

# China's Territorial Disputes

11 Sep 2023

## Summary

In August 2023, China released a new official map which showed territorial claims and a 10-dash sea line including the South Chinese Sea up to east of Taiwan. While almost all claims were already made in previous decades, the map refreshed these claims shortly before the 2023 meetings of the ASEAN group and the G-20. China presents historical arguments and emphasizes that most of their claimed territory was lost under foreign and imperialist pressure in unfair treaties, when China was not in a condition to dispute them. The neighbor states respond with legal arguments, i.e., by reference to the internationally recognized borders and to the United Nations Convention on the Law of Sea (UNCLOS) for sea claims. In the area known as South Chinese Sea, China was able to push through some claims by settlements and military presence on disputed islands. This working paper will present the territorial claims, the arguments, and the current status.

Globally, the United Nations try to keep the internal relations peaceful and stable with an international rule-based world order. The border system of 1945 should be respected and borders should only be changed if both states agree while unilateral or enforced border changes would not be accepted. Even the successor states of the Soviet Union and Yugoslavia used the former internal administrative borders.

But nevertheless, attempts to redraw borders by force were continued after 1945 in many situations and were sometimes even successful which will be shown in this paper.

The United Nations noted a global trend to contract exit and decline. Irrespective of UN resolutions, the United States legally acknowledged the 1981 annexation of the Golan Heights by Israel in 2019 and the 1975 annexation of the Western Sahara by Morocco in 2020 which was also acknowledged by Israel in 2023 to strengthen strategically important allies.

Tactics to expand territorial control can include grey zone operations, salami-slicing strategies, 'talk and take'-strategies, but also surprise attacks and occupations. In the South Chinese Sea, China and other countries work on artificial islands and military constructions.

In future, not arguments but the ability to gain and to maintain physical and military control over a territory could decide border disputes.

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## 1. Introduction

In August 2023, China released a new official map which showed territorial claims and a 10-dash sea line including the South Chinese Sea up to east of Taiwan <sup>1</sup>. While almost all claims were already made in previous decades, the map refreshed these claims shortly before the 2023 meetings of the ASEAN group and the G-20<sup>2</sup>. China presents historical arguments and emphasizes that most of their claimed territory was lost under foreign and imperialist pressure in unfair treaties, when China was not in a condition to dispute them. The neighbor states respond with legal arguments, i.e., by reference to the internationally recognized borders and to the *United Nations Convention on the Law of Sea (UNCLOS)* for sea claims. In the area known as South Chinese Sea, China was able to push through some claims by settlements and military presence on disputed islands. This working paper will present the territorial claims, the arguments, and the current status.

Globally, the United Nations try to keep the internal relations peaceful and stable with an international rule-based world order. The border system of 1945 should be respected and borders should only be changed if both states agree while unilateral or enforced border changes would not be accepted. Even the successor states of the Soviet Union and Yugoslavia used the former internal administrative borders.

But nevertheless, attempts to redraw borders by force were continued after 1945 in many situations and were sometimes even successful which will be shown in this paper.

## 2. Border Revisions after 1945

Despite the existence of United Nations, there were several occasions all over the globe where territorial and border changes were enforced. The chapter presents examples.

- In 1947 *British-India* was divided into Pakistan and India. The state of Kashmir was claimed by both sides. A military confrontation resulted in a division of Kashmir into two parts. In 1962, China conquered the North Eastern part of Kashmir, the *Aksai-Chin* region. Fighting took also place in East India in *Arunachal Pradesh*. Since that time, Kashmir is divided into three parts and instead of an official border, there is the so-called *line of actual control LAC*.
- The 1948 borders of Israel were the result of the first Arab-Israel war and Israel was larger than in the United Nations division plan from 1947. After the war, Jordan annexed the *West Bank*. During the war of 1967, the West Bank was conquered by Israel amongst other territories. Israel was able to defend its gains on the *Golan Heights* from 1967 in the war of 1973. In 1981, the government decide to annex the Golan Heights as a strategically important region which was recognized by the United States in March 2019 irrespective of UN resolutions. Jordan dissolved the administrative connections to the West Bank in 1988 and asked the *Palestinian Liberation Organization (PLO)* to take over which then declared the *State of Palestine* in the same year. The Gaza strip which was part of Egypt after 1948 and conquered by Israel in 1967, did not return to Egypt after Israels withdrawal in 2005<sup>3</sup>. Since then, the status of the West Bank and Gaza strip is a matter of discussion.
- In 1949, Saudi-Arabia tried to expand its rule to the potentially oil-rich Al Ain and the Al Buraimi oasis based on historical claims, which was in the Eastern Region of Abu Dhabi on its border with Oman. An occupation by Saudi forces was reverted by United Kingdom in 1955 that then split the territory between Oman and Abu Dhabi. The *Jeddah*

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<sup>1</sup> AP News 2023

<sup>2</sup> AP News 2023

<sup>3</sup> CRS 2023a

*Agreement of 1974* accepted these changes, but in exchange Saudi-Arabia got a small land and water corridor between Qatar and UAE. Furthermore, Saudi-Arabia got further land strips in the desert from Abu Dhabi in exchange for the recognition of the UAE as new state. While the land strip between Qatar and the UAE was irrelevant for a long time as there were no physical barriers, road constructions led to new disputes.

- During decolonization, the United Kingdom merged smaller states peacefully into larger units. Hundreds of independent, autonomous, semi-autonomous and directly controlled territories were merged to modern India and Pakistan in 1947. Until 1963, Malaysia was formed by unification of the Federation of Malaya which consisted of several states, plus Sarawak, Sabah, and Singapore (left in 1965).
- In the British colony Yemen, 17 states formed the *Federation of South Arabia* which then was unified with the *Protectorate of South Arabia* to South Yemen in 1967, but as a result from ongoing conflicts, the centuries-old sheikdoms of the Federation were dissolved and replaced by a new central government.
- France chose the opposite strategy: before independence, the centrally governed West Africa was dissolved in multiple states irrespective of ethnic or historic regions around 1960; a process criticized by West African politicians as ‘balkanization’.
- In 1961, India took the Portuguese territories Goa, Daman, and Diu on the Indian subcontinent in a military surprise attack. The territories were integrated into India which was finally accepted.
- In 1961, Indonesia entered the Dutch colony West-Irian Jaya and finally, this was accepted in 1963<sup>4</sup>. After the revolution in Portugal in 1974, the Portuguese colony Timor Leste (East Timor) was annexed by Indonesia as a province, but became independent in 2002.
- In 1965, before Mauritius and the Seychelles became independent, the United Kingdom UK established a new colony known as the *British Indian Ocean Territory* (BIOT) consisting of the Chagos Archipelago, detached from Mauritius, and the Aldabra, Farquhar, and Desroches islands, detached from Seychelles<sup>5</sup>. Between 1965 and 1973, the entire population of the Chagos Archipelago was either prevented from returning or removed; UK paid compensations in later years<sup>6</sup>. Diego Garcia is used by US and UK as a strategically very important military naval base which is equidistant to the coasts of Africa and Indonesia. This is why UK is resistant to allow the return of the Chagossians and did not accept the rule of the *International Court of Justice (ICJ)* from 2019 that the islands rightfully belong to Mauritius<sup>7</sup>.
- In 1971, the United Arab Emirates became independent as a union of the 7 emirates Abu Dhabi, Ajman, Dubai, Fujairah, Sharjah, Umm Al Quwain, and Ras al-Khaimah. The extremely complex internal borders with lots of enclaves were drawn by the British administration a few years before independence. After withdrawal of British troops, the Iran occupied in November 1971 islands in the strategically important *Strait of Hormuz*, *Abu Musa* and *the Greater and Less Tunbs* which were already disputed between Iran and the emirates Sharjah and Ras al-Khaimah. Since then, the islands are under control of Iran.
- In 1973, Canada and Denmark (for Greenland) agreed on demarcation of their border. The small *Hans Island* (1.3 km<sup>2</sup>) which belonged to Greenland was a matter of dispute, but both sides tried to avoid escalation and to support their claims symbolically with flags and bottles with alcohol on the island (*Whisky War*). However, the matter was

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<sup>4</sup> Mundy 2006

<sup>5</sup> ICJ 2019

<sup>6</sup> MRG 1982

<sup>7</sup> ICJ 2019, Harris 2020

serious as this could affect claims on Arctic sectors. In 2022, both sides agreed to a border in the middle of the island.

- In 1974, Turkey invaded Cyprus due to concerns about the status of the Turkish minority. In 1983, the state of *North Cyprus* was declared which exists now 40 years despite lack of international recognition (except Turkey)<sup>8</sup>. Since that time, Cyprus is divided into 4 parts: the Turkish North Cyprus, the Greek South Cyprus which is the 'official' Cyprus and an EU member state, a small buffer zone between both parts controlled by UN Peace Troops and two British territories which are fully independent from the remaining Cyprus (i.e., not leased etc.).
- In 1974, an India-friendly government ruled the small state of Sikkim between Nepal and Bhutan. A discussion whether Sikkim should be part of India and the resistance of the monarch led to entering of Indian troops into Sikkim and a subsequent referendum which led to inclusion of Sikkim into India in 1975 despite criticism of neighbor states. The integration of Sikkim gave India a strategically very important land strip between Nepal and Bhutan and a new border with China.
- After a military conflict on the *Shatt-el-Arab* waterway in 1974-1975, Iraq gave some territory to Iran in 1975 in the *Algiers agreement*. In exchange, Iran stopped support for the Iraqi Kurds. The Iraq tried to revert this in the Iran-Iraq war from 1980-1988, but the war ended with the status quo.
- After North Vietnam was able to conquer South Vietnam in 1975, Vietnam was unified to one state in 1976. Shortly before this, China took over full control over Paracel islands in a navy battle against South Vietnam in January 1974.
- In late 1975, Morocco took over the Spanish Western Sahara by the *Green March* of estimated 350.000 civilians<sup>9</sup>. The original population of this state, the Sahrawis, were pushed back by to the South Eastern parts and separated from the conquered territory with a border wall. In 2020, the United States legally recognized the annexation by Morocco while some states already recognized the *Sahrawi Democratic Arab Republic DARS*. In July 2023, the annexation was recognized by Israel as well.
- The former Yugoslavia dissolved into successor states that were following the internal administrative borders that were drawn in 1945. However, this caused a war between Serbs, Croats and Bosniaks. After formation of a Bosniak-Croat federation in 1994, the reorganized Croatian Army and the Bosnian forces were able break through the Serbian lines. The State of Bosnia and Herzegovina consists since 1995 of two entities, the *Bosniak-Croat Federation (FBiH)* and the *Republic of Srpska*<sup>10</sup>. The borders between both entities did *not* restore the pre-war situation, but followed the front lines at the end of the war when less than half of the territory was still under Serbian control. As this was an enforced peace, Bosnia-Hercegovina is still under control of a *United Nations High Commissioner* supported by the *Peace Implementation Council (PIC)*, a group of 55 countries and agencies, who has the right to override votes, the parliament, dismiss politicians and to change administration<sup>11</sup>. The *High Commissioner* is traditionally a European, currently the German Christian Schmidt, who already intervened several times (backed by United States) to keep Bosnia and Herzegovina together<sup>12</sup>.
- In 1999, the *Kosovo war* took place where the NATO attacked Serbia in March to protect ethnic Albanians in the Serbian Kosovo province from repression. After a few months of air attacks, Serbia withdrew from the Kosovo province which was then

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<sup>8</sup> Sonan et al. 2020

<sup>9</sup> Mundy 2006

<sup>10</sup> CSR 2019

<sup>11</sup> CSR 2019

<sup>12</sup> Kraske 2023

occupied by NATO troops<sup>13</sup>. In 2008, Kosovo declared independence. As the spin-off of the Kosovo province was a unilateral act which caused fears of own separatism in some states, these states are hesitant to acknowledge Kosovo as a state until today<sup>14</sup>. The United States and most European Union (EU) member states recognize Kosovo. Serbia, Russia, China, and various other countries (including five EU member states) do not. The EU tries to solve this dilemma by intense diplomatic efforts to establish a bilateral agreement between Serbia and Kosovo<sup>15</sup>.

- At the end of a long civil war in Ethiopia against the Communist rule, Ethiopia granted Eritrea a peaceful independence in 1993. However, some border areas were disputed between both countries which resulted in a large-scale war from 1998 to 2000 with tens of thousands of deaths. Amongst others, Eritrea tried to capture a village called Badme which was Ethiopian at that time and that became symbolic during the war. In 2000, the *Algiers Agreement* to accept a binding arbitration and a peace agreement were signed. In 2002, Badme was given to Eritrea<sup>16</sup> which was finally accepted by Ethiopia in 2018.

In the Post-Soviet Space there are ongoing conflicts, also known as *Frozen Conflicts*, where the forces allied with Russia have almost always managed to establish a new status quo with de facto control in the long run. However, these conflicts are still going on and the future of the de-facto states and the borders is uncertain and for this reason, they are not yet examples of enforced border changes.

These are *Transnistria (Moldova)* since 1992, *Abkhazia and South Ossetia* (both Georgia in 2008), and in 2014 the Republics *Donetsk* and *Luhansk* (both Ukraine). The same is applicable for the *Karabakh* conflict<sup>17</sup>. After initial conflicts in the late 1980ies in the Soviet era, Armenian troops conquered from 1992 to 1994 a land bridge to *Karabakh* (now known as *Arzach*), which is inhabited by Armenians, but is part of Azerbaijan. In 2020, Azerbaijan was able to cut off the land bridge in a short war and only a remainder of *Arzach* exists with protection of Russian peace troops. In the conflict with Ukraine, Russia has occupied and annexed the Crimea in 2014 and 4 further regions in 2022. As the war is going on, the future of these changes is also uncertain.

Some attempts to change borders by force failed. Examples are the battle of the *Falklands/Malvinas*, where Argentina conquered the islands in 1982, but United Kingdom reverted this some months later. In 1976, Somalia tried to annex the *Ogaden* region from Ethiopia, as this was mainly inhabited by ethnic Somalis, but the attack failed and the war ended with the status quo.

*Antarctica* is being protected by the Antarctic Treaty from 1959 as common heritage of mankind for several decades, but there are also territorial claims from the days of the South Pole expeditions on the approximately 14 million square kilometer South Pole area, which has a landmass under the ice, in contrast to the North Pole<sup>18</sup>. A considerable part of the claims is only made by one state, so there is no real competition. The argument of these states is that Antarctica is a “*terra nullis*”, i.e., not owned or inhabited by anyone and that they were the first who came there. Claims are made by Australia, New Zealand, France, Norway Argentina, Chile, and Great Britain that still controls the *Falkland Islands/Malvinas* together with the islands of *South Georgia* and *South Sandwich*, which together form a kind of barrier to the

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<sup>13</sup> CRS 2021b

<sup>14</sup> CRS 2021b

<sup>15</sup> CRS 2021b

<sup>16</sup> Abbink 20023

<sup>17</sup> WD 2023. Note that there are different views. Some argue that a state is already defined by factual control and not by formal declaration while others emphasize the dependence from Russia of these states and then, the term *de-facto regime* is preferred.

<sup>18</sup> CRS 2021a

Antarctic. But meanwhile, the USA and China have placed in all sectors stations at strategic relevant points and US has mentioned in 2020 the first time that they keep the option for territorial claims open<sup>19</sup>. Antarctica is at risk to dissolve into a patchwork of territories with factual control by various nations, a phenomenon that is already known from the Spratly islands in the South Chinese Sea.

Territorial conflicts also exist on the sea, but mostly without enforcement; instead, claims are made at the United Nations in line with the United Nations Sea Convention UNCLOS<sup>20</sup>. In the Arctic, Russia claims 1.2 million km<sup>2</sup> Arctic areas and argued that the so-called *Lomonosov Ridge* is an underwater extension of continental crust in the Arctic Ocean and thus an extension of Russian territory which is disputed by Canada. In the Mediterranean Sea, Türkiye and Libya have overlapping claims with neighbor states Greece, Cyprus and Egypt which have to do with huge gas fields. Türkiye and Libya refer to continental shelf claims while Greece, Cyprus and Egypt refer to exclusive economic zones (EEZs). Portugal claims several million km<sup>2</sup> of the Atlantic Ocean as EEZ and/or continental shelf based on its islands (Madeira and the Azores)<sup>21</sup>.

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<sup>19</sup> CRS 2021a. China proposed the creation of a “Chinese management district” of approximately 20,000 square kilometers with restricted access for foreigners in Antarctica which was rejected by other states. In the North Pole region, China has established a physical presence with research stations in Norway on Svalbard (Spitzbergen).

<sup>20</sup> Ortolland 2022

<sup>21</sup> Ortolland 2022

### 3. China's Territorial Disputes

#### 3.1 Overview



Map: modified from Saalbach 2010

- 1 Kashmir Region (Aksai Chin/Galwan)
- 2 Doklam Stand-off
- 3 Arunachal Pradesh/South Tibet/Tawang
- 4 Paracel Islands
- 5 Spratly Islands
- 6 Course of the 10-dash line from 2023 (South Chinese Sea) and the Scarborough Shoal
- 7 Taiwan (with a new 10<sup>th</sup> dash east of Taiwan)
- 8 Senkaku/Diaoyu Islands
- 9 Okinawa/Ryukyu Islands
- 10 Bolschoy-Ussurisky/Heixiazi Island/Vladivostok debate



## 3.2 Border Disputes

### 3.2.1 Aksai-Chin/Galwan

In the 1950ies after the conquest of Tibet which came back under Chinese control, China decided to build a road in areas which were part of India according to the colonial *Johnson line* which was not accepted by China anymore. In 1962, a military confrontation resulted and China conquered the North Eastern part of Kashmir, the *Aksai-Chin* region. Fighting took also place in East India in *Arunachal Pradesh*. Since that time, Kashmir is divided into three parts between India, Pakistan, and China and instead of an official border, there is the so-called *line of actual control LAC*. Some areas are still disputed at the LAC, around the *Galwan valley*, the *Pangong Lake* and the *Demchok area*, but there are detailed de-escalation protocols between Chinese and Indian border patrols. Tensions started when India started to improve its local infrastructure and China demanded to stop this<sup>22</sup>. In 2019, a fist fighting and rock-throwing broke out at the *Pangong lake*. This escalated in June 2020 to a local clash with 20 fallen Indian soldiers (number of Chinese casualties unknown), then both sides removed their troops a bit to de-escalate the situation<sup>23</sup>.

### 3.2.2 Arunachal Pradesh/South Tibet and Tawang

China is one of the countries with the largest number of transboundary rivers in the world which mostly originate in Tibet. Areas of concern are the *Brahmaputra River*, water-sharing over the *Indus River* and the *Ganga-Brahmaputra-Meghna River Basin*. In 2018, the water discharge by China in the Brahmaputra River basin was the highest over the last 50 years and caused concerns in India's regions of *Arunachal Pradesh* and *Upper Assam*<sup>24</sup>.

In November 2020, China announced plans for a hydropower mega-dam just before the Brahmaputra enters India, which could bring Northern India's water supply into trouble and resulted in strong responses from the Indian side<sup>25</sup>. This overlapped with territorial disputes in the region, China calls the Indian state of Arunachal Pradesh '*Southern Tibet*' (which means that this should be part of China as Tibet is a part of China)<sup>26</sup>. The border between Tibet and British-India was agreed in the *Simla Convention* of 1914 which was not accepted by China which is the reason why China now claims large parts of this state. In December 2022, this escalated to the *Tawang Clash*, but now both sides try to solve their dispute by diplomacy<sup>27</sup>. China wants India to cede Tawang, but for India the birthplace of the sixth Dalai Lama is of historic and religious importance<sup>28</sup>.

### 3.2.3 Doklam Stand-off

In the *Convention of Calcutta* from 1890, the tri-junction of India-China-Bhutan was defined by *Mount Gimpochi* and a watershed which from Chinese perspective reaches to *Doklam* while according to Bhutan and India, this already ends some kilometers north of Doklam (Bhutanese: *Doklam*, India *Doka La*, China *Donglang*)<sup>29</sup>. While only a few kilometers are disputed, this territory in the Sikkim-Bhutan-Tibet tri-junction is important for the control of vital Himalaya trade and transportation routes. This dispute is also known as *Sikkim stand-off*.

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<sup>22</sup> Smith 2021

<sup>23</sup> AP News 2023

<sup>24</sup> Basumatary et al. 2018

<sup>25</sup> Ho 2021

<sup>26</sup> Adlakha 2022, Lhamo 2023

<sup>27</sup> Adlakha 2022, Lhamo 2023

<sup>28</sup> Smith 2021

<sup>29</sup> Deepak 2017, Yang 2021

In 1967, Chinese troops appeared in *Nathu La* and *Cho La* at the Sikkim Boarder, but India was able to defend its positions<sup>30</sup>. The battle caused hundreds of deaths on both sides<sup>31</sup>. In 2007 and 2012, China destructed several Indian posts and border marks in the *Batang La* area, claiming the so-called "finger area" of 2 km<sup>2</sup> in north Sikkim, but Indian troops were able to restore the status quo<sup>32</sup>.

In 2017, China began to extend a road on the *Doklam Plateau* and argued that this is within China while Bhutan argued this is in Bhutan. India sent troops and bulldozers to stop this activity. Finally, India and China withdrew their troops end of August 2017.

With the neighbor country Nepal, there was a small conflict in 2021 where China constructed some buildings in the *Humla* border district, but China denied violation of Nepalese territory<sup>33</sup>.

#### 3.2.4 Senkaku/Diaoyu Islands

China and Japan have a territorial dispute over a group of uninhabited islands called the *Senkaku Islands* in Japan and the *Diaoyu Islands*. China argues that these islands are Imperial Japanese conquests which should be returned, but the Japanese security agreement with the United States also covers these islands and a return was not demanded after World War 2. These islands are a strategically important part of the physical barrier of United States' allies (Japan, South Korea, Taiwan, and the Philippines) against China. To tighten control, Japanese government purchased three of the disputed islands from private owners in 2012.

#### 3.2.5 Taiwan (with a new 10<sup>th</sup> dash east of Taiwan)

After 1945, a civil war took place in China. In October 1949, the Communist Party won and founded the People's Republic of China PRC. The previous government of the Republic of China went to Taiwan and still represents the old Republic of China. Both countries claimed to be the official China and after the visit of US President Nixon in 1972 and the takeover of the UN Security Council Seat by the PRC, the PRC was dominating. The *One China* policy demands other states to recognize the PRC and to disconnect relations to Taiwan. Meanwhile, only a few countries have still relations to Taiwan. The main goal of the PRC is to unite China under Communist rule and -if necessary- by force. The Chinese navy is rapidly growing.

Mainland China and Taiwan have similar claims to the South Chinese Sea. From the perspective of the PRC, they inherited the claims. When Taiwan itself is claimed by the PRC, this of course includes current all Taiwanese islands as well, e.g., the *Pratas Island*.

The 10-dash line which was refreshed in current maps of a 2023 with a 10<sup>th</sup> dash east of Taiwan is not trivial. It affects a small Japanese island which is now very close to this dash line. The *Ishigaki* Island is now equipped with air defense and troops<sup>34</sup>.

The fact that Taiwan became the leader of computer chip (semiconductor) production while the US has established a chip embargo on China, led to an intensified Taiwan debate. The most advanced chips typically have elements with 7 or 10 nanometers size. The *Taiwan Semiconductor Manufacturing Company TSMC* can produce them with a 5-nanometer technology, soon 3-nanometer chips are expected; for the most advanced chips the market share of Taiwan was 92% in 2022.

A potential attack on Taiwan to bring it under Chinese control (to a re-unification from a Chinese perspective) could damage the Taiwanese chip industry and by this heavily affect to global digital industry. Taiwan still hopes that the expected damage deters China from an attack,

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<sup>30</sup> Akhooon/Kumar 2020

<sup>31</sup> Babst/Misteli 2023

<sup>32</sup> Akhooon/Kumar 2020

<sup>33</sup> Poudel 2021

<sup>34</sup> Peters 2023

this concept is called “silicon shield”<sup>35</sup>. However, United States would be massively damaged as well then. But an attack on Taiwan could serve further strategic goals as well. It would urge United States to declare war. If they do not, United States have lost their military credibility which would result in the collapse of the US security architecture and its influence in Asia. But if they do, the US Pacific Fleet would be urged to operate close to the Chinese coast where China likely has a local conventional superiority and could also use their advanced *Dongfeng* anti-ship missiles with massive damage for the US Navy. Things could be different if e.g., Japan would back-up US forces with their very large and modern Navy. This is the reason why Taiwan is currently discussed as a major strategic issue by Japan<sup>36</sup>. In a war study of the *Center for Strategic and International Studies (CSIS)* of an US air campaign against a major power, it was calculated that missile ammunition would fall short within 8 days<sup>37</sup>.

The leading chip manufacturer TSMC has agreed to establish two modern chip firms in the US. The first one in Arizona will produce 4 nanometer chips from 2024 and the second one 3 nanometer chips from 2026. Concerns were expressed that this weakens Taiwan’s *silicon shield*, i.e., it is not needed anymore. Indeed, the *German Federal Ministry for Economic Affairs* expects that Taiwan will be annexed by China until 2027 (which implies that US may not [need to?] fight or win a Taiwan war)<sup>38</sup>. The head of TSMC however defended this decision and stated that people must realize that the era of globalization and of free trade is practically dead<sup>39</sup>.

### 3.2.6 Okinawa/Ryukyu Islands

Already in 2013, China made claims on *Okinawa* which were refreshed in 2023<sup>40</sup>. According to these claims, Okinawa originally was the Kingdom of *Ryukyu* which was described as tributary or vassal state of China in the Ming and Qing dynasty and would have been later annexed by Japan<sup>41</sup>. Japan strongly rejected this claim and said that the Ryukyus were not a vassal state, but had only trade relations to China<sup>42</sup>. The main concern is now that China may want to approach Okinawa at a later timepoint.

### 3.2.7 Bolschoy-Ussurisky/Heixiazi Island/Vladivostok debate

In the Amur-Ussuri region in the Far East, China claimed parts of the Russian *Bolschoy-Ussurisky/Heixiazi* Island. In 2004, Russia agreed to hand over to China a part of *Abagaitu Islet*, the entire *Tarabarov/Yinlong* Island, about half of *Bolschoy-Ussurisky/Heixiazi* Island, and some smaller river islets which was executed in October 2008. However, in 2023, China claimed the entire *Bolschoy-Ussurisky/Heixiazi* Island as own territory in their new map<sup>43</sup>.

In 2020, China mentioned that Vladivostok was originally *Haishenwai* when it was taken over by Russia in an unequal treaty<sup>44</sup>. It was a historical part of the *Yongming Sheng* area of China and due to growing imbalance between Russia and China, China could be able to realize its claims in a later future<sup>45</sup>.

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<sup>35</sup> Cronin 2022

<sup>36</sup> MOD 2022

<sup>37</sup> Gunzinger presented by Jones 2023, Figure 2

<sup>38</sup> Sueddeutsche online 01 Dec 2022

<sup>39</sup> NZZ 09 Dec 2022

<sup>40</sup> Shin 2023

<sup>41</sup> Ryall 2013, Shin 2023

<sup>42</sup> Ryall 2013

<sup>43</sup> AP News 2023

<sup>44</sup> EurasianTimes 2020

<sup>45</sup> Kallberg 2022

### 3.3 South Chinese Sea Disputes

The South Chinese Sea is one of the world's most important shipping routes and vital for the Asian maritime trade.<sup>46</sup> Furthermore, it is resource-rich and according to the *US Energy Information Administration*, the South Chinese Sea contains about 11 billion barrels of oil, and 190 trillion cubic feet of natural gas, but also fish stocks, coral, and other undersea resources<sup>47</sup>.

#### 3.3.1 Legal Aspects

Territorial conflicts also exist on the sea. The *United Nations Convention on the Law of the Sea UNCLOS* of 1982<sup>48</sup> came into force 1994, specified the coastal sea and its contiguous zone, defined exclusive economic zones of the coastal states and an *International Seabed Regime (ISA)* for some Pacific areas. According to UNCLOS<sup>49</sup>, the coastal seas are the sea strips with a maximum of 12 nautical miles from the coastal baseline, in further 12 nautical miles (22 km), the state can continue to enforce laws (the contiguous zone). The *exclusive economic zones (EEZs)* cover 200 nautical miles from baseline where the coastal nation has sole rights for research, artificial buildings (such as oil platforms) and exploitation.

Huge territorial claims can be made based on so-called continental shelf (geologic extensions of the own land mass). The continental shelf is the natural (geologic) prolongation of the land territory up to 350 nautical miles from the coastal baseline; or 100 nautical miles beyond the 2500-meter isobaths (the line connecting the depth of 2,500 meters). The claiming nation must prove that the seabed is geologically a continuation of the own land mass.

China's (and Taiwan's) claims overlap with the 200-nautical-mile (nm) EEZs of its neighbors Brunei, Indonesia, Malaysia, the Philippines, and Vietnam<sup>50</sup>.

UNCLOS defines an island as something that can be inhabited by humans and only then, EEZs can be claimed. A 'rock' cannot be inhabited and no EEZ can be claimed. An elevation only visible at low tide (LTE) can only be used for measurements while submerged (underwater) formations and artificial islands provide no rights at all<sup>51</sup>.

If a claim is made around an island, the claimed territory looks like a circle around the island which may leave gaps between islands. China asserts the right to draw "straight baselines" that enclose the islands, waters, and submerged features which results in homogenous blocks of territorial claims<sup>52</sup>.

The United States is not a party of UNCLOS III, but is following UNCLOS provisions relating to territorial waters, the EEZ, and navigational rights. China has signed UNCLOS III in 1996, but argues that their historical claims override this regulation<sup>53</sup>.

Originally, the Republic of China, which is now limited to Taiwan, claimed to South Chinese Sea and the Gulf of Tonkin in an 11-dash-line. The Communist People's Republic of China PRC removed the two dashes in the Gulf of Tonkin and used a nine-dash line, but occasionally since the 1980ies also a 10-dash line east of Taiwan<sup>54</sup>. In May 2009, China submitted an Official

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<sup>46</sup> CRS 2023b

<sup>47</sup> CRS 2023b

<sup>48</sup> More precisely, this is UNCLOS III, an extension of the previously existing UNCLOS I and II from 1958 and 1968.

<sup>49</sup> Note that UNCLOS has a lot of details and special regulations which cannot be presented here, but complicate many of the sea conflicts, see Sakamoto 2023

<sup>50</sup> CRS 2023b

<sup>51</sup> State Department 2022

<sup>52</sup> State Department 2022

<sup>53</sup> Sacks 2022

<sup>54</sup> Sakamoto 2023

“Nine-Dashed Line” to the United Nations<sup>55</sup>. While the 9-dash line was presented in many presentations over the past decades, now the 10-dash line was presented again to refresh the claims<sup>56</sup>.

China’s key historical argument is not the 9 (or now 10)-dash line itself, but that China would have been present and active in the South China Sea since more than 2000 years and that they were “*the first country to discover, name, explore and exploit the resources of the South China Sea Islands and the first to continuously exercise sovereign powers over them*”<sup>57</sup>. China also emphasizes that most of their claimed territory was lost under foreign and imperialist pressure in unfair treaties, when China was not in a condition to dispute them.

The neighbor states argue against Chinas historical claims by reference to the internationally recognized borders and UNCLOS<sup>58</sup>. The Philippines approached the *Permanent Court of Arbitration (PCA)* responsible for UNCLOS issues.<sup>59</sup> On 07 December 2014, the *Ministry of Foreign Affairs of the People’s Republic of China* released a *Position Paper on the Matter of Jurisdiction in the South China Sea Arbitration initiated by the Republic of the Philippines* and made clear that the Chinese Government will neither accept nor participate in the Arbitration<sup>60</sup>. In 2016, the PCA ruled against China's South China Sea maritime claims.

### 3.3.2 Military Aspects

The so-called *First Sea Line (First Island Chain)*, up to Taiwan virtually identical to the territorial claims on the South China Sea (9 dash-line)<sup>61</sup>. China is trying to secure control of the area by building artificial islands with military presence and through bilateral agreements with neighboring states.

Chinas has 20 outposts in the Paracel islands and 7 in the Spratly islands. Also, it seized in the Spratly area the *Scarborough Shoal* in 2012 and has a constant Coastal Guard presence nearby. Since 2013, artificial islands were expanded and fortified.<sup>62</sup> Artificial islands construction is also done e.g., by Vietnam and the Philippines, but to a lesser extent<sup>63</sup>. Chinas military constructions form a radar and military fighter jet ring that can cover South East Asia. In 2020, 72 fighter jet hangars were counted on three Spratly islands and 16 fighter jet hangars on *Woody Island* in the Paracels<sup>64</sup>. Other equipment includes anti-ship and anti-aircraft missile systems, laser, and jamming equipment<sup>65</sup>.

The *Second Sea Line (Second Island Chain)* from Japan to Palau and Guam is the border to which the US influence should be pushed back<sup>66</sup>. The *Dongfeng* missile system of mid- and long-range anti-ship missiles supports this approach.

China, Vietnam, and some other countries argue that UNCLOS allows them to regulate both economic activity and foreign militaries’ navigation and overflight through their EEZs while freedom of navigation is centered on the ability of commercial cargo ships to pass through

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<sup>55</sup> Sacks 2022

<sup>56</sup> AP News 2023

<sup>57</sup> Position Paper on 7 December 2014, para.4 cited by Sakamoto 2023

<sup>58</sup> State Department 2022

<sup>59</sup> AP News 2023

<sup>60</sup> Sakamoto 2023

<sup>61</sup> CRS 2023c

<sup>62</sup> AMTI 2023

<sup>63</sup> CRS 2023c

<sup>64</sup> Sacks 2022

<sup>65</sup> Sacks 2022

<sup>66</sup> Ortolland 2022



international waters; China declared an *air defense identification zone (ADIZ)* over the South Chinese Sea where China claims the sole authority<sup>67</sup>.

However, United States counter all these claims by its military presence on the sea as *Freedom of Navigation Operations (FONOPs)* and in the air. The US Navy routinely operates in the South Chinese Sea and the Taiwan Strait, and the US Air Force and Navy aircraft fly surveillance and reconnaissance missions in international airspace above the South Chinese Sea, including airspace that is close to China's airspace<sup>68</sup>. In 2020, it was reported that US military aircrafts were attacked more than 20 times with laser attacks over the East Chinese Sea, also Australia in one case. On 17 February 2020, a US *P8-A Poseidon* surveillance aircraft was hit by a laser beam from a Chinese *Luyang III* class destroyer 380 miles west of Guam<sup>69</sup>. In February 2023, a blinding laser attack on a Philippian Coast Guard Ship was reported<sup>70</sup>.

China tries to deter the United States presence and to impress the neighbor states by military exercises of the *People's Liberation Army Navy (PLAN)*. Two other naval powers are the *China Coast Guard (CCG)* and the maritime militia, a state-funded armed fishing fleet which conduct low-intensity 'gray-zone operations' as proxy force below the threshold of military action<sup>71</sup>. Since 2018, the Coast Guard is subordinated to the military<sup>72</sup>. If a foreign ship approaches areas claimed by China, the fishing fleet observes this and may warn the ship to move away. The fishing fleets includes an estimated 17,000 ships which includes 200-foot (66 meter) long boats<sup>73</sup>. If this not helps, the Coast Guard is approaching and then as last step of enforcement the navy. The overall strategy is to incrementally change the status quo with salami-slicing tactics<sup>74</sup>. The United States noted a "*talk and take*" strategy where China negotiates while taking actions to gain control of contested areas<sup>75</sup>.

The control of the South Chinese Sea and the exclusion of other ships is of highest strategic importance for China. China currently has six submarines of the *Jin class*, also known as *Type 094*, and which could fire nuclear missiles. The new JL-3 long range missiles would allow a direct attack on the United States from the South Chinese Sea. For the United States, it is vital to locate these submarines. The problem is that the submarines which were released since 2007 are relatively 'loud', i.e., easy to detect for advanced sensor systems. A fortification of the South Chinese Sea and the squeeze-out of foreign militaries from certain areas would give the Chinese submarines more freedom of action<sup>76</sup>. For the same reason, the US Navy tries to maintain its presence in this area. If China could achieve a withdrawal of the Philippines from the *Second Thomas Shoal* (see below), this would be a major step forward to an 'underwater fortress'.

### 3.3.3 Current Conflicts

#### 3.3.3.1 Paracel Islands

China and Vietnam have an ongoing territorial dispute over the *Paracel Islands* that are currently controlled by China.<sup>77</sup> Shortly before end of the Vietnam war, China took over full control over Paracel islands in a navy battle against South Vietnam in January 1974.

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<sup>67</sup> CRS 2023c

<sup>68</sup> CRS 2023b

<sup>69</sup> Cronin/Neuhard 2020

<sup>70</sup> Honrada 2023

<sup>71</sup> Sacks 2022

<sup>72</sup> Fährnders/Stahnke 2023

<sup>73</sup> Sacks 2022

<sup>74</sup> EP 2021

<sup>75</sup> CRS 2023c

<sup>76</sup> Zoll 2023b

<sup>77</sup> AP News 2023

### 3.3.3.2 Spratly Islands

The Spratly islands consist of more than 50 banks, shoals, reefs, and islands and are a patchwork of factual territorial control by Brunei, Malaysia, Taiwan, the Philippines, Vietnam, and China. In 1988, China sent missions to previously uncontrolled reefs. After the Vietnamese navy approached, a navy battle emerged near the *Johnson reef (Chigua Jiao)* in March 1988 with dozens of deaths and the area was finally taken over by China. In response, Vietnam ensured its existing presence on 21 other Spratly features and is now enhancing its construction activities<sup>78</sup>.

Between 2013 and 2015, China undertook island-building operations resulting in around five square miles of artificial landmasses on the seven disputed sites that China controls<sup>79</sup>. On *Woody Island*, a landing area of 2,700 meters was built for massive bombers<sup>80</sup>.

In July 2019, the Chinese survey ship *Haiyang Dizhi* approached the Vietnam-controlled *Vanguard Bank* at the western side of the Spratly Islands which has oil and gas reserves and the so-called DK1 platforms consisting of 24 stations to fend off intruders. The Vietnamese Coast Guard appeared as well and after some weeks, the confrontation ended with the status quo<sup>81</sup>.

### 3.3.3.3 Scarborough Shoal

In 1994, the China occupied *Mischief Reef*, located some 250 miles from the Philippine coast which is claimed the Philippines. Also, China seized the *Scarborough Shoal* in 2012 and has a constant Coast Guard presence nearby.<sup>82</sup>

In 1999, the Philippines intentionally grounded a ship, the Navy Ship *BRP Sierra Madre* on the *Second Thomas Shoal (Ayungin Shoal, Ren'in Jiao)*, a Philippine outpost in the Spratly Islands. Since that time, soldiers are present on the ship which get regular supplies. The reason is that a navy ship is part of the security agreement with the United States, i.e., when the ship would be attacked, the US are obliged to intervene<sup>83</sup>. The Chinese navy and Coast Guard tried to block these activities to achieve a withdrawal of the Philippines forces on several occasions since 2014<sup>84</sup>.

### 3.3.3.4 Natuna Island

Indonesia's *Natuna* Island Group is not part of China's claims<sup>85</sup>, but Indonesia is concerned about the presence of Chinese fishermen. In March 2016, the China Coast Guard prevented the detention of Chinese fishermen by Indonesian authorities near *Natuna*.

## 4. Concluding Remarks

Attempts to redraw borders by force were continued after 1945 in many situations and were sometimes even successful. Since the end of the cold war, physical and military control of territories became increasingly important.

The United Nations noted a global trend to contract exit and decline<sup>86</sup>. Irrespective of UN resolutions, the United States legally acknowledged the 1981 annexation of the Golan Heights by Israel in 2019 and the 1975 annexation of the Western Sahara by Morocco in 2020 which was also acknowledged by Israel in 2023 to strengthen strategically important allies.

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<sup>78</sup> Sacks 2022, Zoll 2023a

<sup>79</sup> CRS 2023b

<sup>80</sup> Zoll 2023d

<sup>81</sup> Le 2019

<sup>82</sup> AMTI 2023, Zoll 2023a

<sup>83</sup> Zoll 2023c

<sup>84</sup> Fähnders/Stahnke 2023

<sup>85</sup> State Department 2022

<sup>86</sup> United Nations 2019

Tactics to expand territorial control can include grey zone operations, salami-slicing strategies, talk and take-strategies, but also surprise attacks and occupations. In the South Chinese Sea, China and other countries work on artificial islands and military constructions. In future, not arguments but the ability to gain and to maintain physical and military control over a territory could decide border disputes.

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