

BOOK REVIEWS

***Regional Disorder: The South China Sea Disputes.* By Sarah Raine and Christian Le Miere. Abingdon, Oxon: Routledge for IISS, 2013. Softcover: 225pp.**

The seemingly intractable disputes in the South China Sea have become something of a modern day Gordian Knot which cannot, it seems, be untangled without a game changer or the swing of a sword, metaphorically speaking. The complexity of the disputes can be attributed to a number of factors: multiple (i.e. six) claimants; competing claims to sovereignty of the atolls; rivalries over fisheries and hydrocarbons; China's economic and military growth; and, increasingly, the interests of external powers such as the United States, Japan and India. While the authors have done a good job of explaining the roles of the central players they could have delved deeper into the nature of the conflict as a backgrounder to the book.

Raine and Le Miere focus a lot of attention on the policies and actions of the various players, particularly China (Chapter Two). They make the point that Beijing has to juggle managing domestic problems, wielding its new found economic and military power as well as relations with rival claimants (p. 39). While the authors have painted a generally positive picture of China, its recent actions in the South China Sea such as its continued presence at Scarborough Shoal, increasingly frequent intrusions into Malaysia's exclusive economic zone (EEZ) (including the much publicized excursions to James Shoal in 2013 and 2014) and the passage of domestic fisheries laws seem to suggest that, as the authors note, China may have decided that it is the master of its own fate in the South China Sea (p. 97).

Notwithstanding China's rising power, the other claimants either individually or collectively through ASEAN have sought to manage the dispute and prevent it from turning into a full blown conflict. 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea (DoC) was seen as a major step towards improving conflict management, and despite the perceived failure of that agreement to curtail the destabilizing activities of the claimants one can argue that the full suite of cooperative opportunities offered by the DoC in areas such as marine scientific research and prevention of crime are still largely unexplored. However, the DoC is not the solution to the disputes but merely a tool to better manage them while the claimants work towards a more permanent solution in the form of a Code of Conduct for the South China Sea (CoC). While the CoC has been touted as a possible game changer, negotiations are expected to be protracted given the wide range of contentious issues that need to be addressed as well as differing interests among the various players.

The important role of ASEAN in managing the South China Sea disputes cannot be denied. However it is important to recognize the fact that ASEAN is made up of ten members with disparate priorities, policies and levels of development. As the authors rightly point out, there are divisions within ASEAN over the dispute (pp. 113–28) and because ASEAN works on the basis of consensus, in principle the non-claimants have as much say on the South China Sea as the claimants themselves. This situation has allowed Beijing to sway the opinions of non-claimants which are dependent on China for economic and development aid such as Cambodia, thus frustrating ASEAN unity. This suggests there is a need for the four ASEAN claimants (Brunei, Malaysia, the Philippines and Vietnam) to form a caucus to work on the issues at hand before bringing it to the wider ASEAN grouping. The divisions within ASEAN has also allowed China to stall discussions on the CoC in favour of “full implementation” of the DoC.

Unfortunately, the authors neglect to mention ongoing dispute management efforts at the track two level, such as the long running “Workshop on Managing Potential Conflicts in the South China Sea” which were hosted by Indonesia starting in the early 1990s. The workshops should be praised for their role, at least in its early years, in bringing together the disputing parties and for germinating the idea for a CoC. Herein lies the important role of Indonesia as a non-claimant and a potential honest broker (at that time) of the disputes. However, Indonesia's position may have diminished

somewhat because of a letter it submitted to the Secretary-General of the United Nations in 2010 which stated that China's nine-dash line was not compatible with the United Nations Convention on the Law of the Sea (UNCLOS).

The lack of progress towards negotiating a CoC prompted the Philippines in 2013 to mount a legal challenge to China's claims in the South China Sea at the International Tribunal on the Law of the Sea (ITLOS) (p. 117). On this issue the authors argue that ITLOS does not have jurisdiction unless both parties agree to the proceedings. That may be the case for the International Court of Justice (ICJ), but under UNCLOS a party to a maritime dispute may bring its case to the Tribunal without the consent of the other party. The decisions of the Tribunal will be binding, in principle at least. The authors also erroneously state that Malaysia occupies eight of the twelve features it claims (pp. 32, 51) when in fact it maintains a physical presence on only five of the Spratly Islands: Pulau Layang-Layang (Swallow Reef), Terumbu Mantanani (Mariveles Reef), Terumbu Ubi (Ardasier Reef), Terumbu Siput (Erica Reef) and Terumbu Peninjau (Investigator Reef). Two other features claimed by Malaysia — Pulau Amboyna Kecil (Amboyna Cay) and Terumbu Laksamana (Commodore Reef) — are occupied by Vietnam and the Philippines respectively.

The disputes in the South China Sea are especially complex and contentious. The authors discuss parts of the issue well, especially in relation to the roles of China, ASEAN and the United States. But they do not provide a full explanation of the origin and nature of the disputes which would have been useful to some readers. Wisely, however, they have excluded the merits and demerits of the various claims which have been discussed in detail elsewhere. On the whole, this book is a useful addition to the growing literature on the South China Sea disputes but is marred by a few errors which might diminish its value to a more discerning audience.

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