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UNCERTAIN BORDERS: TERRITORIAL DISPUTES IN ASIA

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Territorial disputes in Asia remain a serious challenge to peace, stability, and prosperity of the region. In fact, of all interstate disputes, those over territory tend to be nearly twice as likely as other issues to lead to armed conflict. A mix of political and economic interests, normative reasons, and competition over scarce natural resources has been suggested as drivers of conflict over disputed territories. In Asia today, geopolitical shifts, natural resources, and environmental degradation are a source of concern. The East and South China Seas are particular flashpoints that could lead to devastating confrontations for the region and beyond. At the same time, the continuing trend toward integration in the region, the growing relevance of regional institutions and arrangements, and the processes of democratization are reasons to be optimistic about peaceful settlements of territorial disputes in Asia.

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Introduction

Between February and April 2011, Thai and Cambodian military forces exchanged rounds of artillery, mortars, and rifle fire in the proximity of two Hindu temples, which sit in a hilly jungle area that both sides say belongs to them. Clashes subsequently extended to the hill-top temple of Preah Vihear, a flashpoint for the dispute. Thailand also admitted the use of cluster bombs during four days of border fighting¹. The violence killed 17 people and displaced 36,000 villagers.

More recently, on May 2013, a 65-year-old Taiwanese fisherman was killed by the Philippine coastguards for supposedly illegal fishing in an area southeast of Taiwan where the “exclusive economic zone” entitled under the Convention on the Law of the Sea overlaps with that of the Philippines. The Taiwanese public was outraged; the government demanded official apologies, an inquiry, and financial compensation. It imposed sanctions, including a freeze on hiring of Filipino workers and the recall of ambassadors. And subsequently it conducted a naval drill in the contested waters, while hackers from both countries mounted cyber-attacks on official government websites².

In a globalized world of interconnected societies and transnational threats, where borders seem to be more a geographical expression rather than demarcation of national interests, territorial disputes are here to remind us that sovereignty still matters. Territorial disputes are disagreement over tracts of land or water that are claimed by two or more independent countries. There are seventy-one unresolved territorial disputes today, involving over 40 per cent of all sovereign states³. The vast majority of these disputes have endured several decades. Of all interstate disputes, those over territory tend to be nearly twice as likely as other issues to lead to armed conflict⁴. Historically, 50 per cent of wars between 1816 and 1992 included issues of disputed territories⁵.

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¹ G. DE LAUNEY, *Thailand admits cluster bombs used against Cambodia*, BBC News <http://www.bbc.co.uk/news/world-asia-pacific-12983127>

² See *Seas of Troubles*, «The Economist», 18-24 May 2013, p. 50.

³ K. WIEGAND, *Enduring Territorial Disputes: Strategies of Bargaining, Coercive Diplomacy, and Settlement*, Athens, GA, University of Georgia Press, 2011., p. 2.

⁴ P. HENSEL, *Charting a Course to Conflict: Territorial Issues and Interstate Conflict 1816-1992*, in *The Road Map to War*, ed. P. DIEHL, Nashville, TN, Vanderbilt University Press, 1999, pp. 115-146.

⁵ P. HENSEL, *Territory: Theory and Evidence on Geography and Conflict*, in *What Do we Know About War?*, ed. John Vasquez, Lanham, MD, Rowman and Littlefield, 2000, p. 65.

This paper aims to briefly summarize the existing research in the area of territorial disputes, first focusing on the reasons why territorial disputes take place and break out, and then addressing their relevance today in Asia. While intrastate disputes – domestic groups seeking autonomy or secession from the state – are important factors of insecurity and instability across the globe (Asia is no exception), the focus of this paper is on interstate disputes⁶.

Why Do Territorial Disputes Happen?

Territorial disputes are traditionally regarded as the most common sources of conflict and a vast number of scholars have analyzed the connection between disputed territory and the outbreak of war⁷. Indeed, the scholar John Vasquez concluded that “if you want to avoid war, learn how to settle territorial disputes non-violently”⁸. Yet, it is important to emphasize that not all territorial disputes lead to war. Since 1953, ninety-seven territorial disputes have been solved through bilateral negotiations, third-party mediation, arbitration, or adjudication at the International Court of Justice⁹. Many other disputes remain dormant. What follows describes how inappropriate actions in boundary demarcation have usually led to disputes and what factors can lead to the breaking out of violence.

Uncertain Borders

Drawing boundaries between countries has always been a very politically sensitive, especially when governments or groups of people have a particular stake in a geographic area. Historically, the practice of arbitrarily drawing borders by former colonial powers, with no

⁶ There are many studies that deal with partition and secession, and the role of territory in ethnic and civil conflict, including J. FEARON, *Why Do Some Civil Wars Last So Much Longer Than Others?*, «Journal of Peace Research», vol. 41, no. 3, pp. 275-301; M. FUHRMANN – J. TIR, *Territorial Dimensions of Enduring Internal Rivalries*, «Conflict Management and Peace Science», vol. 26, no. 4, pp. 307-329; C. JOHNSON, *Partition to Peace: Sovereignty, Demography, and Ethnic Civil Wars*, «International Security», vo. 32, no. 4, pp. 140-170.

⁷ Among them, Gary Goertz and Paul F. Diehl, Paul Hensel, Stephen A. Kocs, John Vasquez. The most recent studies include research by Rongxing Guo and by Krista Wiegand.

⁸ J. VASQUEZ, *The War Puzzle*, Cambridge, MA, Cambridge University Press, 1993, p. 307.

⁹ K. WIEGAND, Op. Cit., p. 2.

consideration of ethnic, religious, social, or linguistic identities, has created a legacy of troubles in many regions of the world, including in Asia. However, very often human features are too vague to define ideal borders, and unclear and inappropriate boundary descriptions are at the root of many disputes.

At least, four categories of common mistakes can be identified¹⁰. First, there is the use of **inappropriate topographical terms**, such as crest, range, and mouth. These are all vague terms and indicate locations that at times vary due to geological or hydrological changes. In Asia, the use of the ‘watershed’ line of the Dangrek range as demarcation between Thailand and Cambodia by the former French colonial authorities (a criterion subsequently abandoned) positioned first the Preah Vihear temple on Thailand’s side, and eventually on the Cambodian side. Combined with a history of shifting ownership of the temple between the two countries, this uncertainty is still at the base of the ongoing conflict of which the last flare-up is described at the beginning of this paper.

Second, there is the use of **vague geographical features**. The Sino-Russian boundary dispute at the Argun River area broke out due to such inaccuracy. In 1911, the border was formally fixed along the median line of the main river channel. After 1950, the old river channel ran dry and a new main stream appeared, “shifting” the territory to the Russian side. The contention soured the bilateral relations between China and USSR, even leading to a skirmish in 1969. An agreement was found only in 2005. A third category of uncertainty in drawing borders consists of **intricate human and cultural features**. Indonesia, for example, includes over 300 ethnic groups, with different languages and cultures. The country experienced many territorial disputes, both within its populace and with neighboring countries. The Caucasus is another region of great ethnic and cultural diversity. At present, three regions – Abkhazia, Nagorno-Karabakh, and South Ossetia – claim independence in the southern Caucasus region.

Finally, there is the use of **inconsistent or contradictory statements**. Article 56 of the UN Convention on the Law of the Sea (UNCLOS), for example, outlines parameters for the establishment of a country’s Exclusive Economic Zone (EEZ), which extends 200 nautical miles from the country’s coastline. This has created the possibility of overlapping claims in semi-enclosed seas. This ambiguity complicates defining the

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Tensions over the administrative control of the Senkaku/Diaoyu islands between Japan and China have become a permanent risk in the East China Sea. Since September 2012 when Japan purchased three of the disputed islands from their private owner, both countries have displayed increasingly stubborn postures over territorial claims in the East China Sea

¹⁰ Here the paper follows a typology developed by RONGXING GUO, Op. Cit., pp. 9-23.

numerous claims in the East and South China Seas, which is today one of the main sources of tensions hampering peaceful relations in East and Southeast Asia.

Drivers of Conflict in Territorial Disputes

What are the factors that can turn dormant disputes into cross-border armed conflicts?¹¹ Before answering this question, it is important to clarify that territorial disputes cannot be explained with mono-causality. All territorial disputes that flare-up in violent conflict show a wide range of causes. Sometimes, it is a combination of material and/or cultural interests. In certain circumstances, needs for resources mix up with geopolitical rivalries and power relations between neighbors. In other cases, nationalist ideologies can add up to economic interests.

However, territorial disputes have been typically explained in terms of power relations. Most of the earlier research reflected the dominant **realist approach**, which explains the rise of conflict over contended territory in terms of state interests¹². Realist theory reads territorial disputes as an expression of power, since territory is seen as a fundamental power base¹³. This leads to the assumption that rising powers will have more aggressive postures toward disputed territories, while declining powers will be challenged by territorial claims.

Accordingly, changing power relations usually result in increasing conflict over territorial control, a worrying conclusion in today's Asia given the growing power of China (indeed, a country with a growingly assertive posture toward territorial claims), India, and the relevance of regional middle powers, such as Indonesia and Vietnam.

On the other side of the theoretical spectrum, **normative explanations** refer to subjectively-formed norms, conceptions of justice, and beliefs that can motivate territorial claims and trigger conflict over disputed territories¹⁴. According to this approach, the value of territory not only

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¹¹ For a good review of the past literature on the settlement of territorial disputes, see K. WIEGAND, *Op. Cit.*, pp. 18-40.

¹² See, for example, H. STARR – B. MOST, *The Substance and Study of Borders in International Relations Research*, «International Studies Quarterly», vol. 20, no. 4, pp. 581-620, and *Contagion and Border Effects on Contemporary African Conflicts*, «Comparative Political Studies», vol. 16, no. 1, pp. 92-117.

¹³ See P. LIBERMAN, *Spoils of Conquest*, «International Security», vol. 18, no. 2, Fall 1993, pp. 125-153.

¹⁴ T. FORSBERG, *Explaining Territorial Disputes: From Power Politics to Normative Reasons*, «Journal of Peace Research», vol. 33, no. 4, 1996, pp. 433-449.

derives from political or economic interests, but also serves as source of sovereignty and identity both for the states and the people involved¹⁵. Because respect for territorial integrity is one of the first principles of international law, the idea that a piece of land or water has been unlawfully stolen is a potential motive for claim. Indeed, it seems that disputes over territories are at the root of a sense of injustice in international affairs¹⁶. In the framework of this normative explanation, cultural differences should also be considered. National histories and nationalistic sentiments clearly play a role in the disputes over the Kuril Islands between Japan and Russia, over Kashmir between India and Pakistan, over the political status of Taiwan and Tibet, and over the South China Sea, in which China has domestically played the card of nationalism, with selective use of history in textbooks and in the media in order to emphasize what typically is referred to as “the need to reestablish national honor”¹⁷.

More recent streams of research have stressed the role of resource scarcity as the cause of territorial disputes. The idea that resource scarcity enhances the likelihood of territorial conflict is not new in scholarly literature¹⁸. As population expands and economic growth continues, the demand over resources can push neighboring countries to adopt more aggressive claims and flare-up dormant territorial disputes. Today, the South China Sea is at the center of an escalating crisis, which is also driven by economic interests and prospects of access to energy resources¹⁹. The South China Sea is one of the largest fishing grounds in the world with rich biological diversity, and access to fisheries plays an important role in the dispute among the Chinese provinces bordering the South China Sea, Hainan and Guangdong, Vietnam, and the Philippines²⁰. At the same time, the growing demand for energy resources, particularly oil and gas, to support China’s development and Beijing’s desire to reduce its

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¹⁵ D. KNIGHT, *Identity and Territory: Geographical Perspectives on Nationalism and Regionalism*, «Annals of the Association of American Geographers», vol. 72, no. 4, pp. 514-531.

¹⁶ D. WELCH, *Justice and the Genesis of War*, Cambridge, MA: Cambridge University Press, 1993.

¹⁷ See *Stirring Up the South China Sea (I)*, «Asia Report», no 223, International Crisis Group, 23 April 2012, p. 27.

¹⁸ N. CHOUCRI – R.C. NORTH, *Nations in Conflict: National Growth and International Violence*, San Francisco, CA, W.H. Freeman and Company, 1975.

¹⁹ For a full analysis see, “Stirring Up the South China Sea (I),” *Op. Cit.*

²⁰ P. KHEMAKORN, *Sustainable Management of Pelagic Fisheries in the South China Sea Region*, UN-Nippon Foundation Fellow, New York, November 2006.

dependency on Middle Eastern oil, are the main reasons why China is unwilling to compromise over its territorial claims.

In sum, how willing a state is to compromise over a disputed territory seems to depend on the value attributed to it, either in tangible terms, such as political and economic interests, or intangible, such as ethnic, nationalist, or symbolic value terms.

Why Territorial Disputes Matter Today in Asia

In Asia, the current territorial disputes might escalate to armed conflict mainly due to three factors: geopolitical shifts, competition over scarce natural resources (e.g., oil, gas, and in particular, water), and environmental degradation.

In a **changing geopolitical environment**, territorial claims might assume new relevance in asserting the primacy of emerging powers. As mentioned above, a mix of political, economic, and cultural motives, combined with a more nationalist reading of sovereignty can trigger confrontations over contested territories. This is clearly seen in the disputes in the East and South China Seas. The former involves disputes among China, Japan, and South Korea over the extent of their respective EEZ. The latter has seen an increasingly assertive and powerful China against overlapping claims of Southeast Asian countries. The tremendous importance of this region to the peace, stability, and prosperity of the Asia-Pacific cannot be overstated. It remains to be seen whether a negotiated solution will be possible and if the involvement of regional organizations, such as the Association of Southeast Asian Nations (ASEAN), and other global powers, such as the US, will facilitate or complicate a diplomatic solutions.

A second factor that can trigger conflict over contested territories is the **increasing competition over scarce natural resources**. Continuing economic development and demographic expansion in Asia are fostering domestic demands for resources and control over them in disputed areas. Such competition can become a matter of survival. This is not only evident in the need for **more energy**, which is intensifying the disputes in the South China Sea, but also in the **need for water** for agricultural use, which today absorbs 70 per cent of water usage in the region²¹. There is a solid body of research that suggests a direct

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²¹ Comprehensive Assessment of Water Management in Agriculture, *Water for Food, Water for Life: A Comprehensive Assessment of Water Management in Agriculture*, London, Earthscan and Colombo, International Water Management Institute, 2007.

relationship between countries sharing water and incidence of conflict and, in particular, that countries upstream of a river have a significant risk of conflict with countries downstream of the same watercourse²². However, history also suggests that most of these territorial disputes did not lead to armed conflict, but rather to negotiated settlements. This is the case of the Bangladeshi-Indian dispute over the quantity of Ganges water to be released for Bangladeshi utilization during the dry season, a dispute that began in 1951, when India decided to build the Farakka Barrage, and found a settlement with the signature of a 30-year water-sharing agreement in 1996. However, this non-violent trend can change in the future, if overpopulation, economic growth, and environmental degradation aggravated by changing climate patterns put further pressure on water sources. In other words, water can become a key issue that will determine whether Asia heads toward greater cooperation or greater competition.²³

Finally, **environmental degradation** due to fast industrialization and aggravated by climate change will exasperate the scarcity of resources. It is interesting to note that in one case, global warming was an improbable peacemaker. The almost forty year dispute between India and Bangladesh over a tiny island in the Bay of Begal was abruptly solved when the rising sea level submerged the land²⁴. Some claim that rising sea levels in the future might cause the disappearance of nineteen small islands that are still subject to disputes over ownership²⁵. Although this may eliminate disputes for some neighboring coastal states, in reality, climate change is more likely to be an aggravating factor. Pollution, rising sea levels, and dry rivers are all major concerns in the region that can hamper economic development and political relations. Conflict can arise over sewage dumping or water pollution in contested areas, flaring up disputes over rivers and shore control. Pollution, for example, has been a matter of

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²² K. FURLONG – N.P. GLEDITSCH, *The Boundary Dataset*, Conflict Management and Peace Science, vol. 20, no. 1, 2003, pp. 93-117, and H. HEGRE, B.A. LACINA, T. OWEN, K. FURLONG – N.P. GLEDITSCH, *Conflicts over Shared Rivers: Resource Wars or Fuzzy Boundaries?*, «Political Geography» vol. 25, no. 4, 2006, pp. 361-382,

²³ B. CHELLANEY, *Water: Asia's New Battleground*, Washington, DC, Georgetown University Press, 2011.

²⁴ B. ARNOLDY, *Global Warming as Peacemaker? Disputed Island Disappears Under Rising Sea*, «The Christian Science Monitor», 24 March 2010, available at www.csmonitor.com/World/Asia-South-Central/2010/0324/Global-warming-as-peacemaker-Disputed-island-disappears-under-rising-sea.

²⁵ RONGXING GUO, *Territorial Disputes and Conflict Management*, London and New York, Routledge, 2012, pp. 26-27.

contention over the control of the Mekong River, whose waters cross China, Myanmar, Laos, Cambodia, Thailand, and Vietnam. However, the existence of the Mekong River Commission since 1995, albeit imperfect since the upper riparian countries –China and Myanmar –are not partners in the initiative, has allowed joint management of water-related issues. ASEAN membership has also been a positive factor in reducing tensions over issues such as transnational water pollution²⁶. Central Asia, on the other hand, is of greater concern, due to its numerous cross-border rivers and the lack of regional cooperation mechanisms.

This allows for a note of optimism on territorial disputes in Asia. Asia is becoming slowly, but surely more integrated at the regional level. ASEAN is more active than ever before, as evidenced during the last inflammation of the Thai-Cambodian border dispute in 2011. More confidence-building initiatives, such as joint military exercises and humanitarian relief operations in response to natural disasters, are taking place. In addition, research has shown that the likelihood of peaceful dispute resolutions increase by three times when the disputing states have democratic political institutions²⁷. Arguably, democratization and growing civilian control of government in Indonesia has been a factor that helped the settlement of territorial conflicts with East Timor and Aceh, and might work in favor of a settlement with West Papua New Guinea.

It seems clear that an important investment for the future of the region is a political effort to promote the creation or strengthening of institutions and arrangements for the management of territorial disputes, which can promote codes of conduct and joint management schemes. Indeed, the establishment of such mechanisms has led to the settlement of territorial disputes in many regions of the world²⁸. Asia does not have to be an exception.

²⁶ See RONGXING GUO, Op. Cit., p. 49.

²⁷ Todd L. Allee and Paul K. Huth, “The Pursuit of Legal Settlements to Territorial Disputes,” *Conflict Management and Peace Science*, Vol. 23 (4), pp. 285-307.

²⁸ P.R. Hensel et al., “Bones of Contention: Comparing Territorial, Maritime, and River Issues,” *Journal of Conflict Resolution*, Vol. 52 (1), 2008, pp. 117-43.