The Spratly Islands Dispute – A Discourse Analysis

The Spratly Islands are located in the so-called South China Sea and consist of a number of small islands, reefs, atolls and rocks. These islands have been disputed with varying degrees of intensity for more than 50 years. They continue to be a point of dispute between six different states to this day. The Spratly Islands are claimed in whole or part by The People's Republic of China (PRC), The Republic of China (ROC/Taiwan), The Philippines, Vietnam, Malaysia and Brunei.

This essay proceeds in a number of sections. Firstly, the dispute is introduced in detail and in combination with this, the existing research is reviewed and evaluated. This will expose the limited theoretical approaches that have so far been taken in analyzing the dispute. As is shown, the Spratly Islands dispute has been viewed through mostly realist and structural realist lenses and to a lesser extent through liberal ones. This essay argues that taking a constructivist approach through discourse analysis as described by Lene Hansen[1] will highlight essential and previously neglected dynamics of the dispute. The second section of the essay therefore applies discourse analysis to the dispute. This section first introduces Lene Hansen's methodology and then goes on to apply it to the specific case. Due to the relative brevity of the essay, the analysis will focus on the discourses of two of the claimant states, namely the PRC and the Philippines. The analysis looks at the discourses of the two states towards the dispute in general, but also at the discourses used specifically towards the other state. This will highlight major Chinese and Filipino attitudes and identities in the dispute and will thus examine how these discourses construct and reproduce the dispute. Finally, the conclusion sums up the findings of the essay by explaining how the two states' conflicting perceptions and identities serve to reproduce the conflict in irreconcilable terms. Note that the Spratly Islands issue is generally conceptualized as a dispute rather than a conflict due to the overall absence of violent confrontation and the low-intensity character of the dispute.

Background and Literature Review

The South China Sea, where the Spratly Islands are found, borders many states and is very tellingly also known as the West Philippine Sea and the East Sea in Vietnam[2]. There is some confusion as to the number of islands, reefs, rocks and atolls that the Spratly Islands consist of. Some academics claim up to 230[3] while others speak of 150 "named landforms"[4] and some only include 40-50 islands and reefs[5]. Even the CIA seems uncertain in its estimate when writing that the Spratlys consist of "100 or so islets"[6].

Three of the claimant states, Vietnam, the ROC and the PRC, base their claims on historical 'facts' while the three other states, the Philippines, Brunei and Malaysia, refer mainly to international law and conventions when justifying their claims. This essay focuses on the PRC and the Philippines and the bases of their claims are therefore examined in detail below.[7]

The PRC bases its claims on historical evidence of Chinese presence on some of the islands. These claims go back to the Xia Dynasty (21st-16th centuries B.C.). The PRC claims that they were the first to "name, map, study, use and patrol the South China Sea and the islands therein".[8] The PRC refers to different types of evidence of occupancy such as old maps depicting the Spratly Islands, the discovery of old Chinese coins on the islands and the referral to the islands in ancient Chinese history books.[9] Thus according to the PRC argument, the Spratlys have not been terra nullius[10] for about 2000 years at least. The PRC today occupies 9 reefs, however, claim all of the Spratly

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Islands.

In contrast to this, the Philippines bases its claims mainly on international law through the United Nations Convention on the Law of the Sea (UNCLOS). The initial claim of the Philippines stems from the 'discovery' of some of the islands by a Filipino citizen named Thomas Cloma in 1956. The 1978 formal Filipino claim, which today comprises 7 islands and 3 reefs, is thus based on two main principals. First, the Philippines asserts that the islands that it claims (also known as the Kalayaan Group) were terra nullius prior to Cloma's discovery and that his discovery therefore put them under Filipino sovereignty. Secondly, and more importantly, the Philippines refers to UNCLOS' concept of a 200 nautical mile Exclusive Economic Zone (EEZ) when justifying its claims. Most of the Filipino-claimed islands and reefs thus fall within the Philippines' EEZ.[11]

One major definitional issue impacts the dispute; what constitutes and island? According to UNCLOS, an island has an EEZ of its own, while rocks or reefs do not. UNCLOS' Article 121 defines an island as "a naturally formed area of land, surrounded by water, which is above water at high tide. (…)Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf."[12] The PRC claims that all of its occupied features are islands with individual EEZs, despite not all of them being naturally above sea-level at high tide.[13]

But why are a number a tiny reefs and islands disputed by six different nations? The existing literature tends to focus on two main reasons for the dispute: resources and strategic concerns. Most existing explanations apply realism to describe and explain the dispute. Realism assumes that the world is anarchic and made up of sovereign states that have national interests that they must protect through mechanisms of self-help.[14]

One such national interest that much of the literature focuses on is possible oil or gas reserves underneath the Spratlys.[15] The U.S. Energy Information Administration (EIA) estimates that the South China Sea as a whole contains 11 billion barrels of oil and 190 trillion cubic feet of natural gas. However, the EIA also claims that the Spratly Islands in particular have "virtually no proved or probable oil reserves."[16] Nonetheless, many claimant states have already been in contact with major oil exploration companies. In addition to this, the global decrease in fishing stocks and growing populations mean that the fishing rights and stocks that the Spratlys hold are very attractive to the claimant states.[17]

Some scholars such as Min Gyo Koo have also focused on the strategic importance of the Spratlys. The South China Sea is the second busiest sea lane in the world and much of the world's trade passes through it. Further to this, the South China Sea is a militarily important passage; countries controlling the Spratlys could potentially prevent enemy navies from passing and the Spratly Islands themselves represent important observation posts.[18]

Other scholars focus on more structural realist explanations such as arms build-ups and power balances. De Castro has thus focused on the PRC's use of what he calls "power politics tactics"[19] such as pressing for a bilateral approach to the dispute in order to avoid a PRC vs. ASEAN (Association of Southeast Asian Nations) dynamic and utilizing its naval capabilities to obtain its interests. De Castro also gives a long account of the PRC's naval arms build-up and focuses on the balance of power in the area. Along the same lines, Marlay[20] describes both the Philippines' and the PRC's military capabilities and Stanley Meyer focuses on issues such as the possibility of a regional arms race[21].

Along the same vein, David Scott has focused on the power vacuum left in Southeast Asia after the fall of the Soviet Union and the possibility of states like the US, Japan or Australia becoming involved as stabilizing powers. Scott explains that the Philippines could balance against the PRC by allying with the US in order to maintain status quo and he concludes that "The benefits of such balancing may become apparent because balancing is itself a stabilizing process."[22] This statement is as if taken out of structural realist Kenneth Waltz' '*Man, the State, and War*' from 1959.

Much of the scholarship on the Spratly Islands dispute, explains the dispute in realist terms, but suggests solutions of a liberal or liberal institutionalist character. Liberalism focuses on the possibility of abolishing war and conflict through

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trade and diplomatic ties and through intergovernmental organizations.[23] Meyer states that "The Spratly Islands issue is most likely to be resolved in a regional forum"[24] such as ASEAN or the ASEAN Regional Forum (ARF). Likewise, Michael Gallagher, in a more classical liberal way, advocates for increased trade relations and diplomatic ties in order to prevent a possible conflict over the South China Sea.[25] Others focus more on international law and the UN. Xavier Furtado for example examines UNCLOS' limitations with regards to the dispute, but also suggests improvements to the use of UNCLOS.[26]

Some scholars have taken a more constructivist approach to the dispute by looking at how identities are developed and transformed through interaction.[27] Chen Jie has gone some way by focusing on the role of history, perception and emotion in the PRC's approach to the dispute by analyzing for example the effect of 'the long century of humiliation'-thinking in the PRC, which means that "China regards itself as a victim of regional countries' aggression and encroachment."[28] Jie, however, only take this approach in her first section and then turns to describing the PRC's Spratly policy in structural realist terms.

Chun Leung Jacky Li takes a more consistent approach when looking at Filipino internet discourse regarding the dispute. She identifies internet discourses portraying the Philippines as the "Small Brave Kid vs. the Big Bully"[29] Li, however, seems to mix in official discourse from figures such as Filipino presidents. The article thus adds valuably information to existing debates, however remains slightly inconsistent.

Evidently there are large gaps in the existing literature, which has mostly focused on the dispute through realist and liberalist lenses. This essay moves along the same lines as Chen Jie and Jacky Li's research, however, takes a purely constructivist approach by looking at the identities and perceptions as portrayed in PRC and Filipino official discourses on the dispute. This is done in an attempt to discover previously ignored dynamics that construct and reproduce the conflict in certain terms. This essay thus seeks to add to the existing research, rather than discard it. This is done through poststructuralist discourse analysis as explained in the next section.

Discourse Analysis

Poststructuralist discourse analysis focuses on the link between foreign policy and identity. It assumes that "policies are dependent upon representations of the threat, country, security problem or crisis it seeks to address. Foreign policies need to ascribe meaning to the situation and to construct the objects within it"[30]. This meaning and these objects are constructed by drawing on specific identities and representations articulated through language. As Hansen notes, language is political, meaning that it is a "site for the production and reproduction of particular subjectivities and identities while others are simultaneously excluded."[31] But identities and policies do not exist in simple causal relationships, rather they are mutually constitutive and reproductive thus it is "through the discursive enactment of foreign policy (…) that identity comes into being, but this identity is at the same time constructed as the legitimization for the policy proposed."[32] This is why discourse analysis makes language its ontological focus and the articulation of identities and policies its epistemological focus.[33] Thus in this analysis the discourse (i.e. the language) is analyzed in order to reveal how identities construct policies and vice versa.

More specifically, the analysis includes two so-called 'selves' (the PRC and the Philippines) in order to examine to what extent these selves differ in their construction of identities in the dispute and in their perception of it. Hansen identifies three intertextual models that a discourse analysis can base itself on. Due to the brevity of this essay only the first intertextual model, namely official discourse, will be analyzed here. The sources that are analyzed therefore come directly from the PRC or Filipino governments. The aim is to show how PRC and Filipino officially-articulated identities constitute and are constituted by the dispute. One specific 'event' is analyzed (the 2012 Scarborough Shoal standoff) as well as the general official PRC discourse between 2007 and 2014 and general official Filipino discourse between 2010 and 2014. The difference in time scale is due to the lack of Filipino sources from the years prior to 2010. The analysis therefore assumes that the Filipino discourse did not change substantially from 2007-2010. The criteria for choosing these sources are as follows 1) the source includes clear articulations of identities and policies; 2) is widely read and attended to; 3)comes from a formal authority that defines the political position.[34]

The discourse analysis included 26 items from the Ministry of Foreign Affairs of the PRC and 4 items from the

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Ministry of National Defense of the PRC and on the Filipino side, 12 items from the Department of Foreign Affairs (DFA) of the Philippines and 2 items from the Department of National Defense of the Philippines. The items include speeches, communiques, press conference transcripts and official notifications. The unequal number of Chinese and Filipino items is due to the large amount of PRC sources available online. Despite the smaller number of Filipino items, these were actually more concentrated on the Spratly Islands than the Chinese ones – this is probably due to the fact that the Chinese items focused on multiple of its South China Sea disputes. Naturally, only those statements pertaining to the Spratly Islands or the South China Sea in general were analyzed.

The PRC Discourse: the Peace-Loving PRC and History as a Way of Knowing

Much of the Chinese discourse focuses on the cooperation and stability of the region. Among the most used words in the Chinese discourse are 'peace', 'stability' and 'prosperity'. This is visible in sentences such as "we should (…) enhance unity and cooperation among us, overcome difficulties and meet challenges and promote peace, stability and prosperity of the region"[35] These words and phrases are present both in documents relating to regional events such as ASEAN, ARF or East Asian summits, but are also present to a lesser extent in documents specifically regarding Sino-Filipino relations such as joint statements regarding the dispute and in quotes from the Minister of Defense. Alongside its pressing for peaceful cooperation and development, the PRC discourse often refers to specific policies such as its 'Good Neighbour Policy' and the famous 'Win-win cooperation'. Moreover, this 'peace, stability and prosperity' discourse leads the PRC to urge the other claimant states to settle disputes "peacefully through bilateral friendly consultations"[36]. The PRC thus sees the dispute as a potential obstacle to regional peace, stability and prosperity and presses for peaceful negotiations and solutions. The PRC speaks in 'we' terms rather than 'us and them' terms. In this way the PRC is portraying itself as a force for regional peace, but also conveying the notion that China cannot be peaceful on its own.

This self-image induces the PRC to portray any aggression by other states as a disturbance to regional stability. During the Scarborough Shoal Standoff in 2012 where a Filipino navy ship was sent to the Scarborough Shoal due to a Filipino surveillance plane having spotted Chinese fishing vessels in the area, the PRC called the Filipino ships "warships"[37]. Furthermore, the PRC portrayed the Philippines' actions as "harassment of Chinese fishing boats"[38] and as going "against the two countries' consensus to maintain peace and stability of the South China Sea."[39] Underlining its peaceful nature, the PRC stated that "[c]ompetent Chinese authorities have sent public service ships rather than warships to waters of the Island with the aim of protecting the safety of the Chinese fishermen".[40] The PRC later stated that "some Philippine senior officials misled public opinion"[41] regarding the standoff. Thus the PRC portrays itself as a peaceful state, whereas the Philippines is portrayed as an aggressive warship-sending state that goes against the consensus for peace and purposely misleads public opinion. Clearly in this image the PRC is acting morally correct, whereas the Philippines is acting unacceptably.

Another type of discourse is, however, also discernible. It is best described as realist discourse grounded in a history-focused narrative. This is visible in the following statement, recounting a Chinese explorer's travels 600 years ago:

"The Chinese brought with them tea, ceramics, silk and craftsmanship. They did not occupy a single inch of land. As long-time victims of foreign aggression and humiliation, the Chinese people are keenly aware of the meaning of *national independence, sovereignty, security* and world peace. We will never inflict such sufferings upon other nations."[42] [the author's emphasis added]

This shows how important concepts such as sovereignty and territory are to the PRC, which only sees itself as upholding its "territorial sovereignty and maritime rights and interests"[43] in the South China Sea. The PRC called the 2012 Scarborough Shoal standoff a "violation of China's sovereignty"[44] and reiterated that "the Huangyan Island [Scarborough Shoal] is an integral part of China. China has indisputable sovereignty over the Island."[45] The discourse surrounding the Scarborough Shoal standoff also shows the use of realist terms in reference to history:

"[T]he Huangyan Island is China's inherent territory (…). China has ample jurisprudential evidence supporting its sovereign rights over the Island. China was the first to discover and name the Huangyan Island and also the first to include it into China's territory and exercise sovereign jurisdiction over it. The waters surrounding the Huangyan

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Island has been a traditional fishing ground for Chinese fishermen. Since ancient times, Chinese fishermen have been fishing in waters surrounding the Island."[46]

Thus the PRC is using very modern-day realist language, but justifying its claim in historical terms. The past is extremely important to the PRC and to its conception of itself. To some extent the PRC views history as a way of determining what is true and regards it as outweighing all other arguments. This high regard of history might be linked to its fear of forgetting history and repeating past mistakes. The PRC's resolve not to forget history is visible in statements such as "The Chinese people, after suffering tremendously from foreign aggression and colonialism in modern times, and having eventually regained independence and liberation, would by no means bring the same suffering to people of other countries."[47]

Moreover, the PRC discourse not only uses history to justify its claims, it also uses history to support the abovementioned 'peace, stability and prosperity' discourse. A combination of the two discourses is thus visible in sentences such as "China's historical and cultural tradition determines that the Chinese are a peace-loving nation"[48] and "China knows deeply from history and its own experience that peaceful development is the right and successful path, a path that serves best China's fundamental interests and the interests of the people in the world."[49] This discourse conveys the idea that it is possible to 'know from history' and that 'historical and cultural tradition' can 'determine' something. History is thus a way of knowing for the PRC and ignoring it "would be going against history and not being responsible to mankind."[50] History is seen as an instrument for improving the world we live in by learning from it, but it is also a way of knowing in itself. This is why the PRC knows that the Spratly Islands belong to them. History provides all the proof that is needed.

The Filipino Discourse: International Law as the Only Way Forward

The most dominant Filipino discourse focuses on international law and in particular UNCLOS. The Philippines convey a strong belief that international law can solve the dispute. President Aquino III stated that "rules and norms anchored on international law are fundamental in promoting trust and confidence among nations, and in ensuring stability and peace in the international community."[51] The Philippines, like the PRC, seem intent on regional peace and stability. The Philippines, however, underline that making use of international law is the only way to ensure this peace – this was underlined when the Philippines initiated arbitral proceedings under Article 287 of UNCLOS against the PRC, challenging its claims in the South China Sea.[52] The Philippines argues that "the clarification of maritime entitlements under UNCLOS would assure peace, security, stability and freedom of navigation in the South China Sea. We truly believe that the arbitral proceedings would bring this dispute to a durable solution."[53] According to the Philippines a durable and just solution is possible through international law because it sees international law as "objective, impartial and non-discriminatory"[54] and states that it "ought to be respected by all"[55]. This is also why the Philippines do not perceive the arbitration as a threat to the PRC; "Arbitration is as peaceful and amicable process to settle a dispute between and among friends."[56]

The Philippines believes that what ultimately counts is international law and that it overrules other approaches to the dispute. This is visible in its discourse regarding the Scarborough Shoal standoff, which continuously justifies the Filipino claim of the Shoal through different UNCLOS articles whilst also delegitimizing the PRC's historic claim by subjecting it to international law; "[U]nder public international law, for a historic claim to mature into a historical title, a mere showing of long usage is not enough."[57] This is how the Philippines has come to view the PRC's actions regarding the Shoal as a "serious violation of the Philippines' sovereignty and maritime jurisdiction"[58] whilst its own occupation of the Scarborough Shoal is legal and justified under UNCLOS. In this way the Filipino discourse engages with the PRC's historic claim, however, evaluates it according to 'objective and impartial' international law rather than as historical 'facts'. Consequently, the PRC's historic claim must adhere to the specifics of international law to be legitimate in the eyes of the Philippines. To some extent then, the Filipino way of knowing in relation to the dispute is through international law. The Philippines believes that international law points to what constitutes right from wrong. Much like the PRC, the Philippines also think that we can learn from the past. However, the Philippines, rather than believing in the lessons of history, believes that we can learn from past cases in international law. The Filipino discourse for example refers to the Palmas Island Case as a precedent to the Spratly one.[59] Hence, it is through international law rather than history that the Philippines knows that the Spratly Islands (i.e. the Kalayaan

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Group) belong to them. International law provides all the proof that is needed.

The Filipino self-perception might be what led it to see the dispute through legal terms. To some extent, the Philippines views itself as the less powerful actor, however, believes that the law is the way to challenge the PRC. This thinking is visible in statements such as the Department of Foreign Affairs' call for Filipinos to "unite to support the President's constitutional mandate [i.e. the arbitration initiation] to protect Philippine territory and national interest"[60]. This exhibits a certain sense of the Philippines being the underdog, who can nevertheless overcome the bigger powers by uniting in playing the game that we are all equal in; the law. The Philippines thus remind us that "[t]he law must apply both to the mighty and to the weak, to the rich and to the poor alike."[61]

The perception of the PRC as the physically stronger part is also visible from the Filipino discourse. The PRC is viewed as a rigid hardliner who make the continuation of negotiations impossible – this according to the Philippines is the main reason for the initiation of the arbitration.[62] Moreover, the PRC is seen as the aggressor projecting "an overwhelming naval and maritime presence far beyond its maritime shores thereby raising regional tensions".[63] The PRC is also seen as 'harassing' Filipino ships – the exact same word was used by the PRC about the Philippine actions. Moreover, it comes as no surprise that the Philippines, much like PRC, sees itself as a calm and rational, peace-loving nation, exhausting "almost all political and diplomatic avenues for a peaceful negotiated settlement of its maritime dispute with China. Our last resort (…) was to utilize the legal track".[64] The PRC, not the Philippines, has made progress via dialogue impossible according to the Philippines.

Conclusion

This essay has sought to identify and explain the major dynamics of the Spratly Islands dispute. It has done so by first recounting the background of the dispute and reviewing the existing literature on the dispute. As shown, most of the literature identifies the major dynamics of the dispute through realist lenses whilst suggesting solutions to the dispute in liberalist terms. A limited amount of constructivist approaches exist, none of these, however, undertake a thorough analysis of the underlying identities and perceptions of the dispute. The essay therefore attempted to fill a gap in the existing research by taking a constructivist approach to the dispute through Hansen's poststructural discourse analysis. The analysis focused on the official discourse of the People's Republic of China and the Philippines towards the dispute and each other by analyzing the official general discourse and the discourse surrounding one specific event, the Scarborough Shoal standoff.

The analysis revealed that the two states' perceptions of themselves, the other and the dispute in general, differ extensively. The PRC identifies itself as a peace-loving state, working for regional stability whilst perceiving the Philippines as an aggressor, who works against the PRC's peaceful efforts. Moreover, the PRC discourse revealed a certain type of epistemology used by the PRC; utilizing history as a way of knowing and thus as a way of telling right from wrong. The PRC thus emphasizes the importance of learning from the past in order to improve the world we live in. Contrastingly, the Philippines perceives itself as a peaceful state, acting within the boundaries prescribed by international law. It identifies itself as less powerful than the PRC, however, understands international law as a way to stand up to the PRC. The PRC is, perceived as an aggressive hardliner who has made dialogue impossible. The Filipino discourse shows that it has come to view international law, and particularly UNCLOS, as the only way to objectively tell right from wrong in the dispute. For the Philippines international law is thus the only way to know who the Spratly Islands belong to.

At the heart of the dispute therefore, lie two fundamentally different epistemological foci. One state believes in the power of history to determine who has sovereignty over what, whereas the other state believes that applying the law is the only way to determine this. It is as if the PRC and the Philippines are speaking two different languages with very different grammatical rules, therefore not understanding each other. Furthermore, each state perceives itself as the good guy and the other as the aggressor. This, combined with the two incompatible understandings of how to determine what the right solution is, serves to reproduce the dispute in irreconcilable terms and drives it into a deadlock of conflicting identities and perceptions.

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