	Thailand		Areas adjacent to the Golok River
North Korea	South Korea		Korean Peninsula
Pakistan	India		Jammu and Kashmir
Philippines	Malaysia		Philippine claims to Sabah State. See p. 96.
Thailand	Laos		Areas along Mekong River and in Ban Rom Klao region
Timor Leste	Indonesia		Land border areas
Uzbekistan	Kyrgyzstan		Land border areas
Uzbekistan	Tajikistan		Land border areas, including Isfara valley delimitation

#### OFFSHORE ISLANDS

	<b>Countries</b>	<b>Year Settled</b>	<b>Brief Summary</b>
China	Vietnam	1957	White Dragon Tail Island in the Gulf of Tonkin
Papua New	Australia	1978	Islands along coastline



Guinea			
Indonesia	Malaysia	1997	Sipadan and Ligitan Islands
Malaysia	Singapore	1998	Pedra Branca Island
Cambodia	Vietnam		Offshore islands in the Gulf of Thailand
China, Taiwan, Vietnam, the Philippines, Malaysia, Brunei			Spratly Islands in the South China Sea
China	Vietnam		Paracel Islands in the South China Sea
China	Japan		Senkaku Islands in the East China Sea
China	Philippines		Scarborough Shoal in the South China Sea
France	Vanuatu		Matthew and Hunter Islands in the South Pacific
Japan	Russia		Kurile Islands
South Korea	Japan		Dokdo/Takeshima Islands in the Sea of Japan

#### MARITIME BOUNDARIES

	<b>Countries</b>	<b>Year Settled</b>	<b>Description</b>
Indonesia	Malaysia	1969, 1970*	Overlapping boundaries in Malacca Strait and South China Sea; dispute remains over EEZ delimitation in the Celebes Sea
Australia	Indonesia / East Timor	1972, 1989, 1997*	Delimitation of the Timor Sea; dispute over maritime boundary remains between East Timor and Indonesia
Indonesia	Singapore	1973, 2009	Territorial waters and EEZ claims in Straits of Singapore
Japan	South Korea	1974*	Partial delimitation of maritime border; dispute remains over EEZ delimitation near around Dokdo/Takeshima Islands
Thailand	Vietnam	1997	Overlapping claims in the Gulf of Thailand
Indonesia	Vietnam	2003*	Continental shelf agreement in the South China Sea; dispute remains over EEZ delimitation
Brunei	Malaysia	2009	Territorial waters and EEZ claims in South China Sea
Bangladesh	Burma	2009	EEZ claims in the Bay of Bengal; adjudicated by International Tribunal on the Law of the Sea in 2012
China	Vietnam	2000*	EEZ delimitation of Gulf of Tonkin; dispute remains over southern part of the Gulf
China	North Korea		Overlapping claims in the Yellow Sea
Cambodia	Thailand		Overlapping claims in Gulf of Thailand
Cambodia	Vietnam		Overlapping claims off Cambodia's coast and in Gulf of Thailand
China	Philippines		Dispute over EEZ delimitation, including waters around Scarborough Shoal

China / Taiwan	Japan	Overlapping claims in East China Sea
East Timor	Indonesia	Overlapping claims in Timor Sea
China	South Korea	Overlapping claims in the Yellow Sea
North Korea	South Korea	Overlapping claims in Yellow Sea, including Northern Limit Line
Japan	Russia	Overlapping claims, including around Kuril Islands
Japan	Philippines	Overlapping claims in East Philippine Sea
Indonesia	Philippines	Overlapping claims in Celebes Sea
Malaysia	Philippines	Overlapping claims in South China Sea, Sulu Sea and Celebes Sea
China, Taiwan, Vietnam, the Philippines, Malaysia, Brunei and Indonesia		Overlapping claims, based on competing claims to Spratly Island and China's "nine-dashed line" in the South China Sea
Indonesia	Palau	Overlapping claims
Indonesia	Palau	Overlapping claims
Bangladesh	India	Overlapping claims in the Bay of Bengal
India	Pakistan	Overlapping claims from Gwatar Bay outward
Brunei	Vietnam	Overlapping claims in the South China Sea
Azerbaijan	Turkmenistan	Overlapping claims in Caspian Sea

Sources: CIA 2012, Fravel 2008, Guo 2009, Huth 2002, Presscott and Schofield 2005, Lexis-Nexis searches

Notes: Taiwan is included as a land dispute, given its size, population and role in the politics of China's unification. For disputes referred to binding arbitration, "year settled" refers to the year the dispute was referred to an international tribunal. An asterisk (\*) indicates a partially settled maritime boundary.

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