



Analyser les mutations. Anticiper les futurs.



Lettre N°4– février 2010

EDITORIAL

Le dernier éditorial de cette newsletter, il y a deux mois, était consacré au sommet de Copenhague, aux cartographies des flux d'information et aux projections prospectives que nous avons produites à partir de notre outil, Globe Expert. Partant de celles-ci, de leur lecture, nous avons alors souligné ce qui nous semblait constituer de véritables questions de fond. Rappelons-les brièvement.

- Le mode de réaction des différentes entités de gouvernance face à un enjeu international sans précédent, pour la première fois totalement planétaire, agissant par ailleurs comme un révélateur et un amplificateur, de même que la capacité d'innovation humaine face à une mutation majeure.
- Une scène géopolitique répétant des schémas anciens, signe de l'obsolescence d'un monde ne se résolvant pas à mourir tandis qu'un autre ne parvient pas à naître.
- La montée en puissance d'une société civile posant la question des rapports de force dans la Cité.
- Le domaine environnemental comme nouveau champ de réflexion et de production du droit international.

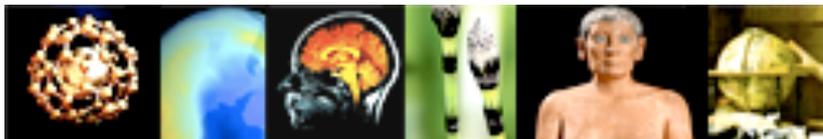
Aucun coup de théâtre, aucune décision d'éclat n'est venu infirmer ou bouleverser ce que nous avançons alors. En revanche, les nouvelles cartographies produites¹ apportent quelques nuances utiles à ce qui se dit et s'écrit généralement. Elles pointent même une **hypothèse de scénario futur** qui ne manquera pas de provoquer intérêt et réactions de la part de ceux qui s'intéressent au Japon.

Tout d'abord, quels sont les éléments à retenir de ce qu'un système objectif et objectivant, tel que Globe Expert, met en lumière.

- 1) Une dichotomie persistante des flux d'information experts et généralistes² qui se concentrent sur des domaines très différents avec, au sortir, un résultat identique en termes de « vision du futur ». Les uns se rétractent autour d'un noyau économique-politique. Les autres visent tous azimuts. Au final, les uns et les autres réagissent comme en crise, par le repli ou la dispersion, manquant toujours l'essentiel face à une problématique inscrite dans la durée : la vision perspective.
- 2) Une cartographie des relations au sein du G20, par rapport à Copenhague, qui met en évidence la force de convergence avec les autres pays membres que représentent les BASIC. Ceci est sans surprise. Néanmoins, le Brésil se signale par son indépendance par rapport à l'Afrique du Sud, la Chine et l'Inde. On note aussi l'isolement de deux pays, les Etats-Unis et l'Arabie Saoudite, qui apparaissent comme des sources de déséquilibre potentiel du système. Pour tenter de le rééquilibrer, les algorithmes neuronaux de Globe Expert proposent alors le scénario suivant : **la création d'un axe Japon – Europe où le Japon apparaît clairement comme leader !**

1- Vous pouvez accéder aux cartographies de « Copenhague : bilan et perspectives » à partir du mur d'images du site de Globe Expert : <http://open.globe-expert.info>.

2- Les flux experts et généralistes sont obtenus par niveau de complexité et de synthèse des documents à partir desquels sont produites les analyses et cartographies.



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Que le Japon fasse figure de « très bon élève climatique », nul n'en doute. Cependant, plus que les objectifs de réduction des GES, plus que les annonces d'un urbanisme *carbon-minus* pour Tokyo à horizon 2020, **ce scénario imaginé par un réseau de neurones artificiels** nous amène à nous interroger sur la manière dont ce pays pense, structure, conduit son *New Deal Vert*, pourquoi il le fait, avec quels objectifs. Il y a alors fort à parier que nous découvrirons un pays où la lutte contre le réchauffement climatique, associée à la recherche, déjà ancienne, de l'indépendance énergétique s'inscrit dans une démarche bien plus profonde, à l'œuvre depuis le début des années 1980, qui a pour effet la profonde mutation de toute une société, tant sur le plan économique, social, institutionnel que de la recherche et du savoir³. En traçant l'esquisse de ce scénario dans un champ de possibles, *Globe Expert*, qui n'est **pas une boule de cristal mais un système informatique avancé**, ouvre nos fenêtres sur des horizons à explorer auxquels nous ne pensons pas spontanément, d'autant plus nécessaires que nos perspectives apparaissent pour le moment brouillées.

Valérie Fert
Présidente de G-MAP

- 3) *Pour mieux comprendre la mutation japonaise, l'ouvrage d'Alain-Marc Rieu, membre fondateur de G-MAP, Savoir et Pouvoir dans la Modernisation du Japon, dont on attend la prochaine réédition sous le titre de Théorie du Moderne. Le Cas du Japon. Partant du XVIe siècle pour aboutir au XXIe, l'auteur analyse la modernité japonaise, depuis sa genèse, et la confronte à nos conceptions occidentales. Une excellente manière de (re)donner du champ à nos repères.*
- 4) *Signalons aussi le rapport « Japan Low Carbon Society toward 2050 » à télécharger sur le site de l'Institut Japonais d'Etudes Environnementales : <http://2050.nies.go.jp/>*

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Cooperation in the Region”, par le général (CR) Daniel Schaeffer.**



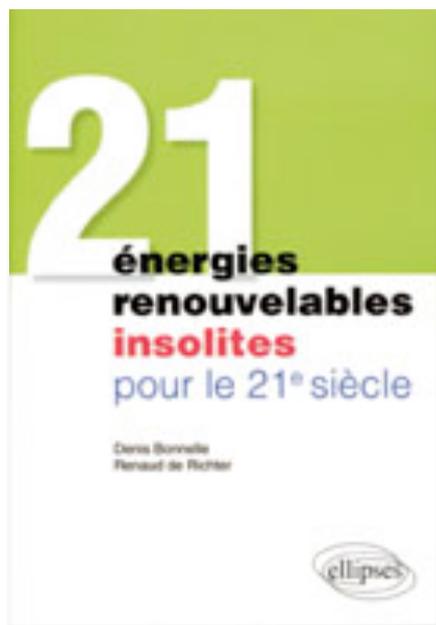
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L'AGENDA DES MEMBRES DE G-MAP

Nicolas Tenzer, membre fondateur de G-MAP, haut fonctionnaire, président d'IDEFIE (Initiative pour le Développement de l'Expertise Française à l'International et en Europe), directeur de la revue *Le Banquet* a été nommé chevalier de la légion d'honneur lors de la promotion du **1^{er} janvier 2010**.

Valérie Fert, présidente de G-MAP, animera un séminaire à l'université Lyon III – Jean Moulin, dans le cadre du Master 2 Sciences Politiques – Relations Internationales, le **25 février** (amphithéâtre Roubier – 12h-15h). Elle y présentera *Globe Expert*. Des analyses et commentaires de cartographies et de projections prospectives générées par *Globe Expert* suivront cette présentation. Elles auront pour thème : « **Biosphère, géopolitique et société** ».



Denis Bonnelle, membre associé de G-MAP, docteur en physique et en économie, haut fonctionnaire, mène par passion personnelle des recherches sur les énergies renouvelables depuis plusieurs années. « *21 énergies renouvelables pour le 21^e siècle* » est son troisième ouvrage. Il s'est cette fois associé à Renaud de Richter, lui aussi haut fonctionnaire et nonobstant ancien chercheur dans l'industrie pharmaceutique. Ils partent du constat que les limites des énergies fossiles sont aujourd'hui évidentes, qu'il s'agisse de la ressource ou de la capacité de l'atmosphère à absorber leurs émissions de CO₂, mais aussi du fait que certaines des énergies renouvelables jusque là les plus connues, comme les biocarburants, ont montré qu'elles aussi pouvaient être limitées. Mieux vaudra par conséquent avoir plusieurs cordes à son arc. Baisse rapide des coûts grâce aux économies d'échelles, bonne adéquation spatiale et temporelle de la production et de la

consommation d'énergie, recherche de synergies entre domaines voisins, inversion du flux de CO₂... Les défis que doivent surmonter les énergies renouvelables pour devenir dominantes sont nombreux. Que ce soit dans les secteurs de l'électricité, du logement, de la gestion du cycle de l'eau ou des transports, ou encore en matière de régulation économique, Denis Bonnelle et Renaud de Richter proposent une vingtaine de cordes supplémentaires, certaines déjà connues mais seulement dans des cercles restreints, d'autres carrément originales ou présentées sous un angle inédit, mais toutes tangentes pour ce qui est de leur faisabilité.

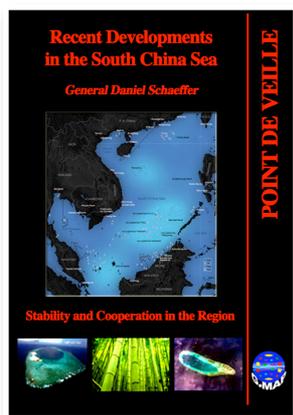
Éditions Ellipse, 176 pages, 18 €.



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BONNES FEUILLES



“RECENT DEVELOPMENTS IN THE SOUTH CHINA SEA IMPLICATIONS TO PEACE, STABILITY AND COOPERATION IN THE REGION”

General (Rtd) Daniel Schaeffer

Texte intégral disponible sur le site de G-MAP :

<http://www.gmap-center.org/index.php?page=points-de-veille>

Roughly speaking, even if on certain aspects there are positive signs that may give us hope of achieving genuine peace in the future, stability and cooperation in the region, for the time being the negative signs are dominant. One of the main reasons is that countries around the basin are not equal in strength, not only militarily, but also strategically, politically, economically and that there is one dominating power who, despite reassuring speeches and behaviors, is trying, through a multi-pronged strategy, to compel the other countries to come to terms and accept what she has already decided. Here I mean the superpower China.

Before coming to the core of the question, it appears necessary to remind briefly some elements of the past. I shall depart from the Cairo declaration dated 27 November 1943. After the meeting between Franklin Roosevelt, Winston Churchill and Chiang Kai-shek, it had been declared that "all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China". No mention was made of the Paracel and the Spratly islands for the simple reason that, at the time, these islands were still under the French colonial administration exerting sovereignty over them on behalf of the Emperor of Annam. From that time on, which we must emphasize here, France never officially abandoned, nor renounced its sovereignty over the Spratly islands. This, in these conditions, introduces a specific legal case. The French unclear position over the Spratlys' status consequently and unfortunately opened the way to the present discord about the islands.

As a consequence of the Second World War, it had been convened at the Potsdam conference, which took place in Summer 1945, that in the North of the 16th parallel, the Japanese would be disarmed by the Chinese, and in the South of the 16th parallel they would be by the British. It is the reason why the nationalist Chinese disarmed the Japanese on the Paracels and militarily occupied the Amphitrite group there, which is one part of the archipelago.



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If, as of the 5th of October, and thanks to the British's help, France did not encounter any difficulty reoccupying the South of Vietnam, the Chinese of Chiang Kai-Shek opposed a stiff resistance to this come back in the North. That led to conversations between France and China and, on the 28th of February 1946, to the signature of the two French – Chinese treaties of Tchoung King. By the second treaty, China agreed to withdraw its forces from North Vietnam. This was actually completed by June 1946, except from the Paracels, on which the nationalist Chinese maintained some troops, on the Amphitrite group. Later on, cheating the Tchoung-King treaty, the same nationalists, set foot in the Spratleys on December 1946 and occupied the most important island: Itu Aba. Since then Taiwan continues assuming this past and is still occupying Itu Aba. This situation leads us here to consider that Taiwan, as the Republic of China (ROC), is claiming exactly the same territories as the People's Republic of China in the South China Sea.

To come to the question of the nine dots line, we have to take notice that, simultaneously with the occupation of Itu Aba, the nationalist Chinese published, in 1947, in a private atlas, not an official one, the first map on which a plain line was surrounding almost all the South China Sea. It was not a dotted line, as it should be pointed out. This line was merely leaving some narrow patches of territorial waters to the other bordering countries. But, since this line is not defined by any single coordinate it is absolutely inconsistent. Such an approximate marking make it fully invalid. This is one point among other ones. To sum up, the persistence of this nine dots line is certainly a key element in the incessant poisoning of interregional relations around the basin.

In 1954, the Geneva agreements concluded the 1st Indochina war. They do not specifically mention the islands but it was clear that, since France was handing over all its Vietnamese possessions to the two Vietnamese governments, North and South, due to the partition at the 17th parallel, the French possessions in the South China Sea should have normally fallen back into the hands of the Vietnamese side. It is effectively what happened when the South Vietnamese regularly settled troops in the Spratlys and, in the Paracels, on the Crescent group, unoccupied by the Chinese.

In 1956, on the 15th of May, the situation in the South China Sea started to become even more complicated with the arrival of the Philippines on the scene. At that time a Filipino retired admiral and businessman, Tomas Cloma, considering the Spratlys as "terra nullius" or "non regnis", took possession, on his own behalf, of more than the four fifths of the archipelago. The area thus determined had been christened Kalayaan. The Philippines militarily occupied some of the islands in the North and are still there.

In 1974, China took advantage from the partition of Vietnam and from the situation of strategic dependency under which North Vietnam was placed because Beijing was providing a strong military support to the Vietcong for its fight against the Southern regime. That situation created for China the opportunity to send troops on the Crescent group of the Paracels islands. Since the Chinese were performing a conquest against the Saigon administration, North Vietnamese were thus torn between three dilemmas: their antagonism with the South, their support from China, and their will to assert their sovereignty over the Paracels. Hanoi chose the third solution but because of the military support it was receiving from Peking, it could not do it otherwise than mezzo voce.

After 1982, when the UNCLOS was adopted, part V opened the possibilities for coastal States to extend their maritime responsibility beyond their national waters and claim a 200 miles economic exclusive zone. In the South China Sea, such a disposition introduced the opportunity for Malaysia and Brunei to cover maritime areas overlapping some of the Southernmost islands of the Spratlys : 7 for Malaysia, three of which are militarily occupied and one, Louisa reef, for Brunei. But here, as far



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as the international law is concerned, Malaysia and Brunei wrongly interpreted the situation because, based on strict juridical considerations, the possibility of claiming a 200 miles EEZ does not provide any sovereignty right over the islands that can be reached under the new UNCLOS extension. As a matter of fact, whilst the UNCLOS stipulates that territorial waters are attached to territories lying under the sovereignty of a State, it cannot further transfer automatically any sovereignty to a State over the territories that the extension of its maritime area puts at its reach. It is indisputably the case of those Spratlys islands claimed by Malaysia and Brunei. The paradox here is that the UNCLOS indirectly induced a new ferment of discord between the adjacent States of the South China Sea.

On March 1988, China operated a second violation of the uti possidetis juris principles by leading a violent amphibious military assault against 11 islands of the Spratly archipelago, once more challenging by force the Vietnamese sovereignty. And the Chinese settled troops and military means on the newly conquered islands. Consequently, Chinese and Vietnamese forces are today intertwined one into the other in the Spratlys, depending on the positions of the islands each one is respectively occupying.

On the 25th of February 1992, China published her "Law on the territorial Sea and the contiguous area of the People's Republic of China". This law lays down the principle of the straight baselines bordering the Chinese sea territory. Besides the mainland and the coastal and nearing islands, the text defines the national Chinese territory in article 2 as "Taiwan and the various affiliated islands including Diaoyu Island (or Senkaku), Penghu Islands (Pescadores), Dongsha Islands (Pratas), Xisha Islands (Paracels), Nansha Islands (Spratly) and other islands that belong to the People's Republic of China". This very last point is lacking of accuracy and opens the door to a lot of possible interpretations. If we rely upon what is written here and there about spots subject to claims from China we may determine that, among the "other islands" still to be listed, we may find: 1 - James Shoal and Luconia reefs, both being situated off the Malaysian State of Sarawak and consequently being source of dispute with Malaysia ; 2 - Scarborough reef, laying off the Philippine island of Luzon, subject to dispute between China and the Philippines, 3 - Truro shoal, in a median position between Macclesfield and Scarborough.

Finally, starting from the middle of the 90s, some small gleams of light came appearing and could be interpreted as messengers of hope for a betterment of the conflicting situation in this maritime region, even if the causes of the disputes remain deeply rooted in the minds. That was because China, while sticking to her assertion, made nonetheless little positive steps in the direction of an apparent appeasement. On the side of the other claimants, even if they are sincerely wishing an improvement of the situation, continued however remaining firm on their respective positions to defend what they consider as their sovereignty rights. That explains why recent developments in the South China Sea are most often a mixture of counter productive events and at the same time, possible occasions conducive to peace, stability and cooperation. Some other events are frankly counter productive while some others genuinely bear witness of a kind of will to reach some harmony in the region.

Before proceeding further we must stress here that China published her declaration on the baselines before she ratified her adhesion to the UNCLOS on the 7th of June 1996.

Later, on the 26th of June 1998, Peking published the "Exclusive economic zone and continental shelf act of the People's Republic of China". The terms used are generally reassuring as are those used in article 2. They state that "Conflicting claims regarding the exclusive economic zone and the continental shelf by the People's Republic of China and States with opposite or adjacent coasts shall



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be settled, on the basis of international law and in accordance with the principle of equity, by an agreement delimiting the areas so claimed". If everything sounds clear in almost all the articles in the text, at least apparently, an ambiguity suddenly appears in item 14, which stipulates: "The provisions of this Act shall not affect the historical rights of the People's Republic of China". What does that mean?

My conclusion as drawn from the 30 interviews I conducted in Vietnam and China in spring last year, is that Chinese historical rights are interpreted in China according to three following lines of thoughts.

The first school asserts that the South China Sea is a territorial sea. It is based on the fact that the nine dots line had been drawn before the UNCLOS was even thought for. It is a historical heirloom. This rejoins the second line of reasoning of those who argue that the South China Sea is a Chinese historical sea. In both cases the arguments are not acceptable because, as far as the law of the sea is concerned, there is no such things as historical seas. Historical bays exist, not seas.

The third line of reasoning appears to keep the usual Chinese claims on the archipelagos but considers that the nine dots line does not match with any clause of the UNCLOS and therefore cannot be opposed to the law of the sea. This is the first point. The second point is that, by claiming her sovereignty on almost the whole South China Sea, China does not deliver a picture of seriousness to the rest of the World. It would be exactly the same sort of abuse as if the Greeks were telling that the Mediterranean Sea is theirs since they were the first ones to navigate on it. So, if China wants to keep some credibility and be listened to by the international community, the better for her is to drop the nine dots line. This opinion has been launched by late professor Zhao Lihai. After having been himself a harsh defender of the nine dots line, he realized that deploying such a kind of argument to defend the Chinese claims in the South China Sea would have an opposite effect to what China is looking for: being listened to in earnest.

After a series of serious incidents, which regularly poisoned the situation in the South China Sea, Beijing, one day proposed to the ASEAN countries to stand on the existing status quo through the building of a "code of conduct to abide by". The arguments the Chinese used to promote their idea was that the countries around the South China Sea put aside their different claims of sovereignty and refrain from acting in a way that could consequently disrupt the balances and worsen the situations. Worried about the rise of the Chinese military power, the ASEAN countries welcomed the Chinese proposal and agreed to negotiate. That led to the final common signatures of the "Declaration on the conduct of parties in the South China Sea", on the 4th of November 2002, in Phnom Penh.

As this Declaration sounds like, it lists a series of intentions to be abode by each country concerned. In some way, it is no more than a simple declaration of intent and does little more than laying some moral principles that, in fact, each party may interpret at its own will and feelings. Since in such a framework it was never envisaged to refer to any court of arbitration in the case of an abuse denounced by any of the parties concerned, such a Declaration finally appears as a text deprived of law enforcement power. Thus, this is from these somewhat casual basis that, on the 10th of April 2007, the Chinese government seems to have drawn its arguments to protest violently the authorisation given by the Vietnamese to the BP - Conoco Phillips – Petrovietnam consortium to exploit the Moc Tinh and Hai Thach gas fields, those gas fields being situated at the Far West side of the Spratlys islands, on the Vietnamese continental shelf. And this is probably what, in spring 2008, led Beijing to



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protest against the projects of agreement between Petrovietnam and Exxon Mobil Oil for exploration-exploitation activities on one block located off the Vietnamese coast.

However, when the “Declaration on the conduct of the States in the South China Sea” was adopted, the event raised a lot of hope for improvement of the situation around the basin and offered bright prospects for solving the regional problems. Moreover that hope was reinforced when, 3 years later, on the 22nd of December 2005 China published her white paper entitled “China’s peaceful development road”. Wouldn’t this be reassuring? The following events in the area proved that, in reality, China is pursuing a two pronged policy there: a pacific one which makes believe that from now on everything will go on well; a coercive one, through different means of pressure, in order to compel the different parties to the disputes to come up to China’s view.

Some countries have recently started to become aware that it would be more profitable to avoid tearing each other instead of trying to find solutions to the existing problems. That has started in the 1990s with, for example, the “Agreement between the Government of the Kingdom of Thailand and the Socialist Republic of Vietnam on the delimitation of the maritime boundaries between the two countries”. That was signed on the 9th of August 1997. More recently Vietnam and Malaysia reached a “broad understanding” on how to fix the limits of their respective continental shelves. After that, between the 6th and the 7th of May 2009, the two countries proceeded to a joint submission on the limits of the continental shelf beyond 200 nautical from the baselines to the Commission on the Limits of the Continental Shelf, and Vietnam submitted its own one. Later, between the 27th and the 28th of August 2009, Vietnam presented it at the 24th plenary session of the UN Commission, in New York. But such an agreement, which could be reached without China meddling during the negotiations, does not please Peking, which loudly denounces it as illegal.

This Chinese reaction leads us to speak about the ways and means of soft or hard coercion that Beijing uses to establish what it considers to be its rights over the South China Sea. A first series of actions leans on harassment though the threat of using military or paramilitary means.

With reference to the lesser degree of pressure, we must take into account all the Chinese lobbying strategies, direct and indirect, towards the various local governments, sometimes with the support of local pro-Chinese lobbies. An example of the softer method used by China to convince the different countries to act according to her wishes is the proposal of conciliatory solutions as enclosed in the declaration on conduct.

Along the political pressures that China exerts on other countries bordering the South China Sea in order to bring them to what she wants, China applies economical and administrative pressures. In the economical sector, this was the case when, in spring 2008, Peking protested against the project of agreement between Petrovietnam – Exxon Mobil Oil for the exploration-exploitation on oil and gas fields located off the Vietnamese coasts and presumed to be laying in a disputed area. Since no agreement has yet been signed between the Vietnamese and American companies, we must consider that China’s strategy of blocking the project has succeeded and China is therefore the winner.

Through the brief flashes that appeared in the first part of this presentation and in spite of the prevailing dark side of these conflicts of interests, we can perceive however developments that could be conducive to peace, stability and cooperation. These small burgeons of hope may be classified into the following categories: 1/ the preservation of navigation safety at sea and in the air above; 2/ first attempts to develop scientific and economic cooperation projects; 3/ sustainable development;



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4/ preliminary and cautious political steps towards negotiations of respective maritime territories; 5/ possibilities referring to supra national instances to find at least limited solutions to the existing problems; 6/ and possibilities of request for assistance of think tanks independent enough to provide suggestions without being influenced by the pressures of the States involved in the regional debate.

My conclusion will be brief. Recent developments in the South China Sea region comprise encouraging signs that could indicate some progress towards peace, stability and cooperation. But numerous other developments are counterproductive towards a better future because the remnants of the past are weighing too heavily on a situation, which, I am afraid, cannot be completely and satisfactorily solved. There may be solutions but each country in the area must abandon parts of its claims, especially China whose greed cannot be accepted by the other countries or by the United Nations Convention on the Law of the Sea.

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