

***Geopolitics and Maritime Territorial Disputes in East Asia.* By Ralf Emmers. London: Routledge, 2010. Hardcover: 188pp.**

This is likely to become a classic work on East Asia's maritime disputes, along with Marwyn S. Samuels' still unequalled historical account (*Contest for the South China Sea*, 1982), Mark Valencia, Jon M. Van Dyke and Noel A. Ludwig's legal and natural science overview (*Sharing the Resources of the South China Sea*, 1997) and Greg Austin's comprehensive discussion of China's policies (*China's Ocean Frontier: International Law, Military Force and National Development*, 1998). Surprisingly, Emmers does not cite these works, but this does not detract from the value of his analysis, which focuses mainly on the contemporary period. It is to the author's advantage that he, like Austin, includes both the East and South China Seas, since this allows for interesting and valuable comparisons.

The introduction defines Emmers' genre as geopolitical International Relations, which he sees as different from the "empirical, historical, and/or legalistic" approaches which so far have dominated the literature. His central argument is that the three drivers of conflict, whose interplay decide if there is escalation or de-escalation, are territory, energy and power. When nationalists campaign for defending their "homeland", when expectations of finding oil are high, and when naval build-ups seem to threaten the balance of power, the risk of conflict rises. When nationalist ideologies are on the wane, oil prices and/or prospects of finding oil decline, and when naval power relations are taken for granted, danger recedes. The book is nicely structured around this interplay. The first three chapters go through the geopolitical considerations and interests of the East Asian states, with separate chapters on the Senkaku/Diaoyu and the Paracels/Spratlys. Emmers' analysis is not only up to date but is also competently realized, except for some misunderstanding of international law. Emmers seems to assume that ownership to islands follows from sovereignty to maritime zones. Thus he says (p. 34) that the People's Republic of China (PRC) and the Republic of China (ROC) agree that the Paracel and Spratly Islands are "in Chinese territory" whereas it would be more correct to say "are Chinese territory" since claims to maritime zones are based on sovereignty to the land to which they belong, not vice versa.

In the following chapters and conclusion, Emmers elegantly interplays his three drivers to explain why disputes escalated in some periods and de-escalated in others, with de-escalation taking

place earlier in the South China Sea (late 1990s) than in the East China Sea (2006).

I have two disagreements with the book. One concerns the role of the United Nations Convention on the Law of the Sea (UNCLOS), the other pertains to the merit of joint development. Emmers is an UNCLOS-sceptic, claiming that states have misused it to “extend their sovereign jurisdiction unilaterally to guarantee their access to natural resources” (pp. 19, 122). This, however, is not misuse. The point of UNCLOS is precisely to allow coastal states to extend their sovereign jurisdiction over the seabed, the sea and their resources to 200 nautical miles from their coastlines, and the continental shelf to a maximum of 350 nautical miles if the natural conditions satisfy certain criteria. UNCLOS regulates with considerable specificity how this is to be done, and many precedents have been established for how median lines should be drawn when maritime claims overlap. Emmers’ scepticism towards a “legalistic” approach makes him overlook the difference between land and sea in international law. While sovereignty to land is based on historical entitlement grounded in discovery, occupation and utilization, sovereignty to resources in and under the sea is acquired simply by virtue of distance from coasts. This is important because it affects the role of territory as a conflict driver. While disputes over land (including islands) can easily drive conflict, disputes over maritime delimitation may be technically complicated, but are less militarily and politically contentious. This is why nationalists tend to misrepresent maritime disputes as being conflicts over sovereignty to islands. And also why journalists — who love conflict — constantly speak of the “oil rich Spratlys”. If new oilfields were to be found, why should they be right under these tiny islands? If one follows UNCLOS, which the states concerned are legally bound to do, the ownership to these islands and their twelve nautical miles adjacent waters, will have little effect on maritime delimitation. In case any of the islands are deemed to satisfy the criteria for having a continental shelf of their own, their coasts would still be too short for carrying much weight in relation to the coasts of the surrounding states. A legalistic approach is hence likely to defuse, not escalate, tension.

This leads to my second disagreement. Although conceding (pp. 80, 124, 135) that if oil and gas are discovered in disputed areas, the issue could become “... possibly volatile”, Emmers joins the chorus of those who argue that since the maritime disputes are unlikely to be resolved, the only “feasible strategy” is “joint development”, meaning joint exploration for oil (p. 126). The assumption behind

this view must be that oil, once discovered jointly, reduces tension. Why should we expect China, Malaysia, Vietnam or the Philippines to become better friends if they “jointly” discover an oilfield that one of them, with good basis in UNCLOS, considers to be part of its continental shelf? The opposite seems more likely.

In my view, the best way to defuse conflict is to resolve it slowly but methodically with a legalistic approach, postpone oil exploration until maritime delimitation has been negotiated, and shelve indefinitely the disputes over sovereignty to all those tiny, unimportant islands. A peacefully rising China will benefit from having solid, legal regimes in the seas that surround it. If more oil or gas should be discovered on the continental shelves of China’s friendly neighbours, then Chinese companies can take part in exploiting it, and China can import it. Energy security does not depend on sovereign ownership.

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