

**UNIVERSITY OF OTTAWA**

**MAJOR RESEARCH PAPER**

**Neo-realism: Dominant theory in the  
South China Sea disputes**

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## **ABBREVIATIONS**

ADIZ Air Defense Identification Zone

AMM ASEAN Minister Meeting

ARF ASEAN Regional Forum

ASEAN Association of Southeast Asian Nations

CLCS Commission of the Limits of the Continental Shelf

COC Code of Conduct

DOC Declaration on the Conduct of Parties in the South China Sea

EEZ Exclusive Economic Zone

ICJ International Court of Justice

ITLS International Tribunal for the Law of the Sea

LTE Low Tide Elevation

MRP Major Research Paper

PCA Permanent Court of Arbitration

PLA People's Liberation Army

PLAN People's Liberation Army Navy

RVN Republic of Vietnam

SCS South China Sea

SOM Senior Official Meeting

SRVN Socialist Republic of Vietnam

TAC Treaty of Amity and Cooperation in Southeast Asia

UN United Nations

UNCLOS United Nations Convention on the Law of the Sea

USSR Union Socialist Soviet Republic

## INTRODUCTION

After the Soviet Union collapsed in 1991, the world politics changed so radically that scholars in the international politics had to develop different and alternative theoretical perspectives to explain changes in the new context. They have found out new factors that led to variants of major schools of thought, like realism and liberalism. Conflicts continued to break out in some states causing social instability and security, new challenges such as environment destruction, poverty etc. arose. Such wars happened in Bosnia and Kosovo, Iraq, Africa, the Middle East with the persistent Israel-Palestine conflict, and the war against terrorism with global impacts. Since 1991, there have been much more conflicts under the so-called multipolar system than in the bipolar order of Cold War. In this so-called multipolar system, the role of China has become more and more important, especially over the last two decades. Scholars tried framing the rising China in its new political and regional context, identified and explained its behaviors. One of the most controversial ideas relating China and becoming an important variant of realism is the theory of offensive realism, introduced by Professor John J. Mearsheimer in his book “The Tragedy of Great Power Politics.” In this book, Mearsheimer dedicated one chapter to address the rise of China and its ambition to become a regional hegemon. The core assumptions of offensive realism are the existence of a self-help system under anarchy which compels states to maximize their relative power (Baylis et al.; 2008). Mearsheimer was not alone to analyze China and its foreign policy. For instance, there were many scholars, analysts and policy advisers carefully examining different aspects of China to get a better comprehension of this country.

Therefore, my goal would be quite ambitious trying to come up with two of the most difficult and complicated subjects: China’s foreign policy and South China Sea (SCS) disputes. My MRP entitled “Neo-realism: Dominant theory in the South China Sea disputes”, will focus on the following research question “Can neo-realist perspectives be best used to explain foreign policies of China and the other claimant countries in the SCS disputes?” This question would concern not only the claimant parties of the disputes but also other states having national, strategic, political and economic interests in this region.

To answer the research question, my argument is that through analyzing foreign policies of the claimant countries, the key factors will be identified and that would be responsible for the situation

and further for the disputes. I will also compare my findings in light of the grounded theories with argument in an alternative theory, namely the neo-liberal institutionalism, to test which theory is better to explain the nature of the disputes. I will follow my strategy of research to verify whether the claimant countries try to get more capabilities to endorse their territorial claims and regional organization and global institution attempt to find a legal framework and call for a jurisdiction in order to resolve the disputes. I believe that China must be in the center of my analysis because it is considered no doubt the most powerful state in the region and a major party of the disputes. Certainly, some other countries, like the Philippines and Vietnam will also be examined.

I will focus on analyzing case studies which include the effort to negotiate for the Code of Conduct (COC) and the case the Philippines versus China before the Arbitration Tribunal at the Permanent Court of Arbitration (PCA). The boundary of objectives and case studies are necessary to have a concrete and detailed MRP. I will adopt the structural realism as major theoretical perspective to examine and explain actions and developments of the issues and the claimant countries as well. Testing theory in the context of SCS disputes is my purpose in this MRP. I will take a combination of literature review and document analysis as method to develop causal explanations of actions and moves related the disputes, including claims, conflicts, deployments, artificial island reclaiming, military build-up etc.

“Realism is the dominant theory of international relations because it provides the most powerful explanation for the state of war<sup>1</sup>.” Three core elements of realism are defined as statism, survival and self-help. John Mearsheimer and Kenneth Waltz, prominent authors of the two variants of structural realism which shares some common assumptions about struggle for power and competition for security. There are other authors who tried to explain China’s behaviors and its foreign policy in the context of post-Cold War. The rising power provokes much controversial debates which gather different scholars, analysts, and policy advisers. I will literature relating books of which some are important, such as: “The Tragedy of Great Power Politics” of John J. Mearsheimer. (W.W. Norton & Company, 2001); “Theory of International Politics” of Kenneth N. Waltz (McGraw Hill, 1979); “Security and International Politics in the South China Sea: Towards a cooperative management regime” (Routledge ed., 2009) of Sam Bateman and Ralf Emmers; “Power Politics in Asia’s Contested Waters Territorial Disputes in the South China Sea”

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<sup>1</sup> Baylis, J. and Smith, S. and Owens, P., The Globalization of World Politics: An Introduction to International Relations, 4th Edition, Oxford University Press, 2008, p.91

(Springer International Publishing, Switzerland, 2016) of Enrico Fels and Truong-Minh Vu; “The South China Sea: the struggle for power in Asia” (Yale University Press, 2014) of Bill Hayton etc. I will examine dozens of relating articles presented by prominent scholars, analysts and researchers of the region, such as: Carlyle A. Thayer, Geoffrey Till, Ramses Amer, Ian Storey, Daniel Schaeffer etc.

Beside books and journal articles, I will use also information from websites of the UN, ASEAN, and other official websites. The priority of the sources is the views and opinions by people of Track I, Track I.5, Track II diplomacies, and from the academic environment.

My MRP is composed of 4 chapters, as follows: in the first chapter I will introduce core elements and assumptions of structural realism as the grounded theory. It will be important for me to clarify ideas and set theoretical arguments to examine the issues.

In the second chapter, I will briefly introduce the South China Sea disputes with key actors, history and recent developments. This chapter would provide a good background to develop essential ideas on the issues.

The most important part is the third chapter where I will have to analyze selected case studies: the ASEAN attempts to negotiate for the Code of Conduct; and the case Philippines versus China regarding the maritime claim Nine-Dash-Line.

The final chapter will identify the key factors that are responsible for the outcomes of the case studies. In this chapter, I will explain why the neo-realist approach is most suitable to explain the issues.

In the conclusion, I will offer some implications for the issues based on the findings of previous chapters.

# CHAPTER 1

## THEORETICAL PERSPECTIVES IN FOCUS

### 1.1. Big ideas of the structural realism

The core ideas of realism are about statism, survival and self-help that exist in realist theories all along from Thucydides (430-406 BC) to Waltz (1979), and Mearsheimer (2001, 2014). Self-help is a compulsory requirement for states to survive in an anarchical environment. According to realists, international politics represents a struggle for power between nation-states which try to maximize power. In this struggle for power, states must ensure their own survival possibility and security, not depend on other states or institutions to ensure their survival and protect their own national interests (Baylis et. al.; 2008).

Neo-realism or structural realism is a variant of realism. Structural realism shares the core ideas with all other realist theories, such as classical realism and neoclassical realism. It insists on the notion of power usually described as military capabilities as its essential argument. The struggle for power has not its roots in human nature, like classical realism, but anarchical system. Structural realists believe that the absence of a supreme authority above states and the unbalance of power of international politics cause an anarchy and a struggle for power between states. In regard to the balance of power, the common definition in realists says that if the survival of a state or a group of states is threatened by a hegemony, these states should form a coalition and seek support from the power of opposing side. In fact, noting balance of power, the concept means already an equilibrium of power and in this case, there is no dominance nor threat from one side to another.

The structural realists themselves presented some different points in their subsequent perspectives. The first prominent figure is Kenneth Waltz with his book “Theory of International Politics”<sup>2</sup>. Waltz’s theory is well-known as defensive realism, a variant of neo-realism. The defensive realism has some differences in comparison with classical realism. Waltz considered the international system in a structure with 3 components: organizing principle, differentiation of units and distribution of capabilities. While the organizing principle has 2 different levels, anarchy expressed with a decentralization of power in the international politics and hierarchy within the domestic

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<sup>2</sup> Waltz, Kenneth N., Theory of International Politics, McGraw Hill, 1979

order, the units of international system work like states and the distribution of capabilities reflects international outcomes (Baylis et. al.; 2008).

Following these assumptions, Waltz identified factors that decide the possibility of cooperation, interdependence or integration of the units. Because of the anarchical system where there is not a central power, the units tend to make their move at the same time in purpose of increasing their benefits. As they act independently, the competition between them also increases and the possibility of cooperation is limited due to unequal distributions of power. In the different level of domestic order where there is a hierarchical realm, the units are more interactive. In the defensive realist perspective, the definition of anarchy means the absence of a government above the states and also the presence of chaos and disorder. To reinforce his argument about anarchy in the international system, Waltz distinguishes the process and the structure of the system which always seems to be orderly and peaceful. The international structures “limit and restrain the exercise of sovereignty but only in ways strongly conditioned by the anarchy of the larger system” (Waltz; 1979).

Regarding the idea of balance of power, defensive realists argue that in the anarchy without a central power, survival must be a priority of states and balance of power in this condition must assure a mechanism for states to secure their survival. This argument is close to a zero-sum theory where states try to increase their benefits instead of cooperate with each other. States therefore must be sensitive to the distribution of capabilities, or distribution of power of other states because other states can use force to gain more benefits and “the ultimate concern of states is not for power but for security”. The defensive realism in this point would rather insist that states try to maximize security than power and they count on their own capability or a self-help measures to assure their security. Waltz, in these assumptions thought that bipolar system might be the ideal mechanism to keep balance of power because it was easy to manage with less states involved the competition<sup>3</sup>.

The second representative of neo-realism is John Mearsheimer with his book “The Tragedy of Great Power Politics” (Updated Edition, W.W. Norton & Company, 2014). Mearsheimer’s theory is known as offensive realism, a variant of neo-realism. Mearsheimer shares basic ideas with the defensive realism while insisting that states seek for power, and the anarchy of the international structure compels states to maximize their relative power position and all states seek opportunity

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<sup>3</sup> Chatterjee S., Neo-realism, Neo-liberalism and Security, International Studies Vol.40, No.2, New Delhi, 2003

to gain power at the expense of other states. He presented 5 assumptions to explain why states pursue power: an anarchy of the international system which means there is no central authority above states; great powers possess some military capabilities to hurt other states; states can never be certain about other states' intention; survival is the primary goal of great powers; and great powers are rational actors. Though Mearsheimer's assumptions agree that states are motivated to amass power for assuring their security against other's attacks, the offensive realists conceive that the need for power of states is limitless, in contrast with Waltz, and the competition between great powers is endless.

Another important point in Mearsheimer's theory is about global hegemony that would be impossible except for a state that has acquired a "clear-cut nuclear superiority" or a capability to destroy its rivals without fear of getting retaliated. To challenge, other theorists might argue that this capability is almost impossible with a fact that any global nuclear power can take retaliatory counterattack and so far, hegemony can only be regional. This regional hegemony would seek to prevent other states to become stronger as they are its potential competitors. This pair of competitors would maintain a balance of power in the region.

Explaining the state behavior, Mearsheimer argues that great powers fear each other because they have capabilities to attack each other. States in the international system have to assure their own survival and act in a self-help according to their own self-interest and do not attach their interests to other states or even the international community. States have to be attentive about the power distributed among them and try to maximize power, even when they have military advantages over their rivals, they have to keep looking for more power, until they achieve hegemony.

The security dilemma in Mearsheimer's theory is also explained by an insistence of power. According to Mearsheimer, the substance of security dilemma is that "the measures a state takes to increase its own security usually decrease the security of other states. Thus, it is difficult for a state to increase its own chances of survival without threatening the survival of other states."<sup>4</sup>

In its strategy for survival, great power seeks for regional hegemony and endeavor to prevent its rivals even peer competitors which can jeopardize its supremacy. Regional hegemon expects that other great powers in different areas of the world are busy in competing each other and therefore

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<sup>4</sup> Mearsheimer J., *The Tragedy of Great Power Politics*, Updated Edition, W.W. Norton & Company, 2014, p.36

pay less attention in challenging regional hegemon. However, distant great powers can ally with one or more regional smaller states which are looking for balancing in order to protect themselves from the attack of the regional hegemon. Mearsheimer argues that although great powers strive to become regional hegemons few of them satisfy conditions to be qualified as hegemony because of maximum wealth and stronger military forces.

The differences between defensive and offensive realism, theories of respectively Waltz and Mearsheimer, can be summarized as follows: first, in Waltz's theory, states maximize power to assure security, so the states maximize security whereas according to Mearsheimer, states maximize power but power and security do not have a direct connection and even hegemony can provoke insecurity; second, defensive realism and offensive realism have different explanations of balancing and bandwagoning in international politics; third, in facing with threat and uncertainty, states in defensive realist perspective insist in self-help whereas states in offensive realism seek for coalition; fourth, when the defensive realists maximize security so their power is conceived for defense, the offensive realists might think that their power, or precisely military power, is more likely for offense (Hamilton; 2013).

There are many competing theoretical perspectives that challenge all assumptions of structural realism or neo-realism, in particularly after the Cold War ended, with an increasing role of factors, such as: perception of state leaders, state-society relationship, motivation of states (in the view of neoclassical realism) and especially protestation from neo-liberal perspectives, for instance neo-liberal institutionalism, with evidence of waves of economic and political integration around the world. If the neo-realists do not approach prospects of cooperation between states, neo-liberals recognize the assumption of anarchy and the international politics dominated with self-help argument (Chatterjee; 2003). The neo-neo debate is extremely interesting though it is not "particularly contentious, nor is the intellectual difference between the two theories significant." (Baylis et. al.; 2008)

## **1.2. Mearsheimer's offensive realism and the rising China**

After the end of the Cold War in 1989 and the collapse of Soviet Union in 1991, the US became the most powerful country in the world. Some scholars believed that the world politics was in form of unipolar with the US as sole great power. Other researchers might think that the world politics must be multipolar because beside the US, Russia and China should be considered as great powers.

In his book “The tragedy of great power politics”<sup>5</sup>, Mearsheimer stated that Russia and China were the two great powers though their forces might be weaker than the US’. He then continued that probably after the Soviet Union collapsed, the US did not have to involve in a war against rival great powers and was able therefore focus on the fights against minor powers in Iraq, Bosnia, Kosovo, Afghanistan, Libya, and the terrorism. But, China will be transformed to a great power thanks to economic development. Mearsheimer argues that if Chinese economy continues to grow with a significant rate, the US will have to face a powerful rival in just 10 or 20 years. Thus, the most important question for everyone in the IR field, according to Mearsheimer, whether China can rise peacefully.

Mearsheimer believes that to predict the future of great power, for instance China, no one can be so sure, and researchers must rely on theories; and the offensive realism presents important explanations of the China’s rise. According to Mearsheimer, if China maintains its economic growth, it will get the dominant role in Asia like the US did in the Western hemisphere. Yet the US will try to prevent China from becoming a regional hegemon as many of China’s neighboring countries will follow the US to contain China. Finally, this containment can result in a security competition and eventually in longer term a potential war.

Mearsheimer resumes five assumptions of the offensive realism, that say: first, states are the major players in international politics and there is no higher government above them, it is an anarchical system; second, all states have offensive military capabilities but with different levels; third, states are uncertain about one another’s intention; fourth, survival should be the most important goal of states though they may have many other goals; and fifth, states are supposed to act rationally. All these assumptions when combined would lead states to conduct a particular way to survive.

#### *The American pursuit of hegemony - States are the major players in the anarchical system*

Analyzing conditions in which the US became great power and dominated Western Hemisphere, Mearsheimer concludes that if China maintains its economic growth over the next few decades, it is likely to imitate the US to become great power and dominate Asia because that leads to the ultimate goal of survival in an anarchical system. Moreover, with power increased, China has more

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<sup>5</sup> Mearsheimer J., The Tragedy of Great Power Politics, Updated Edition, W.W. Norton & Company, 2014

advantages to settle the disputes it involved in favor of it because there is no higher authority than the state and it acts in an anarchical system.

*Following in Uncle Sam's footsteps - States have offensive capabilities but in different levels*

With its realpolitik China seeks to maximize the gap of capability with its neighboring countries, from India, Japan to Russia. This gap of capability helps assuring its security and prevent the other countries from threatening China. Mearsheimer also argues that to achieve the regional hegemony, China might attack other countries. But beforehand, it will seek to develop its economy and become so powerful that it can set up the rules for its neighboring countries and require pay-offs if the later ones behave against its rules. China's strategy may be seen in famous maxim of Chinese leader Deng Xiaoping: "Hide our capabilities and bide our time, but also get some things done."

A rising China can also try to exclude the US from the Asia-Pacific region, like the US did with European great powers in Western Hemisphere during the 19th century. An excellent proof for this argument is that China announced many times that the US have no right to interfere in the SCS disputes though the US stated clearly that this region represents an American national interest. The same positions happened in both sides in the Yellow Sea and Japan Sea issues. According to Mearsheimer, China did not overreact with the American operations in these Seas, a kind of operation "freedom of navigation", because China realized that it was still far behind the US in comparison of military forces. There exists an important assumption of security protection chains that Chinese and American scholars usually address when talking about the China's strategy in Asia-Pacific region. The Chinese would like to develop its power to push the US out of the "first island chain" which includes Japan, Taiwan, the Philippines and the SCS in general. They also talked about pushing beyond the "second island chain" which covers from eastern coast of Japan to Guam and down to Papua New Guinea. China's moves will not be maintained within these chains or inland border disputes with India, Bhutan and Tibet but they can reach farther to America, Africa, Oceania and Europe.

Li Xiaoting, a Chinese scholar from the School of Advanced International and Area Studies, East China, Normal University, Shanghai, assumes that the Sino-American power competition shifted in favor of China from 2008, especially after the financial crisis in 2008-2009. He argues that China has achieved its position of world's number 2 great power and a capability to rally with western countries and reform the world order. The first thing of Chinese interests is essentially to

counter against the US rebalancing strategy in Asia and to weaken the US alliances in China's neighboring countries<sup>6</sup>. There is always a contradiction in China's statements. The Chinese foreign minister said "China does not intend to expel the US from Asia and would like to see the US play a positive role in the Asia-Pacific region", but the Chinese President Xi Jinping has officially stated that "Asia for Asian", implicitly preclude the US and American coalition in region (Li; 2016). Xi is considered as the most prominent figure of the fourth leadership of China. Xi has engraved his personality in a new wave of governance which is believed more transparent and assertive.

*The coming balancing coalition - States are uncertain about one another's intention*

Not only China's neighbors fear the Chinese rise and will do their best to prevent China from achieving the hegemony, the US will make their moves to contain China just like the US did with the Soviet Union during the Cold War. But Mearsheimer argues that the containment is likely a defensive strategy and the US will not start a war against China even the US prefers to stay behind and let China's neighboring countries take the burden of containing China. The US will lead a coalition that aims to contain China but it seems that only one option would be feasible to the US, that is the rollback strategy. The other strategic options of launching a preventive war and slowing Chinese economic growth seem not to be effective.

China's neighbors might feel unsafe with a substantial Chinese hegemony and in consequences look for a security protector. They can possibly choose either to stand neutral or bandwagon with China instead of joining a coalition led by the US. However, the US was always seen less threatening than China for the security of the Asia-Pacific region, despite major wars, like Vietnam war or Korea war that the US has involved. Therefore, if China's neighboring countries have to make a choice, Mearsheimer believes that they will choose for balancing over bandwagoning with China. In their calculation, the security matters are always more important than the economic considerations.

To illustrate threats that China represented, Fravel Taylor has listed the number of conflict that China took uses of force in territorial disputes with its neighboring countries<sup>7</sup>.

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<sup>6</sup> Li Xiaoting, Applying offensive realism to the rise of China: structural incentives and Chinese diplomacy toward the neighboring states, *International Relations of the Asia-Pacific* Vo.16, 2016, pp.241-271

<sup>7</sup> Fravel T., *International Relations Theory and China's Rise: Assessing China's Potential for Territorial Expansion*, *International Studies Review*, No.12, 2010, p.505-532

Table 1. China's Outstanding Territorial Disputes

Disputed area	Size (km <sup>2</sup> )	Start date	Use of force	Description
<b>India border</b>	125,000	1953	1962	Offensive against Indian positions
			1967	Clashes at Nathu La
			1986	Crisis at Sumdurong Chu
<b>Bhutan border</b>	1,128	1953		
<b>Taiwan</b>	32,260	1949	1952–55	Seizure of coastal islands
			1954	Shelling of Jinmen
			1958	Shelling of Jinmen/Mazu
			1995–96	Exercises in the Taiwan Strait
<b>Paracel Islands</b>	10	1951	1974	Seizure of the Crescent Group; clash with Vietnam
<b>Spratly Islands</b>	5	1951	1988	Seizure of several reefs; clash with Vietnam
			1994	Seizure of Mischief Reef
<b>Senkaku Islands</b>	7	1970		

Source: Fravel 2008a.

In this condition, the security competition between the US and China will depend on crises or major disputes, both the US, China and its neighboring countries would increase defense budget in order to have more military power. Mearsheimer also addressed about proxy wars in the region where the allies of the US and China would fight each other whilst the American and the Chinese look for opportunities to get more friendly states to their side. Many fields of the Sino-American relations would be in tension, such as diplomatic, cultural, economic and commercial.

Regarding its neighboring countries, Chinese scholars believed that the rising China “will possess great coercive means: economic, military and diplomatic, to influence the foreign policy choices of its neighbors and to push harder for a distinct sphere of influence. In this process, the PRC might offer sweeter carrots to those cooperative neighbors, as even a superpower needs friends and partners to cope with potential rivals more effectively. Yet meanwhile, it could also wield heavier sticks against those uncooperative neighbors, to discourage noncompliance with its wishes” (Li; 2016). This overt statement is much likely supported by Chinese government in attracting allies to

counter against the US. Thus, China's neighboring countries usually have to calculate much before entering a cooperative relationship with the newly great power, if they consider the procedure of trust-building represents a signal of goodwill from their neighbor.

For instance, explaining the events happened in the Sino-Indian relations, Chinese scholar Li Xiaoting cited that in 1955, China Prime Minister Zhou Enlai spoke at the Asian-African conference in Bandung (Indonesia), the Non-Alignment Movement, announcing that China would seek a peaceful resolution of all its boundary problems. In 1958, the Chinese Boundary Commission has been established to coordinate interdepartmental research on China's boundary problem. In 1959, when the first armed clashes broke out on Sino-Indian border, Mao Zedong sent a note to India saying that "[China's] main enemy is US imperialism...India is not our enemy, but our friend. China will not be so stupid as to make an enemy of the United States in the east and an enemy of India in the west."<sup>8</sup> During his visit to India in 1960, Zou addressed the disputes to Nehru and persuaded the Indian Prime Minister to maintain the status quos on the border. Nevertheless, limited military conflict occurred in 1962, after Mao has convicted that "the US-led imperialist bloc, the reactionary elements like Nehru, and [Soviet] modern revisionists are coordinating a new anti-China chorus." Zhou Enlai himself instructed the PLA to plan operations against India, "on the grounds that only a 'major strike' could force an adversary to moderate its attitude toward China" (Li; 2016). It may be worth for noting that India was one of the promoters of the Non-Alignment-Movement, a group of countries around the world trying to keep their neutrality during the Cold-War, and the border disputes between China and India has never been resolved.

*Is war likely? Survival is the most important goal of states*

Because both rivals US and China possess nuclear arsenals and can take retaliatory measures as quickly as preventive attacks, there would be a tiny chance that a war occur between the two superpowers. However, Mearsheimer thinks that the rivalry US-China is much riskier to break out a war than the rivalry US-USSR under the Cold War because of the geopolitics in Asia where there are many potential conflicts, namely South China Sea disputes, Senkaku Islands and Taiwan. There are 2 more reasons that can lead to a war between the US and China: there are other great powers that exist in Asia that form a multipolar system with contribution of Russia, India and

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<sup>8</sup> Li Xiaoting, Applying offensive realism to the rise of China: structural incentives and Chinese diplomacy toward the neighboring states, *International Relations of the Asia-Pacific* Vo.16, 2016, pp.241-271

Japan; the difference in narratives also takes account as China encourages hyper-nationalism in its people and this popular view will be a driving force in the competition US-China.

In the view of China, the PRC will prepare for its long-term security position “by seeking a gradual reduction of American influence in Asia and forging a new ‘status quo’ in its own favor.” (Li; 2016). So far, Chinese scholar following the offensive realist perspective agree that the US-China competition would face difficult times ahead because their interests are contradictory.

*Hope for a peaceful rise - States are supposed to act rationally*

Mearsheimer’s contention is clearly stated that China cannot rise peacefully despite of arguments about Confucian pacifism or economic interdependence. According to the author, Confucianism indicates that Chinese leaders must be willing to engage in just wars whenever other states act in a way that they believe immoral. However, it may be fluctuating to define immoral, just war and unjust war, depending on which side those leaders are standing for. Given this fluctuation, Confucian argument can be used to explain both aggressive and defensive action.

Regarding the argument of interdependence, Mearsheimer argues that the economic interdependence would not have an impact in preserving peace between China and its rivals because China is getting more powerful and it may expect that a war victory would bring more substantial economic and strategic benefits, or it calculates that a local war would not cause economic damage and “winning a small-scale war might indeed add to a country’s prosperity, as might happen if China seized control of the South China Sea.”<sup>9</sup>

However, addressing also the economic interdependence as an argument for a peaceful rise of China, Taylor Fravel finds that scholars rarely compare benefits with direct and opportunity costs that an aggressive action of China would get. According to Fravel, those who do not believe in a peaceful rise of China would identify the benefits of conflict bigger than the costs whilst those who think that China can rise peacefully would contend that the costs is much heavier than the benefits. Fravel said “In a simple and stylized model, however, a state will pursue aggressive policies only when the benefits to be gained outweigh the likely cost a state would pay” (Fravel; 2010).

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<sup>9</sup> Mearsheimer J., *The Tragedy of Great Power Politics*, Updated Edition, W.W. Norton & Company, 2014, p.410.

## CHAPTER 2

### SOUTH CHINA SEA DISPUTES IN BRIEF

#### 2.1. South China Sea issues: Key actors and historical aspects

The South China Sea<sup>10</sup> (SCS) is a semi-closed sea at about 3.7 million km<sup>2</sup> located in the South East Asian area, stretching out from the Strait of Taiwan in the north to the Straits of Malacca and Singapore in the south. It is bordered by the People's Republic of China (China), the Republic of China (Taiwan), the Republic of Philippines (the Philippines), Malaysia, Brunei, Indonesia and the Socialist Republic of Vietnam (Vietnam). The South China Sea has several islands, rocks, reefs, shoals and other natural features gathered in 4 major groups: the Pratas Islands in the northeastern part, the Paracel Islands in the north, Scarborough Shoal in the middle, and the Spratly Islands in the south<sup>11</sup> (Fels, Vu; 2016).

According to the US Energy Information Administration, the SCS is believed to be rich of natural resources with a reserve of 11 billion barrels of oil and 190 trillion cubic feet of natural gas. The US Geological Survey estimates that the amount of natural resources in this area would be higher, ranging from 70 to 290 trillion cubic feet of gas and 22 billion barrels of oil (Bateman, Emmers; 2009).

The South China Sea issues are complicated with different claims from different countries. Paracel Islands and Spratly Islands along with Scarborough Shoal and China's maritime claim stated in its Nine-Dash-Line are the major of the disputes. China, Taiwan and Vietnam challenge each other's claim over the Paracel Islands. In the Spratly Islands disputes, there are 6 claimant countries with China, Taiwan and Vietnam claiming for the entire two archipelagoes, the Philippines and Malaysia claiming for some specific features and Brunei for one feature. Except for Brunei, all

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<sup>10</sup> There are different ways to call the South China Sea: "Southern Sea" (Nan Hai) in Chinese mind, "Eastern Sea" (Biển Đông) in Vietnamese, "West Philippine Sea" (Dagat Kanlurang Pilipinas) in Philippines. In this paper, the term "South China Sea" will be used as it is called worldwide and mentioned in official documents of the UN. In any circumstances, this term does not have any special meaning in favor to any of the parties.

The same methodology will be applied to name features in Paracel Islands and Spratly Islands. Terms in English will be used and do not have any favor to any special claims.

<sup>11</sup> Hendrik W. Ohnesorge: A Sea of Troubles: International Law and the Spitsbergen Plus Approach to Conflict Management in the South China Sea/ Enrico Fels, and Truong-Minh Vu, Power Politics in Asia's Contested Waters Territorial Disputes in the South China Sea, Springer International Publishing, Switzerland, 2016.

other claiming countries have military presence on at least one island. All of those countries plus Indonesia are involved in the maritime dispute relating the Chinese claim about Nine-Dash-Line which covers around 70% of the SCS.

The claims of related countries can be divided in accordance to 2 bases of which they describe their sovereignty: China, Taiwan and Vietnam declare their sovereignty over the Paracel Islands and Spratly Islands on the grounds of discovery, history and occupation; the Philippines and Malaysia on the bases of proximity and continental shelf; and Brunei for only one feature on the basis of continental shelf<sup>12</sup>. Supporting their claims, most of the related countries take non-military actions on the issues, such as adopting legislations, publishing documents, running scientific research programs, allowing people to visit islands, and accepting foreign companies for oil exploration projects. China is taking much more serious steps in building and upgrading their military bases. The most protested action taken by the Chinese is to reclaim artificial islands from submerged features, like reefs, rocks and shoals (Bateman, Emmers; 2009), (Fels, Vu; 2016).

Since the first days of the disputes, deadliest conflicts have come up between China and Vietnam. In 1974, Chinese People's Liberation Army Naval (PLAN) opened fire and pushed the South Vietnamese troops (Republic of Vietnam Army RVN-US ally) out of several islands of the Paracel Islands and occupied since then the whole archipelago. In 1988, another deadly conflict broke out between China and Vietnam when PLAN fought and won over Vietnamese troops (Socialist Republic of Vietnam-USSR ally) over Johnson South Reef in the Spratly Islands. Johnson South Reef is being consolidated and fortified as an artificial island, together with other artificial islands making a group of military bases having runway for fighter aircrafts, seaport, early warning radar hub, anti-ship missiles and surface-to-air missile systems.

Looking back to the past when the South China Sea was a sea route for people to trade from the West to the Far-East and vice versa. All the islands in the SCS were regarded as potential dangers for boats to travel around. Even the recent archeologist evidences found by Chinese researchers revealed that fleets led by Admiral Zheng He have visited some islands in the SCS and seen them as maritime hazards that they should avoid (Bateman, Emmers; 2011). Zheng He however is a very controversial person between Chinese and western historians. Zheng He was presented just

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<sup>12</sup> Clive Schofield: A geopolitical overview of the South China Sea/Bateman S., and Emmers R., Security and International Politics in the South China Sea: Towards a cooperative management regime, Routledge ed., 2009

like a symbolized person that former Chinese President Deng Xiaoping used to justify his reform policy in October 1984. Whilst China now tries to introduce Zheng He as a pacifist admiral who went around and around the region to trade off, Western archeologists and historians found thousand pieces of proofs that show Zheng He led 5 voyages with 20,000 soldier troops to invade Sri Lanka in 1411 or intervene in a civil war in Sumatra in 1415. All the Chinese feudal dynasties considered themselves as a civilization in the lowlands and other lands and people as barbarians which should never be merged with them. Regarding the arguments of historic and ancient sovereignty the PRC uses to claim in the SCS disputes, Bill Hayton wrote “archeologists such as Victor Paz, Peter Bellwood, Wilhelm Solheim, Pierre-Yves Manguin and all their colleagues have accumulated enough evidence to tell a very different story about the South China Sea: that is was a polyglot place of exchange and trade where questions of sovereignty were utterly different from the way they are posed today. Until the early sixteen century, a series of Indianized mandalas dominated maritime Southeast Asia. There was no neat succession from one power center to the next. Their ascents were gradual, as were their falls, and for long period they coexisted-sometimes peacefully, often not. Funan, in the Mekong Delta, held sway from the first to forth century; Champa, in what now central Vietnam, from the sixth until the fifteenth; Srivijaya, on Sumatra, from the seventeenth until the twelfth; Angkor, in the lower Mekong, from the early ninth century to the 1430s; Majapahit, on Java, from the twelfth to the sixteenth; and Malacca, on the Malay Peninsula, from early fifteenth until the Portuguese arrived in early sixteenth”<sup>13</sup> (Hayton; 2014).

The Europeanization of the land and people in the East including the South China Sea began in the 19<sup>th</sup> century and major competitors were France, Portugal, the Netherlands, and Great Britain. In this context, Vietnamese Emperor Gia Long, a French local protégés generated sovereignty over Paracel Islands and Spratly Islands in 1816. However, after declaring his possession over Paracels and Spartlys with support of France, Gia Long had not deployed any permanent military presence on the two archipelagoes (Bateman, Emmers; 2009).

Along with the Meiji restauration in the 1870s and 1880s, Japan quickly developed and became a newly competitor with western powers. The Japanese Empire was so powerful that after the first Sino-Japanese war (1894-1895) in which Japan won the Qing dynasty, the Japanese army invaded the Manchuria and Taiwan island, making them as colonies. At the time between the two World

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<sup>13</sup> Hayton B., *The South China Sea: the struggle for power in Asia*, Yale University Press, 2014, p.27

Wars, France worried about the ambition of Japan and strengthened their forces in Far-East. One of those steps was to take some strategic advantages in the SCS in sending the French warship *Malicieuse* to Spratly Islands and seizing it under formal French possession in 1930. The French also took the Paracel Islands in 1932 and officially claimed both archipelagoes as parts of Annam (Vietnam) in July 4 1938, and in 1939 declared them as parts of the French Union. Their declaration was based on the claims of Annam (Vietnam) in the 19<sup>th</sup> century and earlier time<sup>14</sup> (Bate, Emmers; 2009) (Hayton; 2014).

The Japanese themselves decided to occupy some islands of the Paracels in 1940 when the French withdrew their forces from some islands. During the WW2 1939-1945, Japan claimed their territories with both archipelagoes Paracels and Spratlys and even built a military base on Itu Aba, the biggest island of Spratlys. However, at the end of the WW2, the Japanese left their bases and the French took back biggest islands, such as Woody island of Paracels and Itu Aba of Spratlys.

However, the French got involved in the first Indochina war with Vietnamese communists and had to remove continuously their military presence from islands in the SCS. Though the French have challenged and fought against both claims of Japan before and during the WW2, and of Taiwan after this war, they had to reconsider their interests to maintain their presence in the SCS. Also, the political situation in Vietnam was extremely complicated with 2 blocks of communist Vietnamese backed by the communist China and democratic Vietnamese backed by the Western, France and the US.

From 1948 to 1950, in the Paracels, the Taiwanese set troops on Woody island of the Amphitrite group of islands while the French naval forces protected Annamese (Vietnamese) marines on the Patte island of the Crescent group of islands of the Paracel Islands. In 1950 the Taiwanese retreated from Woody island and in 1951 Japan abandoned all its claims over the SCS, following the San Francisco Peace Treaty that Japan had signed as a losing party. These decisions from Taiwan and Japan let in reality the French and their local proteges Annamese (Vietnamese) with full control in the SCS (Bateman, Emmers; 2009) (Hayton; 2014).

In 1954, French army lost in the battle of Dien Bien Phu and had to sign the Geneva Peace Treaty admitting the independence of the North Vietnam communists backed by Communist China. In

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<sup>14</sup> Geoffrey T., *The South China Sea dispute-An international history*/Bateman S., and Emmers R., *Security and International Politics in the South China Sea: Towards a cooperative management regime*, Routledge ed., 2009

1954-1955, though the South Vietnam was a democratic regime but its support from Western countries was confused between France and the US and it had to wait until April 1956 for a complete withdrawal of the French from Indochina and getting full support from the US. Meanwhile, in the South China Sea, the PRC embarked and occupied Woody island of the Paracels in December 1955 and the Taiwan returned to Itu Aba of the Spratlys in June 1956. In response to these occupation, despite the political domestic situation of Vietnam, the South Vietnam (RVN) asserted firmly its claims over Paracel Islands and Spratly Islands.

During the first half of Cold War, the competition between the US and Soviet Union laid over all continents, even in outer space. In this context, the second Indochina War (also known as Vietnam War) from 1954 to 1975 represented especially a deadly hot conflict between two blocks: North Vietnam with support from communist states among them the helps from China and Soviet Union were the most remarkable; and South Vietnam with support from Western countries, most important the US. The South China Sea in this period of time was much like the American “lake” with permanent presence of the Pacific fleet and almost full control of the RVN.

Each of the main players in the region and in the war had its own purposes and the South China Sea claims were not in their top priorities. The two Vietnam (North and South) had different positions in this matter. While the North communists (Democratic Republic of Vietnam) lowed their voice against Chinese territorial claims in the SCS, the South Vietnam (RVN) with the American support, insisted much in the issues. The RVN was the most important and powerful ally of the US in Vietnam War and therefore it was able to maintain most equipped military forces in the region. Except Itu Aba island of the Spratlys occupied by the Taiwanese since June 1956, Woody island and few small islands of the Paracels occupied by China since December 1955, most other islands in the SCS (including both two archipelagoes) were under the RVN’s control with permanent presence and the American surveillance by naval and air forces.

In the 1970s, critical situation in the Vietnam War and the changing position of super powers in the Cold War have made considerable impacts over the South China Sea disputes. Taking an official visit to China (February 21-28, 1972), US President Richard Nixon and his Secretary of State Henry Kissinger recognized that if the détente policy with the URSS helped reducing the global tension between the two super powers, a rapprochement to China would be very necessary for the US to find a way out of the Vietnam War. The Paris accord about Vietnam War signed on

January 27 1973 which allowed the US to remove from Vietnam. In consequences, in January 19, 1974 the Chinese naval PLAN opened fire to attack the South Vietnamese marines RVN stationed in Pattle island and some other islands of the Paracels archipelago. The PLAN won this battle and China took full occupation of the Paracel Islands since then (Hayton; 2014).

The end of Vietnam war marked a new balance of power in the region which lasted from 1975 till the collapse of USSR in 1991. While the US, obsessed with Vietnam syndrome, neglected to support its allies in ASEAN and focused on East Asia with Japan, South Korea and Taiwan, the PRC knew how to make a pressure over its smaller neighbors. From 1975 to 1979, China armed and trained Khmer Rouge, a radical Maoist Cambodian movement which caused a genocide killing about 2 million Cambodians.

However, although Khmer Rouge led by Pol Pot committed genocide, a crime against humanity, and China supported this regime, they have never been accused. Their case by now 2018 is still ongoing. The reason is that they were tied up with many political forces, including the US, Britain with the context of Cold War. In contrast, Vietnam was condemned for invading Cambodia and helping the Kampuchean United Front for National Salvation, an organization that included many dissatisfied former Khmer Rouge members, to eliminate Pol Pot regime.

A certain number of scholars in the IR field usually take the war between three communist regimes, China, Vietnam and Khmer Rouge, as a significant example of conflict between countries which share the same ideology of Marxism. When their national interest or group interest conflict with their ideological sharing they tend to protect their group interest and then national interests while lowering all the ideological factors.

In these regional conditions, 2 heavily armed frigates of the PLAN attacked Vietnamese marine troop in 3 engineering boats in March 14 1988. The PLAN also won this battle and took over the Johnson South Reef of the Spratly Islands as its first time ever presence in this archipelago. 64 Vietnamese soldiers were killed in a kind of massacre killing or “turkey shoot”<sup>15</sup> Apart from Johnson South Reef, China occupied this time Fiery Cross and Cuarteron after the battle. In April 8 1988, China took 3 more features: Kennan, Subi Reef and Gaven Reef (Hayton; 2014).

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<sup>15</sup> <https://www.youtube.com/watch?v=vwaZdz-tlTY>

## 2.2. South China Sea issues: Recent developments

Analyzing Chinese actions toward its neighbors, it might be necessary to examine the regional context, the position of great powers, and certainly the Chinese implicit intention. China has territory claims in varying degrees with different neighbors, such as Sino-Indian border issue, Yellow Sea, East China Sea, South China Sea, Koguryo. This country has a historical belief that it will become a great power and a pre-eminent political and cultural power of the region<sup>16</sup> (Storey, Ian; 2016). The current situation and recent developments of the South China Sea disputes can be resumed as follows:

- In the north, the Pratas Islands are under control of Taiwan but also claimed by China.
- Since the battle of Paracel Islands in January 19 1974, China has pushed the South Vietnamese Navy (RVN) out and occupied the whole Paracel Islands. It transformed the Woody island to a fortified military base and it is believed that China has deployed many heavy military materials there, like J-11 fighters, HQ-9 surface-to-air missiles, YJ-62 anti-ship cruise missiles, and early warning radar systems. Very recently a Chinese H-6K strategic bomber has landed on the contested island in May 18 2018. Beside China and Vietnam, Taiwan also claims for this archipelago.
- With the Scarborough Shoal claimed by China, Taiwan and the Philippines, since December 2012, Chinese PLAN has blocked access to all Philippine boats either civilian or official ones. The Philippines have protested strongly these actions and attentively watched over the Shoal with fear of a land reclamation by the Chinese.
- The Macclesfield Bank is an elongated atoll of reefs and shoals lying east of the Paracel Islands, southwest of the Pratas Islands and north of the Spratly Islands. China and Taiwan claim for this Bank. Many analysts question about the legitimacy of these claims because Macclesfield Bank is underwater and according to the UNCLOS, no one can claim for these features. China publicly announced an intention to exploit the Macclesfield Bank with pisciculture projects.
- In the Spratly Islands, the situation is the most complicated and dangerous with 6 related countries among them three claiming for the whole archipelago (China, Taiwan and Vietnam) and three claiming for some specific features (the Philippines, Brunei and Malaysia):

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<sup>16</sup> Denny Roy: The United States and the South China Sea: Front Line of Hegemonic Tension? The South China Sea Dispute: Storey, Ian, Lin, Cheng-Yi-ISEAS–Yusof Ishak Institute, 2016

+ China currently occupies 7 features<sup>17</sup> that it had taken since 1988, 1995 and 2013. The most famous and controversial features are 3 artificial islands that China has reclaimed to military bases: Fiery Cross Reef, Subi Reef, and Mischief Reef which has a 2,700m runway and airfield for fighter jets. Satellites of the Airbus Defense and Space took photos revealing that the reclamation was being extended to Cautioner, Hughes, Johnson South and Gaven reefs. According to the Asia Maritime Transparency Initiative at the Center for Strategic and International Studies (CSIS), the total land reclaimed was about 12.8 km<sup>2</sup> by January 2016<sup>18</sup>. Chinese government officially stated that the reclamation is for peaceful purposes including civilian and military uses. However, it is believed that China has deployed anti-aircraft weapons and a CIWS missile-defense system in late 2016 (Morton; 2016); anti-ship missiles, surface-to-air missiles, electronic jammers on these artificial islands in May 2018. On the occasion of Shangri-La forum in 2018, a dialogue mechanism in track I.5 diplomacy but gathering high ranking officials, US Secretary of Defense John Mattis has publicly criticized these deployments as an act of militarization to intimidate China's neighboring countries.

+ Taiwan occupies the Itu Aba island, the largest island of the archipelago and the Ban Than Reef. Taiwan has built the Itu Aba island into a fortified military base with runway long enough for C-130 take-off and landing.

+ Philippines occupy 10 features with the Second Thomas Shoal serving as Navy Outpost.

+ Vietnam occupies 28 features with about 8 serving as lighthouse.

+ Malaysia occupies 5 features.

+ A certain number of features which are mostly under the sea level have not permanent military presence of any party.

- The very protested maritime claim by China is the Nine-Dash-Line attached as a map in its note verbale submitted to the United Commission on the Limits of the Continental Shelf, "the first time it had ever used the line in an official international context." (Hayton; 2009). It would be the most contested claim ever as the "U-shaped line" was drawn by an unknown Chinese cartographer at

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<sup>17</sup> The term "feature" is commonly used in the SCS issues to indicate all categories of substances of the archipelagoes, including islands, rocks, reefs, shoals, and particularly the artificial islands.

<sup>18</sup> Morton K., China's ambition in the South China Sea: is a legitimate maritime order possible? International Affairs Vol.92/4 (2016) p.909-940.

about 400 years ago and now China takes it as a historical proof of their sovereignty over the SCS in despite the historic fact, like the author Bill Hayton wrote: “there are all concepts that emerged in seventeenth century Europe and were brought to Southeast Asia by trading companies and empires. The Europeans drew new maps and then new lines and, in the process, spread new ways of thinking about both. It was the transition from one set of ideas to the other, from the *mandala*<sup>19</sup> system to the Westphalian system.”<sup>20</sup>

Clive Schofield, another specialist of the region explained “The meaning of the nine-dash line is, however, uncertain. It remains unclear whether the dashed line represents a claim to sovereignty over the territory (that is, the disputed islands) within it, is indicative of a unilateral claim to a maritime boundary or represents a claim to the maritime spaces within the dashes, whether as historic waters or another type of maritime zone.”<sup>21</sup> (Storey, Lin; 2016)

On May 6 2009, in response to the joint submission by Malaysia and Vietnam to the Commission on the Outer Limits of the Continental Shelf (CLCS), China sent a note verbale accompanied by a map with a nine-dash line. This is the first time ever that China announced internationally about its Nine-Dash-Line claim. “The original purpose of the map was to locate islands rather than to define maritime jurisdiction over natural resources and waters. When it first appeared as an official map, under the Ministry of the Interior of the Republic of China in 1947 (in response to the Truman Declaration on the Continental Shelf), it contained eleven dashed lines, including two dashes between Hainan and Vietnam that were later deleted in the 1950s. Resurrected over 60 years later, it has created much confusion over the scope of China’s maritime jurisdiction<sup>22</sup>”. Many scholars find that the Nine-Dash-Line claim does not provide any historical basis for asserting rights and jurisdiction over the SCS (Hayton; 2014) (Morton; 2016).

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<sup>19</sup> Mandala is a Sanskrit word meaning "circle". The mandala model describes the patterns of diffuse political power distributed among Mueang or Kedatuan (ancient principalities) in early Southeast Asian history. At that time local power was more important than the central one.

<sup>20</sup> Hayton B., *The South China Sea-The struggle for power in Asia*, Yale University, 2014, p. 60.

<sup>21</sup> Schofield C., *Untangling a Complex Web: Understanding Competing Maritime Claims in the South China Sea*, *The South China Sea Dispute*: Storey, Ian, Lin, Cheng-Yi, ISEAS, Yusof Ishak Institute (2016), p.30

<sup>22</sup> Morton K., *China’s ambition in the South China Sea: is a legitimate maritime order possible?* *International Affairs* Vol.92/4 (2016) p.909-940

## CHAPTER 3

### SOUTH CHINA SEA DISPUTES - CASE STUDIES

#### **3.1. Code of Conduct, a legal framework for ASEAN to manage the disputes**

The Association of Southeast Asian Nation (ASEAN) is a regional organization founded in 1967 initially with 5 members: Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei joined the organization in 1984, Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999. According to its charter, ASEAN promotes economic, political, security, military, educational and socio-cultural cooperation among its members and with other Asian countries, and the world as well.

In the context of Vietnam War in late 1960s when analysts might see no sign of victory for the US, the foundation of ASEAN implied a fear of spreading communism as well as calculations of rebalancing of power between the two super powers in the Cold War. Meanwhile, the regional integration in Europe began to demonstrate its success and went on the way to become a symbol of cooperation between states. In the international politics, the model of European Communities was among the proofs of neo-liberal institutionalism which encouraged Southeast Asian countries to advance an opinion of cooperation with neighboring countries in different political regimes.

Thus, since the very first days of foundation, ASEAN leaders were aware of diversity and differences between members and other candidates for the organization, a crucial point that ASEAN differs from the model EU. They have addressed already the regional integration in political, economic, and social-cultural domains. Since those days, the ASEAN way, the first rules for members to achieve common resolutions, was conceived in order to overcome differences and maintain the solidarity within the group. The norms of non-interference and non-use of force were among the best ideas to support the diversity of the association. Also, the principle of consensus proved that each member has the same importance in building common policies for the group.

Although staying far behind the EU in integrating benchmark, there were many signs of cooperation within ASEAN structural organizations reflecting a highly integrated procedure: admission of new members to all countries in the region, even countries with authoritarian regime, making a group of very different states. In some specific periods of time or realms, scholars could not take other theory than institutionalist perspective to explain the cooperation and success of

ASEAN. ASEAN leaders seemed to be attracted by liberal values and specifically by the neo-liberal institutionalism while preserving a vision for an organization which combines all Southeast Asian states, despite of differences in ideology, culture, religion and development.

Theoretically, the neo-liberal institutionalism has roots from functional integration scholarship of the 1940s-1950s and regional integration of the 1960s. The institutionalist perspective shares assumptions of neo-liberalism in liberal values of order, liberty, justice, commerce, democracy, and tolerance into international politics from both governments and people around the world. Neo-liberal institutionalism assumes that states are mainly interested in absolute gains and defines “institutions” as mediator and the means to achieve cooperation among actors of the system. Two other important points of neo-liberal intuitionism presume that cooperation may be harder to achieve in areas where leaders perceive they have no mutual interest and states cooperate to achieve absolute gains; and the obstacle to cooperation is the dishonesty and non-compliance by other states (Baylis et al.; 2008).

Empirically, being a regional institution, ASEAN tried to manage its security matters where mutual interests and common definition of gains might be hardly found. The organization handled the SCS disputes as a group through various actions, such as declarations, statements, dialogues, forums, meetings at different levels. Many ASEAN member states carried out an open economic policy and gathered significant success in social-economic development. For them, the liberal perspectives and cooperation are all familiar, especially in the context of post-Cold War period where neo-liberal perspectives spread out and became important explanations for regional integration procedures.

However, regarding the specificity of models and the implication to Asia, Mearsheimer in his argument agrees that regional institutions are extensive and developed in Europe and based on this success, neo-liberalists might triumph over the importance of institutions even outside of European continent. Yet he argues that after the end of the Cold Was in Asia where the regional institutions are weak with plenty of fear of Japan or rising China accompanied by a lack of American presence, security and stability must be an important preoccupation. Mearsheimer reaffirms that institutions remain basically a reflection of the distribution of power, based on the self-interested calculations of the great powers, and therefore have no effect on state behavior (Mearsheimer; 1994).

Mearsheimer also gave a definition of institution which is regulated by rules. Rules are negotiated by states and indicating usually “standards of behavior defined in terms of rights and obligations.”<sup>23</sup> Until this argument, Mearsheimer’s thoughts are not contradictory with normal standards of any international institution. Every member state of any international organization must follow the rules of rights and obligations. This is not different from the main argument of neo-liberal institutionalism in suggesting that “the way towards peace and prosperity is to have independent states pool their sources and even surrender some of their sovereignty to create integrated communities to promote economic growth or respond to regional problems.”<sup>24</sup>

But when Mearsheimer continued his argument that “it is not the organization per se that compels states to obey the rules they created. Institutions, in short, call for the “decentralized cooperation of individual sovereign states, without any effective mechanism of command” (Mearsheimer; 1994), there might be a contradiction in his definition about rights and obligations.

However, although the founder of defensive realism might be self-contradictory in his argument about international institutions in general but in the case of ASEAN and specifically in security problems that ASEAN has to resolve, the perception of interest varies from one to another member state. Actually, in the SCS disputes, not all members of ASEAN share the same view of interest. The claimant countries have national interests in concluding with China a binding document which might work as a legal framework and protect them against the great power’s threats. Meanwhile, some other countries who are not involved in the conflict might choose to cooperate with China in order to boost their economic development with help of the second largest economic country. “This seems problematic as ASEAN currently seems to be divided into three factions. One faction is pro-Beijing and they do not wish to jeopardize their economic interests by taking a position that is inimical to China’s interest (Cambodia, Laos and Myanmar, without a direct stake in the conflict). The second division is indifferent (Thailand, Indonesia, Singapore, Malaysia and Brunei, of which the two claimants Malaysia and Brunei tend to downplay tensions) and the third group comprises

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<sup>23</sup> Mearsheimer, J., The False Promise of International Institutions, *International Security*, Vol.19, No.3, Winter 1994-1995

<sup>24</sup> Baylis, J. and Smith, S. and Owens, P., *The Globalization of World Politics: An Introduction to International Relations*, 4th Edition, Oxford University Press, 2008. p.132

claimants such as the Philippines and Vietnam who view the problem as a major security concern and want ASEAN to come forth with a clear stand.”<sup>25</sup>

The most controversial issue in conflict management tools within the organization must be the ASEAN way which refers to an approach solving problems. The working process insists in taking compromise, formal and informal consultation, and consensus-based opinions. This working process would be suitable for the policies with lowest common denominators while with security matters, comprehensive resolutions would become unreachable.

Alice Ba, a scholar from University of Delaware, wrote “a standard characterization of ASEAN as a security organization is that it focuses more on conflict management than conflict resolution.”<sup>26</sup> Ba insists that the lack of binding dispute settlement indicated the incapability of ASEAN to resolve the SCS disputes and the difficulty is in activity to take diplomatic, negotiated agreements over the third-party dispute settlement.

The Treaty of Amity and Cooperation (TAC) was signed in 1976 and became the first document for ASEAN to offer a code of conduct for member states. Since 1986, TAC was open for non-Southeast Asian states to join but even though the role of ASEAN as a third party in conflict resolution remained constrained because the states’ participation to the dispute settlement mechanism High Council is voluntary (Hiebert, et al.; 2014).

From this position of collective response, the attempts of ASEAN to achieve a legal framework has been fluctuating. The first relevant document was signed by ASEAN members in Malina in 1992, the ASEAN Declaration on the South China Sea, after China passed the Law on Territorial Sea in the same year claiming its sovereignty over the Paracel and Spratly Islands. The Declaration urged the related parties to settle the disputes by peaceful means (Tran T.; 2010). This kind of diplomatic protestation is seen regularly in ASEAN as it never has a stronger option, from military action to economic or diplomatic sanction.

In 1995, when China took Mischief Reef from the Philippines, ASEAN also issued a “statement expressing its ‘serious concern’ calling upon all parties to ‘refrain from taking actions that

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<sup>25</sup> Majumdar M, *The ASEAN Way of Conflict Management in the South China Sea*, 2015, Strategic Analysis, Taylor & Francis, Vol.39, No.1, 2015, pp.73-87

<sup>26</sup> Alice Ba: *Managing the South China Sea Disputes: What can ASEAN do?* / Hiebert M., Nguyen P., and Poling G., *Perspectives on the South China Sea: diplomatic, legal, and security dimensions of the dispute*, Center for Strategic and International Studies, Washington, D.C., 2014

destabilize the region and threaten the peace and security of the South China Sea’ and specifically calling for an ‘early resolution of the problems caused by the recent development in Mischief Reef’. This was pretty tough talk by ASEAN standards but it had no effect out at sea: the bunkers remained on their stilts. China kept stonewalling” (Hayton; 2014).

After the incident of Mischief Reef in 1995, there was an idea in ASEAN leadership to adopt a Regional Code of Conduct in the South China Sea (COC) which became an official initiative at the 29<sup>th</sup> ASEAN Ministerial Meeting (AMM) in Jakarta (Indonesia) in July 1996. Instead, on November 4 2002 in Phnom Penh, ASEAN and China signed another document, the Declaration on the Conduct of Parties in the South China Sea (DOC).

The most important element in the DOC is the point 4 which insists that related parties resolve their territorial disputes by peaceful means, without resorting to the threat or use of force, and in accordance with the international laws, including the UNCLOS. The measures for implementation of the DOC are mostly consultative and optional, such as “convene regular ASEAN-China Senior Official Meeting (SOM) on the realization of the DOC to provide guidance for and review the implementation of the DOC; and to establish a working group to draw up the guidelines for the implementation of the DOC and to provide recommendation to the ASEAN-China SOM on policy and implementation issues” (Tran T.; 2010).

Hayton reportedly cited that Hillary Clinton, the US Secretary of State, spoke at the ASEAN Regional Forum (ARF) in July 2010 in Hanoi that “the United States supports a collaborative diplomatic process by all claimants for resolving the various territorial disputes without coercion. We oppose the use or threat of force by any claimant. While the United States does not take sides on the competing territorial disputes over land features in the South China Sea, we believe claimants should pursue their territorial claims and accompanying rights to maritime space in accordance with the UN Convention on the Law of the Sea. Consistent with customary international law, legitimate claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features.<sup>27</sup>”

According to Hayton, Clinton’s statement were clear rebukes to the Chinese position. Interestingly that after the speech of US Secretary of States, 11 other countries talked about the disputes in the

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<sup>27</sup> Hayton B., *The South China Sea: the struggle for power in Asia*, Yale University Press, 2014, p.191

official meeting and this was the first time this issue was raised at ARF meeting. But the consequence of this statement did not last for long because ASEAN did not want to see this assertiveness so far and two months later at the US-ASEAN summit in New York, there was not any mention about the SCS disputes (Hayton; 2014).

Moreover, Hayton introduced an assessment of Rodolfo Severino, a Filipino diplomat, former Secretary General of ASEAN, when talking about an American call for ASEAN unity and ASEAN centrality, that said: “I don’t think you can get ASEAN to agree to anything, because each country has a different perspective on it. It’s all national interest, or what they think are their national interests.” The Chinese understand this very well and have worked doggedly to frustrate any combined ASEAN activity on the disputes (Hayton; 2014). China promotes campaigns of fostering economic cooperation which encourage states to bandwagon with it, for instance Cambodia is the most cited. The Chinese also insist its principle of bilateral negotiations for the issues and avoids to advance negotiations for the COC.

About the American strategy, also at the ARF 2010, US Secretary of State Hillary Clinton made clearly the key elements of US policy toward the SCS disputes, that includes: maintenance of freedom of navigation and open access to Asian maritime commons; respect for international law in the SCS; encouragement of a collaborative diplomatic process by claimants for resolving the disputes without coercion; opposition to the use of force by any claimant; US neutrality on the question of sovereignty; encouragement to claimants to pursue their claims in accordance with UNSCLO; US facilitation of initiatives and confidence building measures for the establishment of Code of Conduct<sup>28</sup>.

If there are some ASEAN member states tend to prefer short term economic benefits in tightening relationship with China, for instance Cambodia, other member states, i.e. the Philippines and Vietnam, seek for a strong connection with the US hoping that the American presence in this area would help the tension be eased and further resolved by peaceful means. In one side, ASEAN, as a regional organization keeps itself remain a role of managing conflict with limited results. In the other side, the US tries managing with an active role to handle the situation. The American strategy aims to deter the use of coercion, reduce the risk of miscalculation and confrontation among

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<sup>28</sup> <https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm>

claimants, and urge China to imply less confrontational policies towards its neighboring countries in the SCS disputes.

The American strategy includes several points, such as: explicitly criticize China for taking aggressive actions, actively support for legal dispute mechanism, reinforce US military presence and capabilities in the region, enhance capabilities of allies and partners, encourage ASEAN claimants to collaborate, support multilateral framework for cooperation, risk reduction and dispute resolution, strengthen regional security and economic structures, strengthen the US-ASEAN relations<sup>29</sup> (Hiebert, et al.; 2014).

In practice, the US has taken actions following its strategy in deterring China and supporting allies and partners. The US criticizes in various forums Chinese behaviors for their actions of land reclamation, militarization in the disputed area and their coercion towards other claimant countries. The US regularly conducts freedom of navigation operations with surveillance aircraft and frigates in targeting China whilst enhancing capabilities for the Philippines and Vietnam with regular military exercises, assistance and procuring military assets. The American related policy under Trump administration surprisingly persists with its point of view despite that the White House changes the voice from time to time against China. The US may need China in resolving the North Korea issue or some other international problems but it might realize that a withdrawal in policy vis-à-vis the Southeast Asian region would lead to an unbalancing of power in favor of China.

“Great powers fear each other. They regard each other with suspicion, and they worry that war might be in the offing. They anticipate danger. There is little room for trust among states.<sup>30</sup>” The rivalry US-China in the Southeast Asia, especially in security issues and the SCS disputes is so visible that the Mearsheimer’s argument becomes more convincing.

China is conscious of its power increased following its economic achievement and it is also aware that with a rising power it can reshape national interests, political influence and ambition. The balance of power in the region is shifting in favor of China and it can expect some smaller countries

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<sup>29</sup> Bonnie Glaser: US strategy seeks to calm the roiled waters of the South China Sea/Hiebert M., Nguyen P., and Poling G., Perspectives on the South China Sea: diplomatic, legal, and security dimensions of the dispute, Center for Strategic and International Studies, Washington, D.C., 2014, p.54

<sup>30</sup> Mearsheimer J., The Tragedy of Great Power Politics, W.W. Norton & Company, 2001, p.32

to bandwagon with it<sup>31</sup> (Fels, Vu; 2016). In March 2010, it is believed that Dai Bingguo, Chinese State Councilor, told US senior officials Jeffrey Bader and James Steinberg, that China would not tolerate any interference in the South China Sea, now part of China's "core interest of sovereignty. Although this statement has been introduced and explained in various circumstances and even removed from Chinese formal statements, the US sees that this eventual effort to claim and control to the detriment of international law, freedom of navigation, maritime security, claims of China's neighbors, would be a concerning matter<sup>32</sup> (Tran T.; 2011)

Responding to Clinton's statement about the American policy toward the SCS disputes, China's Foreign Minister Yang Jiechi repeated the ability of the DOC to build mutual trust and create favorable conditions for a solution to the disputes. Also, he insisted that the SCS issues should not be internationalized and the disputes should be handled on a bilateral basis. Thus, US strategy toward the SCS issues has an impact over China's calculations which is presumed to keep the disputes from being multilateralized and internationalized.

The Chinese believe that they would have much advantages in bilateral solutions with each of the claimant countries because they possess a relatively significant capability in military, economic and political assets so that they can dictate relative gains for both sides. The Chinese expect other claimant countries to bandwagoning with it, instead of looking at the US for balancing with China. When discussing the statement of China's core national interests, Chinese scholars and analysts have written on the People Daily, the official newspapers of China Communist Party, that this statement would "upset and enrage the US" and could "strike a nerve with China's neighboring countries", the statement could "facilitate the US to bring its carrier close to the Chinese home and make the regional issue international... to strengthen US leadership and its economic, military, and political presence in East Asia."<sup>33</sup>

Therefore, in comparing an increasingly powerful China in its comprehensive and assertive strategy with a hesitating US in a balancing policy, the ASEAN countries must calculate carefully

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<sup>31</sup> Elisa I. Horhager: China-ASEAN Relations and the South China Sea: Beyond Balancing and Bandwagoning? Enrico Fels, and Truong-Minh Vu, Power Politics in Asia's Contested Waters Territorial Disputes in the South China Sea, Springer International Publishing, Switzerland, 2016

<sup>32</sup> Carlyle Thayer, Recent developments in the South China Sea: Grounds for cautious optimism/ Tran T. Thuy, The South China Sea: Towards a region of Peace, Security, and Cooperation, The Gioi Publishers, Vietnam, 2011, p.120

<sup>33</sup> Tran T. Thuy, The South China Sea: Towards a region of Peace, Security, and Cooperation, The Gioi Publishers, Vietnam, 2011, p.113

their interests and responses, especially their collective responses to any hegemon action. Each member state of the regional organization has different consideration vis-à-vis the security issues in general and the SCS disputes in particular. The Philippines, Vietnam and Cambodia, for instance, analyzed their gain and their loss in various relationships with China, the US, ASEAN and between them.

Robert Keohane explained problems that states face when they try to cooperate so that they often worry about the potential for others to cheat whereas they also confront the question of coordinating their actions on a stable cooperative outcome. The states may not agree on which of these outcomes is the most suitable as each has different distributional implications. In this case, international institutions provide “constructed focal points” that make particular cooperative outcomes prominent. When considering the case of ASEAN, the Keohane’s description of the first steps of states in their cooperation procedure seems to be proving that the organization was so divided in group of countries which are not involved in the disputes and the claimant countries. Then he contends that “Institutionalized reciprocity and distributional concerns are simply two side of the same coin reflecting the difficulties of cooperating in a system lacking centralized enforcement and pointing to the need for reliable sources of information are to achieve gains from cooperation” (Keohane; 1995). Considering Keohane’s perception of lacking centralized enforcement, a point that both the two schools of thought agree about the anarchical system, we might see that ASEAN states in one side who hardly share common interests with each other and China in the other side who dominantly controls information with its neighboring countries, have little chance to achieve gain fairly.

Thus, Keohane concludes that “the difference between realism and liberal institutionalism does not lie in whether institutions are independent or dependent variables; it lies in contrasting understandings of why institutions are created and how they exert their effects.<sup>34</sup>” Empirically, even with the task of consultation, China and ASEAN did not conclude the way how they would gather consultations, with ASEAN as a group (as ASEAN stood for) or with “relevant parties” (as China urged the association). Regarding this matter, China always prefers to negotiate the issue bilaterally with one country at a time but not in a collective forum.

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<sup>34</sup> Keohane, R., and Martin L., The Promise of Institutionalist Theory, International Security, Vol.20, No.1, 1995, pp.39-51

An ASEAN manner to manage crisis in the region and within the association is through meetings, conferences and forums, from the very formal meetings, like ASEAN Summit, ASEAN Ministerial Meeting (AMM) and AMMPlus to the less formal ones but important. The Shangri-La Dialogue is a kind of less formal but important forum because it is always considered as a Track I inter-governmental security forum held annually by the International Institute for Strategic Studies (IISS) in Singapore, an independent think tank. Usually, such forum should be classified as Track I.5 diplomacy but by traditions since the first time it was held in 2002 at Shangri-La Hotel (Singapore), the Dialogue was attended by defense ministers, permanent heads of ministries and military chiefs from 28 Asia-Pacific states, in presence of some guests as Presidents or Prime Ministers, Shangri-La forum is very much interested. Therefore, announcements and speeches given in Shangri-La Dialogue by high-ranking officials are always seen as formal policy guidelines of their countries. However, if the American Delegation is usually led by Defense Secretary, the Chinese Delegation had only one time in 2011 the Head of Delegation with Defense Minister, General Liang Guanglie, who then explained the China's peaceful rise and its willingness to work with neighboring countries to resolve competing claims in the South China Sea disputes.

This year 2018, the Head of Chinese Delegation is Lieutenant-General He Lei, deputy president of the Academy of Military Science. Lei might be unhappy with the speech given by US Defense Secretary James Mattis who accused China of intimidating its neighboring countries. Mr. Mattis stated that “China's militarization of artificial features in the South China Sea includes the deployment of anti-ship missiles, surface-to-air missiles, electronic jammers, and more recently, the landing of bomber aircraft at Woody Island. Despite China's claims to the contrary, the placement of these weapons systems is tied directly to military use for the purposes of intimidation and coercion. China's militarization of the Spratlys is also in direct contradiction to President Xi's 2015 public assurances in the White House Rose Garden that they would not do this.”<sup>35</sup> Such accusation in a regional forum like Shangri-La would bring out deviations of China's foreign policy in speeches and in actions and make China lose its “face”.

In regards to ASEAN traditions, the liberal values played an important role to promote the economic and commercial cooperation between member states. Analyses found that during the

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<sup>35</sup> US Department of Defence

<https://www.defense.gov/News/Transcripts/Transcript-View/Article/1538599/remarks-by-secretary-mattis-at-plenary-session-of-the-2018-shangri-la-dialogue/>

1980s and 1990s, the success of EU model strongly encouraged the regional integration around the world, including in the Southeast Asian region. ASEAN strengthened its internal cooperation with a framework of ASEAN Free Trade Area (AFTA) which aimed to reduce importation taxes and tariffs in member states. With AFTA, ASEAN was considered one of the most successful models of regional integration, after the EU, as it was built on three pillars: economic (trade and tariff), political (security, conflict prevention), and social-cultural integration. Actually, ASEAN is still considered as a successful organization with achievement in two of three pillars as member states' economies highly integrated, socio-cultural exchanges between member states deeply taken. Only the third pillar, in politics, security and conflict prevention seems to have desperately limited results with meetings at different levels and vague declarations.

If ASEAN way was successful to convey AFTA tracks into prosperous reality in member countries, this manner remains weak and ineffective to manage crisis and certainly unable to solve the dispute. Since 1995, the year Vietnam was admitted to the organization, Malaysian Defense officials have expressed “the view that Vietnam might in fact detract from ASEAN security because of China’s particular antagonism toward Vietnam.<sup>36</sup>” (Ba A. L.; 2009). In fact, in 1995 Vietnam and China have already normalized their diplomatic relations, after few years of suspension due to their border war in 1979. Also, in 1995, China already has taken Mischief Reef from the Philippines and started to reclaim this submerged feature into an artificial island. Thus, the idea of a collective response against one danger from regional hegemony did not root in some claimant countries, and “ASEAN as a body does not take a position on the specific South China Sea claims” (Hierbert, et al.; 2014).

After the Mischief Reef incident, the Philippines wished to have a Code of Conduct in the SCS and the result was simply DOC signed in Cambodia in 2002, with a symbolic value that China recognized the legitimacy of the organization in managing the disputes. In the Chinese view, the DOC signed in 2002 was a victory outcome as China refused to sign any binding document and DOC therefore was considered replacing the COC pushed by the Philippines and Vietnam, the claimants countries who wanted a form of more detailed and binding document. The later countries have their own reason to wish for a more binding documents as tensions continued to rise at the

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<sup>36</sup> Ba Alice D., [Re]Negotiating East and Southeast Asia-Region, Regionalism, and the Association of Southeast Asian Nations, Stanford University Press, 2009. p.104

sea while only friendly statement expressed at the conference. In 2011, Chinese frigates fired at Philippine fishing boats and Chinese patrol vessels clashed with Vietnamese oil and gas survey ships<sup>37</sup>. Therefore, the Philippines “brought the issue before ASEAN. This action was taken to goad China into accepting a more binding code of conduct in the SCS and to prevent it from building more military outposts on the islets.”<sup>38</sup>

Since 2012, the Philippines has become the most active in seeking a solution to the disputes after another attempt for collective reaction by ASEAN member states was failed. The 2012 ASEAN summit hosted by Cambodia did not succeed to catch the target to re-initiating negotiation on COC required by unanimous decision of all ASEAN members. Receiving an important volume of investment and official assistance from China, Cambodia has chosen Chinese economic benefits in compensation to block a unified ASEAN stance on the SCS issues at summit 2012. This failure in Phnom Penh pushed the Philippines to turn toward the international arbitration under the UNCLOS (Fels, Vu; 2016), (De Castro; 2015).

Nevertheless, being an organization that has gained many successes in economic cooperation following liberal perspectives, ASEAN will continue to negotiate for the Code of Conduct for the South China Sea. This effort reflects a commitment of the association for a cooperative process, an engagement to a clear position and common concerns, and an expectation for a stable political environment in the region.

### **3.2. South China Sea Arbitration (2013-19)**

#### *UNCLOS*

The United Nations Convention on the Law of the Sea (UNCLOS) is considered as the most basic and comprehensive legal framework to regulate the use of oceans. UNCLOS came into force in November 16 1994 and as of May 31 2018 there are 168 parties. All the claimant countries of the SCS disputes, except for Taiwan, are parties of UNCLOS. “Taiwan is not eligible to become a party to UNCLOS, but to the extent that it is an entity with rights and obligations under

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<sup>37</sup> Elisa I. Horhager: China-ASEAN Relations and the South China Sea: Beyond Balancing and Bandwagoning? Enrico Fels, and Truong-Minh Vu, Power Politics in Asia’s Contested Waters Territorial Disputes in the South China Sea, Springer International Publishing, Switzerland, 2016

<sup>38</sup> Renato De Castro, The Philippines Confronts China in the South China Sea: Power Politics vs. Liberalism-Legalism, Asian Perspective, Vol.39, 2015, pp.71-100

international law, it is bound to comply with the relevant provisions of UNCLOS, as they would be binding under customary international law”<sup>39</sup> (Bateman, Emmers; 2009).

Among the essential aspects, UNCLOS stipulates definition of different maritime zones including internal water, territorial water, territorial sea, contiguous zone, exclusive economic zone (EEZ), continental shelf, high sea and area. In addition, other definitions of features are also at center of the SCS disputes: islands, rocks, reefs, shoals...<sup>40</sup> (Fels, Vu; 2016)

According to Professor Robert Beckman, UNCLOS however has clear limitations in respect to the South China Sea disputes which relate primarily to sovereignty disputes over geographic features in the Spratly Islands and overlapping maritime boundaries because UNCLOS does not have provisions setting out how sovereignty disputes over offshore islands are to be resolved. “UNCLOS assumes that there is no dispute over which state has sovereignty over the land territory and islands. If the sovereignty disputes over offshore islands were decided by a court or tribunal according to international law, they would be decided by the rules of customary international law on the acquisition and loss of territory... Sovereignty disputes can only be referred to an international court or arbitral tribunal for resolution with the express consent of the state parties to the dispute. Disputes over the sovereignty of offshore islands are sometimes referred by the parties to the International Court of Justice (ICJ)”, the International Tribunal for the Law of the Sea (ITLS), or the Permanent Court of Arbitration (PCA) (Bateman, Emmers; 2009), (Fels, Vu; 2016), (Radtio; 2015).

There are some significant points in UNCLOS regulating all or parts of the disputes that could be referred to. Article 121 of UNCLOS defined “island” is a naturally formed area of land surrounded by water at high tide. The island following this definition is entitled to the same maritime zones as land territory and state can claim a 12 nautical mile territorial sea, a 200 nautical mile exclusive economic zone (EEZ) and a continental shelf from island over which they have sovereignty. But under Article 121(3), some kinds of features (rocks) which cannot sustain human habitation or

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<sup>39</sup> Beckman R., Legal regimes for cooperation in the South China Sea/Bateman S., and Emmers R., Security and International Politics in the South China Sea: Towards a cooperative management regime, Routledge ed., 2009

<sup>40</sup> Ohnesorge H., A Sea of Troubles: International Law and the Spitsbergen Plus Approach to Conflict Management in the South China Sea/ Enrico Fels, and Truong-Minh Vu, Power Politics in Asia’s Contested Waters Territorial Disputes in the South China Sea, Springer International Publishing, Switzerland, 2016

economic life of their own have no EEZ or continental shelf but entitled to a 12 nautical mile territorial sea.

Another important definition is about “low-tide elevations” which are defined as features surrounded by water at low tide but submerged at high tide. If these “low-tide elevation’ are situated wholly or partly within 12 nautical miles of the mainland territory or form an island, they can be considered as points to calculate territorial sea. Other features, such as shoals, reefs, and sand bars which are underwater even at low-tide cannot be subject to claim sovereignty. Reefs or shoals which are build up artificially so that they are above water level at high tide are not considered as island and not entitled to maritime zones. The key words here are that artificially and naturally formed. However, the state occupying these artificial island, installations and structures within its EEZ and may claim a safety zone up to 500m around these features<sup>41</sup>.

In UNCLOS, coastal states which want to obtain rights to explore and exploit resources, had to accept obligations to protect and preserve the environment and to cooperate for sustainable management of the living resources. Becoming a party to UNCLOS, states agree with the system of compulsory dispute settlement that has outcome of final and binding decision by international court or arbitral tribunal. UNCLOS indicates that either of the two parties involved a dispute can unilaterally proceed before an international court or arbitral tribunal without consent of the other party (Bautista, Arugay; 2017).

About the continental shelf, UNCLOS allows some coastal states to claim a continental shelf to a distance up to 200 nautical miles and this procedure requires a study of seabed undertaken by the claimant state. And if the states look want to claim a continental shelf extending the 200 nautical miles, they have to submit this intention to the CLCS (Bateman, Emmers; 2009).

In May 2009, Malaysia and Vietnam undertook a joint submission to CLCS in accordance with the Article 76(8) UNCLOS, providing “information on the limits of the continental shelf beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured in respect of the southern part of the South China Sea” (Fels, Vu; 2016). Also, Vietnam had its own submission to CLCS to clarify its claims regarding the limits of its continental shelf in the northern part of the SCS. Following the day of joint-submission of Malaysia and Vietnam, China submitted

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<sup>41</sup> Beckman R, Legal regimes for cooperation in the South China Sea/Bateman S., and Emmers R., Security and International Politics in the South China Sea: Towards a cooperative management regime, Routledge ed., 2009

notes verbales in reaction and this letter was attached by a map in the first time ever showing the infamous Nine-Dash-Line. The map is believed being drawn in the 1930s as an internal government document showing a number of dashes or lines in the SCS. Roughly 70% of the SCS falls within the line area.

Nine-Dash-Line is widely contested by the other claimant countries although China insists on its compatibility with the international law. Actually, “a Chinese policy of strategic ambiguity may very well be in the interest of Beijing which avoids taking clear position”<sup>42</sup> (Fels, Vu; 2016). Vietnam quickly sent a note verbal to the protest the map with Nine-Dash-Line. The note said: “The Hoang Sa (Paracels) and Truong Sa (Spratlys) archipelagoes are part of Vietnam’s territory. Vietnam has indisputable sovereignty over these archipelagoes. China’s claim over the islands and adjacent waters in the Eastern Sea (South China Sea) as manifested in the map attached with the Notes Verbales CLM/17/2009 and CLM/18/2009 has no legal, historical or factual basis, therefore is null and void”<sup>43</sup>.

Scholars in the field of law examined all related concepts, such historic rights, historic title, historic waters and historic bays and concluded that the nine-dashed-line China presented should be understood that this country implied recognition of historic waters as regards a substantial part of the SCS<sup>44</sup>. Historic waters right is defined in broad terms that a right to coastal state with respect to a maritime area that the state would not normally enjoy. There are three factors to determine if a state acquires historic title to a maritime area: the exercise of authority over the area by the state claiming the historic right; the continuity of this exercise of authority; and the attitude of foreign states. Both China and Taiwan do not meet these criterion (Tran T., 2011).

#### *South China Sea Arbitration (2013-19)*

In response to an escalation of the maritime dispute with China over the Scarborough Shoal in 2012, also for the Mischief Reef that China took in 1995, on January 22 2013, the Philippines commenced the arbitration procedure before the Permanent Court of Arbitration (PCA) at The Hague and served China with notification and statement of the claim. The Filipino claim to PCA

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<sup>42</sup> Ohnesorg H., A Sea of Troubles: International Law and the Spitsbergen Plus Approach to Conflict Management in the South China Sea/ Enrico Fels, and Truong-Minh Vu, Power Politics in Asia’s Contested Waters Territorial Disputes in the South China Sea, Springer International Publishing, Switzerland, 2016

<sup>43</sup> [http://www.un.org/depts/los/clcs\\_new/submissions\\_files/mysvnm33\\_09/vnm\\_chn\\_2009re\\_mys\\_vnm\\_e.pdf](http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/vnm_chn_2009re_mys_vnm_e.pdf)

<sup>44</sup> Franckx E, Benatar M., Dotted lines in the South China Sea: Fishing for (legal) clarity/Tran T. Thuy, The South China Sea: Towards a region of Peace, Security, and Cooperation, The Gioi Publishers, Vietnam, 2011

addressed 13 points relating to China's maritime claims in the SCS based on the infamous Nine-Dash-Line, including some features that China occupies and interference with the Philippine's right to fishing and navigation (Morton; 2016)

On February 19 2013, China rejected the Philippines' notification and decided to not participate in the proceedings, in accordance with Article 298 UNCLOS, and further introducing that the arbitration was contrary to the DOC 2002 that China had signed with ASEAN. Chinese stance follows that it reaffirmed its supports resolving disputes through bilateral negotiations. Holding this position, China wanted to reinforce its rights to set up the arbitrators and the rules of procedure (Morton; 2016). The arbitration proceeded in the absence of China, in accordance with the provisions of UNCLOS. Indonesia, Japan, Malaysia, Thailand and Vietnam sent their observers to attend the hearings. On December 11 2014, Vietnam provided a statement to the tribunal insisting three points: Vietnam supports the filing of this case by the Philippines, Vietnam rejects China's claim of Nine-Dash Line, and Vietnam asks the PCA to take note of its claims on certain islands such as the Paracel Islands. On July 12 2016, the arbitral award was issued on both jurisdiction and the merits by a unanimous decision of members of PCA.

Professor Robert Beckman carefully analyzed the PCA award: "The PCA rules that to the extent that China claimed historic rights to resources in the waters inside its nine-dash line, such rights were extinguished when it ratified UNCLOS if those waters are now within the EEZs of other coastal states. However, although the Tribunal found that China's claim to historic rights in the nine-dash line is not compatible with UNCLOS, it did not rule that the Nine-Dash-Line per se is illegal or invalid. China is under no obligation to formally denounce the Nine-Dash-Line. The Nine-Dash-Line is still relevant because it shows the location of the various islands in the SCS over which China claims sovereignty. The difference is that as a party to UNCLOS, China can only claim sovereignty over those islands that meet the definition of an island in Article 121 of UNCLOS, that is, naturally formed areas of land surrounded by and above water at high tide. However, the Philippines further asserted that none of the islands in Spratlys that were occupied by China was entitled to more than a 12-nautical-mile territorial sea. The Philippines maintained that the islands occupied by China fell within the exception in Paragraph 3 of Article 121, which provides that "rocks which cannot sustain human habitation or economic life of their own are not entitled to an EEZ or continental shelf" (Bautista, Arugay; 2017).

The decision of PCA about Mischief Reef of Spratlys is also important because this feature has been built by China to an artificial island and transformed to a military base with deployment of YJ-12B anti-ship cruise missiles and HQ-9B surface-to-air missile systems<sup>45</sup>. The PCA ruled that “Mischief Reef is an LTE, not an island, and that it is located within the EEZ of the Philippines. Therefore, under UNCLOS, the Philippines has jurisdiction and control over the Mischief Reef, and it has the exclusive right to authorize and regulate the construction, operation and use of installations, and structures on the reef. Consequently, the Tribunal ruled that the installations and structures built by China on Mischief Reef are legally under the jurisdiction and control of the Philippines.”<sup>46</sup>

The Tribunal made it clear that China’s land reclamation activities were in violation of its obligation according to UNCLOS to protect the environment. In the current circumstances that all artificial features have become military fortresses with different heavy weapons deployed, it is impossible for any other country to go on site and examine the impact of the land reclamation to the environment though the size of these features appears to be very large. Johnson South Reef has an area of 109,000 m<sup>2</sup>, Cuarteron Reef is of 231,000 m<sup>2</sup>, Fiery Cross Reef 2.7 million m<sup>2</sup> with a 3,000m airstrip and a deep-water harbor, Subi Reef nearly 4 million m<sup>2</sup>, with an eventual 3,000m airstrip, Hughes Reef 76,000 m<sup>2</sup>, and Gaven Reef 136,000 m<sup>2</sup> (Bautista, Arugay; 2017).

Scholars noticed that the results of the PCA case Philippines vs China represent a victory for the Philippines and also for liberal values as the court had ignored political pressures and strategic factors while applying legal doctrine to the facts of the case. Although the award of Tribunal rules a part of the issues, it proved however that “the institutions can help govern a competitive and anarchic international system and encourage, at a time require, multilateralism and cooperation as a means of securing national interests” (Baylis et.al.; 2008). The PCA ruling will directly confront Chinese strategy in the region as China’s argument for claims has been refuted by an international arbitration. The case also strongly supports those who are opposing China’s ambition to stand up through arbitration.

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<sup>45</sup> <https://www.cnn.com/2018/05/03/china-likely-to-add-combat-aircraft-to-south-china-sea-outposts.html>

<sup>46</sup> Robert Beckman, South China Sea Tribunal Ruling a Game Changer/Bautista L., and Arugay A., Philippines v. China: The South China Sea Arbitral Award: Implications for Policy and Practice, Asian Politics & Policy, Vol.9, No.1, 2017, pp.122-152

## CHAPTER 4

### **KEY FACTORS-RESPONSIBLE FOR THE SITUATION EXPLANATIONS OF THE NEO-REALIST APPROACH**

There is a fact that in many territorial disputes that China is a related party, it permanently demonstrates its assertiveness to its claims and moreover this state tries to keep these disputes in the boiling point and its readiness in breaking point of the status quo. Instead of looking for an eventual solution by means of negotiations which are usually seen as win-win solutions and compromises, China accompanied by an increasing economic and military power, tries to change the limit line that could satisfy its territorial claims.

I would suggest some of the typical disputes, such as: Senkaku Islands dispute between China and Japan was intense during 2012-2013 upon China's intention to apply the Air Defense Identification Zone (ADIZ) which has been then rejected by US and Japan; Sino-Indian border dispute heated up in 2013 with Daulat Beg Oldi incident when PLA entered the disputed area; and the SCS disputes since the Scarborough stand-off in 2012, land reclamation revelations in 2015 and militarization on artificial islands in 2018.

In this chapter, I will identify the key factors which were responsible for the outcome of the issues. In order to have a comparison and a complete assessment of the related countries' foreign policies, especially the Chinese one, I will take the article published in the American Journal of Chinese Studies, Vol.22, 2015, with title "China's Shifting Behavior in the South China Sea: A Defensive realist perspective" of the author Klaus H. Raditio<sup>47</sup>, to analyze the Chinese foreign policy as well as some other claimant countries.

#### **4.1. Identifying key factors-responsible for the outcome of the issues**

According to the author Klaus Raditio, China's behavior in the SCS can be explained by the defensive realist perspective. Raditio introduced and explained major developments in the SCS

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<sup>47</sup> Klaus Heinrich Raditio is a PhD student at the University of Sydney, where he studies in the department of Government and International Relations. He is the recipient of a grant to present his research findings at the 56<sup>th</sup> American Association of Chinese Studies Conference. To contact him, email: [krad4572@uni.sydney.edu.au](mailto:krad4572@uni.sydney.edu.au) (*Footnote of the American Journal of Chinese Studies, Vol 22, 2015*)

over the past 2 decades, precisely from 2002 when China signed the DOC with ASEAN in Phnom Penh (Cambodia) to his paper published date in November 2015<sup>48</sup>.

Raditio began with the assumption of the security dilemma in the SCS while citing the military spending of China and some of the related countries in the SCS disputes. According to the author, since 1990s China has been increasing its military spending by 2 digits increments almost every year, reaching therefore a military budget eightfold bigger in 20 years. “Comparative figures for increases during 2003-2012 are 175% for China and 32% for the US, and for 2011-2012, the figures are 7.8% for China and (minus) -6% for the US. In addition, China has the world’s second largest naval fleet, after the US and the world’s largest military personnel numbers” (Raditio; 2015). No-one would be surprised about China’s warfare capabilities since it is a great power, not to mention that it is the nuclear power. The point is that what we can see through the statistics that Raditio provided is an intensive military build-up. The defense modernization is one of four major strategies (industry, agriculture, science-technology and defense) that China has been following since it started the open-door policy. It would be understandable for a rising power when transforming from a middle power to a great power. Instead, Raditio believed that “given the vast territory of the country and the size of its population, China considers its military build-up justifiable.” The author may not explain why another country having the same size as China, another middle power, Canada, would not plan to purchase warfare equipment and develop military power likewise in keeping its military budget less than 1% of GDP<sup>49</sup>.

Raditio would be wrong when comparing the military spending of Southeast Asian countries with China. Looking at the statistics about military budget of these countries, analysts may see an increase in military spending during the period 2000-2015 and also a military build-up. Nevertheless, all other claimant countries in the SCS disputes, including Vietnam considered as the most powerful, possess military capability far behind China.

There would be only one reason for which China continues endlessly builds up its military capability and that must be the ambition to become great power and regional hegemony. The South China Sea disputes might be simply an explicit demonstration of power before reaching farther beyond the second containment chains and worldwide domination. Although the information about

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<sup>48</sup> Raditio H.K., China’s Shifting Behavior in the South China Sea: A Defensive realist perspective, American Journal of Chinese Studies, Vol.22, 2015

<sup>49</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>

military spending and military builds-up of the related countries in the SCS disputes might be missing, the data gathered by the Stockholm International Peace Research Institute (SIPRI) would not disappoint international observers.

According to SIPRI, data based on contracts with deliveries or orders made from 2010 to 2016<sup>50</sup>, the Philippines bought some second-hand helicopters Bell-205 UH-1D, with 5 units from Germany (delivered in 2013), 5 units from the US (delivered in 2011), 8 W-3 Sokol helicopters from Poland, hundreds second-hand APC (Armored Personnel Carrier) M-113 from Belgium and the US, 5 second-hand Balikpapan from Australia, etc. The most significant deals that the Philippines made were with South Korea to buy 12 FA-50 combat aircrafts (delivery by 2017) and 2 frigates HHI-2600 (delivery by 2020). We might not fully understand the warfare perception of the Philippines but wonder if the limitation of military budget would impede a decent capability build-up. Indeed, a mass buying of helicopters and APCs might be explained by a reinforcement of landing capability which should be seen useful mostly for the Philippines' domestic security rather than for the national defense. Secondly, an important proportion of second-hand warfare equipment would need an appropriate permanent budget for maintenance and replacement.

Vietnam's capability build-up might be better than the Philippines with some important buying from Russia, India and Israel. In the period of 2008-2016, Vietnam bought from Russia 8 Taratul corvettes among them 6 produced locally with license, from Canada 6 transport aircraft DHC-6, from Israel 200 guided rocket/SSM, 5 Spyder SAM (Surface-to-Air Missiles) system. As usual, Russia is the biggest supplier of Vietnam with some significant contracts, such as: 400 portable SAM to install on its Taratuls, hundreds anti-ship missiles and SAM for its frigates, \$300 million deals to buy frigates Gepard and K-300 Bastion-P Coast defense system, roughly \$2 billion deals to buy 6 Kilo class submarines, and 32 Su-30MK2 combat aircrafts. Through all these buyings, Vietnam wanted to prove its strategy to modernize the navy in order to protect territorial water. Do Muoi, the secretary-general of the Communist Party of Vietnam, stated that "we must reinforce our defense capacity to defend our sovereignty, national interests and natural resources, while the same time building a maritime economy"<sup>51</sup> (Hierbert, et al.; 2014).

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<sup>50</sup> For full data set-SIPRI, please refer to the index 3

<sup>51</sup> Carlyle T., Vietnam's Maritime Forces, - Hiebert M., Nguyen P., and Poling G., Perspectives on the South China Sea: diplomatic, legal, and security dimensions of the dispute, Center for Strategic and International Studies, Washington, D.C., 2014

Thus, the military build-up in ASEAN countries, i.e. the Philippines and Vietnam, is not at the same level and dimension with China. In comparison, SIPRI's data provided information that in the same period, China imported a huge number of parts from different international sellers for its own military industry. For instance, from 1982 to 2016, China imported from Germany about 4,600 diesel engines to produce tanks, self-propelled mortar, self-propelled gun and frigates. China is not simply a strategic partner of Russia in balancing with the US, it always represents the biggest customer of the Russian in buying parts or materials for its military industry. For deliveries in the period of 2001-2016, China imported from Russia 1,000 anti-ship missile to install on its own designed combat aircraft, 1,500 anti-tank missiles for its own designed tanks. In the period of 2008-2016, China imported from Russia 200 anti-ship missiles to install on its own designed Su-30 combat aircraft. China imported thousands turbofan and turboshaft, as well as other major parts, like diesel engine, air-sea search radar and naval gun, from Russia, France, Germany, Ukraine and United Kingdom for its manufactured combat aircrafts, helicopters, frigates, tanks, submarines etc. Chinese military industry is highly developed in comparison with other claimant countries in the SCS disputes, i.e. Vietnam and the Philippines. Thanks to those imported parts, it can produce almost all conventional weapons of which some models could compare with the most advanced technology of the US and Russia. Anyway, China also bought from Russia newest weapons, like 6 SAM systems S-400 with delivery made in 2017 (\$ 3 billion deal), and 24 Su-35 with delivery made in 2016-2018 (\$ 2 billion deal).

To compare the military build-up of the claimant countries in the SCS disputes, we may realize that while Vietnam was negotiating contracts with Russia to buy Su-30MK2, China possess capability to produce its own designed combat aircrafts in the same generation with Su-30MK. Moreover, China has produced J-20, the 5<sup>th</sup> generation fighter jet, a peer combat aircraft with the famous American F-35. Even with exactly model Su-30MK made by Russia, China bought from Russia a doubled quantity in comparison with Vietnam. The comparison may be more ironical with the case of the Philippines. While the Philippines bought second-hand helicopters Bell-205 UH-1H from the US and Germany, China produced hundreds attack helicopter CAIC Z-10 (also called WZ-10), a model even more performant than Bell AH-1 Cobra, and if the Philippines concluded deals for second-hand APC M-113s from Belgium and the US., China produced thousand tanks 3<sup>rd</sup> generation Type-99A, a model much heavier and stronger than the APC.

In short, the Chinese military capability is at a level completely different with other claimant countries in the SCS disputes, in term of quantity and capacity to produce. The armed forces of the related countries in the SCS disputes (i.e. the Philippines and Vietnam) might be good enough to get China paid a certain price but absolutely insufficient to triumph over China in this war. China's army modernization had purposes to improve its military capability in order to balance the US as well as Russia, in settling a new balance of power in the world.

Thanks to immense military, economic and financial strengths, China could maintain relationship with ASEAN countries following its "carrot and stick" policy. Professor Li Xiaoting, from School of Advanced International and Area Studies, East China Normal University (Shanghai, China), clarified this strategy in his argument "Conceivably, while Beijing could reward some neighbors for their cooperation in preventing an antagonistic great power from encircling China, it could also punish others for their noncooperation... Instead, through calculated strikes at unbending foes, a rising state could demonstrate to its neighbors that it is not a paper tiger and defying its ascendance has a price, thereby deterring further challenges to its interests."<sup>52</sup>

Among the claimant countries in the SCS disputes, the Philippines and Vietnam are more active to struggle against China in the diplomatic ways and on the sea as well. However, the relationship between them is also multifaced and complicated. The Sino-Vietnamese relations reflect both struggle and cooperation as the two countries share the same ideological theory Marxism though China has modified its own communism to match with its strategic goals. In their bilateral relations, if China considers Vietnam as an external factor or a potential enemy who can join the American alliance at any time, the Vietnamese government looks at China with a double sentiment, fear and anxiety, and always calculates carefully the outcomes with its big neighbor. Vietnamese communist regime needs China to ensure its legitimacy before the Vietnamese people, especially in the conditions the nationalism is reviving and becoming active when China undertakes audacious actions in the SCS in detriment to the Vietnam's national interest. In contrast, the Vietnamese government is aware that it should never bandwagon with China because such a decision provokes both negative reaction from Vietnamese people and doubtfulness from outside

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<sup>52</sup> Li Xiaoting, Applying offensive realism to the rise of China: structural incentives and Chinese diplomacy toward the neighboring states, *International Relations of the Asia-Pacific* Vo.16, 2016, pp.241-271

supporters, i.e. the Western countries. China is deeply conscious of the situation of Vietnamese regime and uses it very effectively in a way that looks like Vietnam follows China. But it does not. The relations China-Philippines would have been different with the Sino-Vietnamese relationship if there was not the presidency of Rodrigo Duterte. Although taking long time in politician life, Duterte may be the most controversial President of the Philippines. Some Filipino would support him because he had made the operation against drug criminals, others may not like him because he seems to be so close to China, a claimant country which occupied Mischief Reef in 1995 and Scarborough Shoal in 2012 from the Philippines. The factor Duterte is also complicated in external relations with noises relating former US President Obama, announcements about China, Russia and the US. In Duterte, there is sign of Filipino pragmatism which may have less connection with a victory of the PCA case Philippines versus China. Like Vietnam, there is an unknown factor in foreign policy of the Philippines. Following a kind of pragmatism, the Philippines under Duterte may be maintaining a relatively good relationship with China and seeking a proportionally stable partnership with the US.

Therefore, it may be conflicting to imply that the Philippines under Duterte would be seen as a state purely realist or liberal. Since I exclusively consider the relationship between states in the SCS disputes, the factor Duterte would make my point of neo-realism less convincing while taking an image of struggle which looks like the power caused by human nature in the model of classical realism. However, when I examined political stage of the Philippines, in both fields domestic and international, under the light of big ideas of classical realists, from Thucydides to Machiavelli and Morgenthau<sup>53</sup>, I found the unknown factor Duterte had to face the opposition in both the Senate and the House of Representatives and therefore stayed far to a position of power caused by human nature. Currently, Liberal party is the minority bloc presenting 25% of the Senate with 6 members and 15.5% of the House of Representatives with 46 members whereas the PDP-Laban party of President Duterte occupied 16.67% with 3 members of the Senate and 38.4% of the House of Representatives with 114 members. The PDP-Laban has signed a coalition agreement with Nacionalista Party, Lakas-CMD, National Unity Party and the Nationalist People's Coalition (NPC) to form a majority bloc of about 71% of the Senate and 87.2% of the House of

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<sup>53</sup> Baylis, J. and Smith, S. and Owens, P., *The Globalization of World Politics: An Introduction to International Relations*, 4th Edition, Oxford University Press, 2008, p.96

Representatives. However, because Nacionalista and NPC are the two conservative parties no-one could be sure such a political coalition between conservative parties and a political party which is close to the communist party like PDP-Laban, lasts for long. In consequences, it would be uncertain and unclear to conclude that Duterte could manipulate the Philippines' political stage and external relations, by a kind of "power caused by human nature".

When examining behaviors of President Duterte under the lights of liberal thinking, I found that it would be contradictory to consider the Philippines as a liberal actor. Since the "liberals seek to project values of order, liberty, justice and toleration into international relations"<sup>54</sup>, Duterte seems to minimize results of the PCA case the Philippines vs. China in order to not angering the later one. The Philippines under Duterte might be too close to China but in a way more likely to indulge the regional power rather than bandwagon with it. Being close to China would be hardly seen as a sign of liberal cooperation because at the same time the Philippine President Duterte did not hesitate to make some provocative announcements towards the American foreign policy.

In regards to bandwagoning questions, Cambodia must be the most supporting China country among ASEAN member states. Its policy vis-à-vis China is consistent as Cambodia does not involve the SCS disputes whereas it goes in pair with its Chinese sponsor to contain Vietnam. Cambodia would break any attempt from ASEAN to construct a collective response towards the SCS disputes. ASEAN is getting stuck with its famous working manner ASEAN way regarding the SCS issues.

The other ASEAN member states would be neutral vis-à-vis the SCS issues and China. Each country tries to get much benefit from possible cooperation with both the US and China. Either of the two great powers can be sure of ASEAN countries' position in regard of the disputes. Therefore, it may be impossible to conclude that ASEAN countries prefer to balance or bandwagon with China. ASEAN as an organization would not succeed to find a solution for the disputes, even signature of the COC, a simple legal framework to manage the disputes.

Regarding the COC, Raditio was contradictory with his argument when introducing in the same paragraph some counterarguments. He argues that the period of de-escalation (from mid-1990s to mid-2000s) is "inseparable with China's grand strategy of a good neighbor policy" expressing

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<sup>54</sup> Baylis, J. and Smith, S. and Owens, P., *The Globalization of World Politics: An Introduction to International Relations*, 4th Edition, Oxford University Press, 2008, p.111

through China's behavior, like "statement that it is ready to work towards a peaceful solution of the dispute based on international law"; "willingness to prevent further tension by signing the DOC and TAC"; "it has not occupied any new disputed features in the SCS" etc. Then he wrote "As mandated by the DOC in 2012<sup>55</sup>. China and other relevant parties in the SCS should continue their talks to formulate a Code of Conduct (COC) in the SCS. The DOC itself is merely a political statement without legal authority. Regardless of the urgent need for ASEAN countries to set up a COC, China seems reluctant to make any progress on this issue.<sup>56</sup>" Raditio contended that China's stance toward its Southeast neighbor was obviously tougher and more uncompromising because, like Chinese Foreign Minister Yang Jiechi said at the AMM in Hanoi in 2010 that "China is a big country and other countries are small countries and that's just a fact." The author seems not recognizing that the statement of Chinese Foreign Minister sounds like "the lion has the right to eat the deers" and the implicit logic of this statement presents the ambition of a great power which would do whatever it wants like in the jungle. Consequently, the COC or such a codified document would never be concluded between China and ASEAN, due to China's will and its followers. The SCS disputes, in these circumstances, would never be resolved.

Raditio also addressed the matter of "core interest" in a "rumor" saying that Dai Bingguo, Chinese State Councilor, told US senior officials Jeffrey Bader and James Steinberg. Raditio supports the argument contending that there are no proof of what the Chinese official said and even if this official said about the "core interest" during May 2010 Strategic and Economic Dialogue where US Secretary of State Hillary Clinton attended witnessed and reacted with this statement, this was uttered in unofficial tone. No-one should be surprised of the Chinese diplomacy style which is characterized by the ambiguity. The more ambiguous meanings and way of talks they address the more flexible for them to correct after everything done. Moreover, it would be more important to evaluate actions they are doing than lecture they are talking. Despite Chinese officials took speech and promised at regional forums and conferences, the PLAN continues to reclaim artificial islands form rocks and reefs and to assemble missiles systems in their newly military bases in the SCS. No-one should be surprised of the salami-slicing strategy that China take to change the status quo of the disputes.

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<sup>55</sup> In fact, China signed the DOC with ASEAN in 2002

<sup>56</sup> Raditio H.K., China's Shifting Behavior in the South China Sea: A Defensive realist perspective, American Journal of Chinese Studies, Vol.22, 2015

Regarding the incident of USNS Impeccable when taking a freedom of navigation operation, Raditio argues that the actions from Chinese side do not represent China's shifting behavior in the SCS and these actions can be interpreted as China's attempts to defend its territorial sovereignty. The author fails to see that the freedom of navigation operation is taken by the US and some western countries in order to protect the right of navigation for every travelers in accordance with the UNCLOS. Therefore, any deterrence of this operation could be seen as aggressive actions or misbehaviors.

The last point that Klaus Raditio addressed in his article is about the infamous Nine-Dash-Line. Raditio implicitly support the argument that says "Having said that, the submission of the nota verbal attached with the Nine-Dash-Line map only signifies the increasing level of effort in consolidating China's claim in the SCS and does not represent China's behavior departure.<sup>57</sup>" Raditio seems to not understand that the Nine-Dash-Line claim has not any historic basic and it ignores the EEZ definition of UNCLOS that China is a party. Because his article was published before the PCA's decision so Raditio had not the chance to refer the award issued by the PCA. Otherwise, he would support China's argument to deny the PCA's decision. Therefore, his proposal to the SCS related countries to take a legal mechanism to resolve the disputes would be null. In such a legal procedure, China had denied to attend the arbitration tribunal and also the ruling implied by PCA.

Thanks to the analysis Raditio's article, it comes now to the main points that may help to identify the factors responsible for situation in the SCS. The first point I found that the SCS disputes have one great power state as major claimant and therefore its nature of dispute would be changed in favor of this great power if the balance of power was kept unchanged.

The second point found is that China would be responsible for retarding the COC, a minimal legal framework to manage the dispute. However, other factors were also responsible, e.g. ASEAN with its divided member states.

The last point found that the case Philippines versus China before the Arbitration Tribunal is a victory of liberal values, encouraging the related countries in the SCS disputes to file their claims

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<sup>57</sup> Raditio H.K., China's Shifting Behavior in the South China Sea: A Defensive realist perspective, American Journal of Chinese Studies, Vol.22, 2015

to international legal institutions. However, because the great power can deny any legal decision that could harm its claim, the legal approach result will be limited.

#### **4.2. Explanations of an approach**

Since the world politics witnessed the end of the Cold War and the collapse of the USSR in 1991, abundant concepts proposing multipolar and unipolar systems flourished till people recognized that the US remained a just great power. The two great powers Russia and China had to wait until 2000s to be seen as great powers. Thus, the world lacks a leader for a certain time and “in the absence of leadership, world politics suffers from collective action problems, as each state tries to shift the burdens of adjustment to change onto others. Without alliances or other institutions helping provide reassurance, uncertainty generates security dilemmas, with states eyeing one another suspiciously.<sup>58</sup>” Keohane and most of other neo-liberals agree with the realists about the anarchy of the world politics. Moreover, “the neo-liberals believe that “cooperation is easy to achieve in areas where states have mutual interests.<sup>59</sup>”

In the SCS disputes, if we look at the actions and developments of the related parties, such as militarizing artificial islands, denying the ruling that Tribunal issued, skirmishes sometimes on the sea, accompanied usually by hollow speeches in Beijing, Manila or Hanoi, we might conclude that the claimant countries define their interest so differently that they hardly find their mutual interests.

Regarding the mutual interests, in the international politics, one of the main features of the neo-neo debate mentions that “neo-liberals think that actors with common interest try to maximize absolute gains. Neo-realists claim that neo-liberals overlook the importance of relative gains. Neo liberals want to maximize the total amount of gains for all parties involved, whereas the neo-realists believe that fundamental goal of states in cooperative relationship is to prevent others from gaining more” (Baylis et al.; 2008).

In the case that claimant countries of the SCS disputes tried to negotiate for the COC, China did not find an interest in signing a binding document with ASEAN therefore it decided to keep off any attempt to negotiate for the COC. China believed that it could get much advantages in bilateral

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<sup>58</sup> Keohane R., *Hegemony and After: Knowns and Unknowns in the Debate Over Decline*, Foreign Affairs, Vol.91, No.4 (2012), pp.114-118

<sup>59</sup> Baylis, J. and Smith, S. and Owens, P., *The Globalization of World Politics: An Introduction to International Relations*, 4th Edition, Oxford University Press, 2008, p.133

negotiations yet it persisted with this position. Regarding the factor Cambodia, it is the closest friend of China among ASEAN member countries. Cambodia therefore blocked all attempt within ASEAN to build a collective response to China, including attempt for the COC. The consensus-based rule and the non-interference rule composing the ASEAN way helped Cambodia to achieve its purpose in favor of China's position. Except for the Philippines and Vietnam, the other ASEAN member countries were in neutral position or in favor of China. This is the second factor that prevented these countries to negotiate the COC, and further to build any collective attempt against China.

It is unlikely the liberalist perspective would be best used to explain the behaviors of actors in this aspect of the disputes. The SCS disputes are so complicated and crucial to most of the related countries that they naturally consider the disputes as high politics issues. In theoretical views, the neo-liberal institutionalists believe that "these institutions will have a greater role on managing the processes of globalization and that the states will come to the point where they realize that acting unilaterally of limiting cooperative behavior will not lead to the resolution of management of critical problems."<sup>60</sup>

In empirical views, the regional institution ASEAN had failed many times to handle the SCS disputes and even with a minimal process of COC or collective response. There was no mutual interest found within ASEAN member states in resolving the disputes and in contrast, their interests were much different from one to another. Moreover, ASEAN would never success to reach a management plan without a positive participation of China.

China in this case study played an active role to keep the eventual negotiations in the way it wanted whereas the Philippines and Vietnam pushed hard for the COC in order to achieve a ruled-based document to manage the disputes, or precisely to dismantle any actions from China that could harm their claims. The Philippines and Vietnam were, in this case, much likely the defensive realist actors as well as other ASEAN member states, except for Cambodia who acted pragmatically to get more relative gains.

In the case the Philippines versus China before PCA, the claimant countries had their reactions which were basically different from one to another. The Philippines was no doubt following a

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<sup>60</sup> Baylis, J. and Smith, S. and Owens, P., *The Globalization of World Politics: An Introduction to International Relations*, 4th Edition, Oxford University Press, 2008, p.134

liberal approach in deciding to proceed an arbitration against China at the Court. It did not fear much of a political influence which could manipulate or at least have an impact over the decision of the Tribunal. Although China decided that it would not be hearing the Court its political influence over international institutions remained considerable and that could probably change in favor of China. The Philippines therefore got an active point from the neo-liberal institutionalists since it has trusted the institution vis-à-vis its crucial interest, the territorial claims, the sovereignty. The Philippines would have never known beforehand the final decision of the Tribunal although they could be self-confident of its arguments. No one would, even China or Vietnam and no one wanted to take the risk of losing a crucial interest. Except for the Philippines, all other claimant countries in this case were much likely realist actors who insisted in preventing the others from gaining more. For such territorial disputes, legal mechanism seems not to be an approach that related parties prefer to choose because each party could not know how strong the other's argument is although the sooner one would prepare a good argument. In their view, it is much more likely a game and they cannot play with the matter of sovereignty.

The neo-liberal institutionalists “see institutions as the mediator and the means to achieve cooperation in the international system. Regimes and institutions help govern a competitive and anarchic international system and they encourage, and at times require, multilateralism and cooperation as a means of securing national interests.<sup>61</sup>” The institutions per se is to bolster cooperation and through the cooperation, states achieve absolute gains. This argument seems not to be likely the case of the claimant countries in the SCS disputes where no party is ready to concede or compromise its interest in return of the same attitude from other parties.

From the above analysis, I found that the neo-realist perspective would be best used to explain the SCS disputes. All the claimant countries seek for power, especially in the case studies with China, the Philippines and Vietnam.

China seeks for power, much more than somewhat it needs for a balance of power of the disputes, but for a broader realm as it explicitly expressed that its potential rival is the US. China should be seen as an offensive realist actor although there are not enough proofs to conclude that it hungers for regional hegemony, like in Mearsheimer's theory.

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<sup>61</sup> Baylis, J. and Smith, S. and Owens P., *The Globalization of World Politics: An Introduction to International Relations*, 4th Edition, Oxford University Press, 2008, p.133

The Philippines, Vietnam and Malaysia should be classified as defensive realist actors as they were not devoting for power. Probably those three states would be conscious that their capabilities are far behind their counterpart China and in consequences, the Philippines, Vietnam and Malaysia (less clearly) had to maximize their security. I also found that the security matters in the Southeast Asian region, especially the SCS disputes were likely under an anarchy where the most powerful state might act its ways whereas other related countries might look for balancing, bandwagoning, coalition, and military build-up, according to their definition of national interests, although some of them might hope for a mechanism to manage and resolve the disputes.

## CONCLUSION

The South China Sea disputes might be among the most difficult problems of the contemporary international relations due to a variety of causes, such as the complexity of claims, the calculations of interest, the fluctuation of collective responses, and particularly the significant difference of capabilities between claimant countries. The combination of these causes makes the disputes unsolvable and would possibly lead the related parties to a new confrontation, especially between the US and China if they keep sticking with their strategies as super power, seeking hegemony to contain their peer rivals from taking active role in the region.

From the empirical views, China has been identified as the principle player which could either untie the conflict or raise greater tension and break any attempt towards solution. Nevertheless, it might be self-contradictory when wanting to get respected by its smaller neighboring countries while intimidating them in order to satisfy its lusting territorial claims. Most of the claimant countries do not wish to see a scenario where China would become a regional hegemon because this state eternally hungers for power and the disputes would never be resolved. Despite this fact, China is presently the most powerful in the region and is acting in a manner that makes other countries think that it would be a tough rival of the currently great power, i.e. the US, and consequently would achieve the hegemony over the Asia-Pacific region. Regarding China's intention, there would be a common question of all Southeast Asian countries, which is what exactly China is seeking for: to face the US at worldwide level or to dominate the Asia-Pacific region? This question would lead to another one about China's reaction toward alliances which try to balance its hegemony and certainly to contain its capability.

In the SCS disputes, China undertook its "salami-slicing" strategy, on the one hand it reinforced off-shore capabilities including the reinforcement of military bases in Hainan island, Woody island of the Paracels, artificial islands of the Spratlys, as well as the PLAN fleet, and on the other hand it exerted pressure over the Southeast Asian countries and the regional organization ASEAN to accept the new status quo in favor of Chinese claims. Meanwhile, other related countries in the SCS disputes, particularly the Philippines and Vietnam identified as defensive realist states, tried not to overreact against China's actions because of their domestic policies and lack of strong coalition supporting them. They even made efforts to achieve the COC, a rule-based framework,

to manage the dispute e.g. protect the claimant countries against a much mightier country in these disputes.

The Philippines have made a remarkable move in filing a case against China by the arbitration of the PCA. The award issued by the PCA is a triumph for the Filipino and also for liberal values encouraging other claimant countries to follow legal process for their claims. Although the ruling is denied by China it carries symbolic meaning for smaller countries in the SCS disputes.

The regional and political context in which the SCS disputes have been maintained or aggravated should be carefully examined in order to better understand the action and development of the issues. Also, an external factor that must be considered crucial to the dispute is the policy of US which may have to answer similar questions as China “What is the vital interest of the US in the South China Sea region?” and “Is the freedom of navigation really ensured for every boats and ship, including the US naval warships and the Philippine patrol ship?”

All of these matters from a single event, like a daily routine skirmish between Vietnamese fishing boats and China marine surveillance ships, to a larger scale, such as building submerged features to artificial islands with hundreds thousand m<sup>2</sup>, and deployment of anti-ship missile system, can be explained by arguments from different theoretical perspectives. With the same action taken by the Chinese, there would be different explanations depending on what side the explanations come from and to what extent they are aimed. For instance, the Asian Infrastructure Investment Bank (AIIB) which officially announces its mandate to support the building of infrastructure in the Asia-Pacific region, is also seen as a potential harm to "scaling up financing for sustainable development" for the concern of global economic governance. Regarding the AIIB, it is evident that its functions are overlapping with the existing Asian Development Bank.

“When Americans speak of preserving the balance of power in East Asia through their military presence, the Chinese understandably take this to mean that they intend to maintain the strategic hegemony they now enjoy in the absence of such a balance. When China makes steady but modest efforts to improve the quality of its inferior forces, Americans see a future threat to their and others’ interests. Whatever worries the United States has and whatever threats it feels, Japan has them earlier and feels them more intensely. Japan has gradually reacted to them.<sup>62</sup>” (Waltz; 2000).

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<sup>62</sup> Waltz K, Structural Realism after the Cold War, International Security, Vol.25, No.1, 2000, pp.5-41

From the view of the American, the Chinese ambition to unbalance the world order, gain more power and confront the US would be a threat to their interest. It may be true or not as no one can be so sure as no one can predict the future. But in the SCS, China continues day by day to reclaim reefs and rocks building them into artificial islands then fortifying them to military bases with missiles systems deployed. All of these are presently real.

In analyzing the foreign policy of China and also other related countries in the SCS disputes, the best argument to explain the issues found is neo-realism. These finding lead to some implications that may help to predict the development of the disputes.

- As an offensive realist state, China would not stop looking for power until reaching hegemony. It would continue the infamous salami-slicing strategy as the strategy continues to be effective. Because neither any claimant country nor ASEAN dare appropriately react to China whereas the US stay ambiguous in their stance except announcing from time to time criticism of skirmishes and coercion happened on the sea, China may be successful with its policy and step by step reinforce its military bases in the two archipelagoes. The Chinese warfare in the region might be so powerful that even American freedom of navigation operation would be in danger and triggering a direct conflict between two super powers. China would totally control the first containment chain and begin to apply the ADIZ. The US would hope to avoid a direct conflict with China and rollback to the second containment chain. Along with a sustainable economic high growth rate China would complete its defense modernization and no longer be weaker than the US. A direct war with China now would require a higher cost to the US and a bipolar system might be formed. The US might then recognize that it would be in much disadvantages vis-à-vis China, in term of population, economy, R&D and readiness. The US would decide to return to America to its goal of survival. China would be the super power and the US would be the great power. China might use the right to undertake freedom of navigation operations within 12 nautical miles from Miami, or even somewhere between the Bahamas and Miami, and around 20 nautical miles from New York City. The US would protest and accuse China to violate its EEZ whereas China might say it has the right to do, according to UNCLOS. The SCS disputes might be never resolved. The SCS might become a China's lake.

- As a constructive state, China would accept demilitarizing its artificial island and invite international inspectors come to visit. It would voluntarily reduce the military budget to less than

0.1% GDP which might still make it however among top 10 biggest importers of weapons. China would accept negotiate territorial border with the Philippines and Vietnam in principle of 50-50 with median line. The Philippines may accept the Chinese offer but the Vietnamese would not. In a surprisingly unexpected action, China might accept to divide the border with Vietnam in principle 30-70. The SCS disputes might be resolved. The US would not need to undertake the freedom of navigation operation because all ships would be free to navigate in the area.

- As a pragmatist state, China might voluntarily reduce its military activities while keeping its superiority in the SCS. China would avoid to confront directly with the US in anywhere but increase its number of oversea military bases to 150 in Asia (Vanuatu, Cambodia, Malaysia, Sri Lanka, Iran, Pakistan, Yemen etc.), in Africa (Djibouti, Somalia, Sudan, Libya, Algeria, Guinea, Madagascar etc.), in Europe (Albania, Croatia, Cyprus etc.), in America (Canada, Mexico, Cuba, Panama, Nicaragua, Venezuela, Peru etc.). With a significant advantage of manpower, China would be able to station its marines at bases around the world. The US might have to recognize that the new balance of power would be established and the bipolar would be formed. The more China would become assertive in many fields of the world politics the more the US would have to concede its requirements. The SCS disputes would never be resolved and the SCS would become a China's lake.

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## 2. South China Sea disputes claims



Photo credit: BBC

### 3. Transfers of major weapons: Deals with deliveries or orders made for 2010 to 2016: China, the Philippines and Vietnam

Source: Stockholm International Peace Research Institute

Information generated on 16 November 2017

#### China

Suppliers	No. ordered	No. designation	Weapon description	Year weapon of order	Year of delivery	No. of delivered	No. Comments
<b>France</b>		Crotale	SAM system	1978	1992-2016	48	Chinese designation HQ-7, FM-80 and FM-90; possibly FM-80 and/or FM-90 produced in China are modified Chinese design
		R-440 Crotale	SAM	1978	1990-2016	2275	Incl R-440N version; Chinese designation HQ-7 (US designation CSA-4 and CSA-N-4); possibly later production in China is modified Chinese design based on R-440 Crotale
		AS565S Panther	ASW helicopter	1980	1989-2016	45	AS-365F version; Chinese designation Z-9C Haitun
		SA-321 Super Frelon	Transport helicopter	1981	2001-2016	55	Chinese designation Z-8 (incl Z-8A, Z-8B, Z-8K, Z-8S and Z-8JH versions)
		Sea Tiger	Air/sea search radar	1986	1987-2006	26	For 2 Type-052 (Luhu) and 1 Type-051B (Luhai) destroyers, 2 Type-054 (Jiangkai-1) and 14 Type-053 (Jiangwei1 and Jiangwei-2) and 6 Type-053H1G (Jianghu-5), and 4 Type-071 (Yuzhao) AALS produced in China and for modernization of 2 Type-051 (Luda-2) destroyers; probably incl production (possibly without French licence) in China as Type-360 or Type-363 or SR-60
		AS365 /AS565 Panther	Helicopter	1988	1992-2016	417	Chinese designation Z-9A or Z-9A-100 Haitun and Z-9B/G; incl Z-9WZ anti-tank version
	75	AS-350 /AS-550 Fennec	Light helicopter	1992	1995-2011	75	Chinese designation Z-11; incl Z-11W armed version
		12PA6	Diesel engine	2000	2005-2016	100	For 2 Type-054 (Jiangkai-1) and 27 or more Type-054A (Jiankai-2) frigates produced in China
	26	16PC2.5	Diesel engine	2005	2007-2016	18	PC-2.6 version for 6 Type-071 (Yuzhao) AALS and 1 Danyao support ship produced in China
		12AP6	Diesel engine	2010	2007-2016	60	For Type-056 (Jiangdao) frigates produced in China
<b>Germany (FRG)</b>		BF8L	Diesel engine	1981	1982-2016	4550	For YW-531 (Type-63), YW-531H (Type-85), YW-534 (Type-89), YW-535 (Type-90), WZ-551 and WMZ-551 (Type-92) APC (incl IFV and other versions), PLT-02 tank destroyer, PTL-05 self-propelled

							mortar and Type-85 self-propelled gun produced in China; incl BF-8L4 version
	8	MTU-1163	Diesel engine	2008	2013-2015	8	MTU-12V-1163 version for 4 Type-051C (Luyang-2) destroyers produced in China
	28	MTU-956	Diesel engine	2010	2014-2016	8	MTU-20V-956 version for 14 Type-052D (Luyang-3) destroyers produced in China
<b>Russia</b>	1000	Kh-31A1 /AS-17	Anti-ship missile /ARM	1997	2001-2016	1000	Kh-31A and Kh-31P or Kh-31AMK and Kh-31PMK version; for Su-30, J-8M and/or JH-7 combat aircraft; including production of Kh-31P in China as KR-1, YJ-9 or YJ-91
	1500	9M119 Svir/AT-11	Anti-tank missile	1998	2001-2015	1500	For Type-98 and Type-99 tanks; possibly produced or copied in China as GP7 from 2015 or technology used in development of GP7
	105	AK-630 30mm	Naval gun	2002	2004-2016	105	For 2 Type-054 (Jiangkai-1) frigates, over 80 Type-022 (Houbei) FAC and 4 Type-071 (Yuzhao) AALS produced in China and 4 Zubr landing craft from Ukraine; probably produced in China
		AK-176 76mm	Naval gun	2004	2008-2016	23	Chinese-produced H/PJ-26 version for 27 or more Type-054A (Jiangkai-2) frigates produced in China
		Mineral /Band Stand	Sea search radar	2004	2008-2016	23	For 27 or more Type-054A (Jiangkai-2) frigates produced in China; probably produced (possibly without license) in China
	6	AK-176 76mm	Naval gun	2005	2007-2016	4	Chinese-produced H/PJ-26 version for 6 Type-071 (Yuzhao) AALS produced in China
	18	Mineral /Band Stand	Sea search rada	2008	2013-2016	7	For 4 Type-052C (Luyang-2) and 14 Type-052D (Luyang-3) destroyers produced in China; probably produced (possibly without license) in China
		AK-176 76mm	Naval gun	2010	2013-2016	30	Chinese-produced H/PJ-26 version for Type-056 (Jiangdao) frigates produced in China
<b>Switzerland</b>		GDF 35mm	AA gun	1995	1997-2016	360	Chinese designation Type-90 and Type-99
		Skyguard	Fire control radar	1995	1997-2016	180	For use with GDF 35mm (Type-90) AA guns and possibly HQ-7 (FM-80) SAM systems
<b>Ukraine</b>		DT-59	Gas turbine	2008	2013-2016	16	For 4 Type-052C (Luyang-2) and 14 Type-052D (Luyang-3) destroyers produced in China; DA80/DN80 version produced in China as QC-280
	2	Zubr /Pomornik	ACV /landing craft	2009	2013-2014	2	\$315-319 m deal incl 2 produced in China; Project-958 Bizon version
<b>United Kingdom</b>		Spey	Turbofan	1975	1998-2016	300	For JH-7 combat aircraft produced in China
<b>Belarus</b>	5	IL-76M	Transport aircraft	2011	2013	5	Second-hand; incl 2 Il-76MD and 3 Il-76TD version; ordered via Russia
<b>Russia</b>		Fregat /Top Plate	Air search radar	2004	2008-2016	24	For 27 or more Type-054A (Jiangkai-2) frigates and 1 Liaoning

							aircraft carrier produced in China; probably produced (possibly without license) in China
	200	Kh-59MK /AS-18MK	Anti-ship missile	2004	2008-2015	200	For Su-30 combat aircraft; probably Kh-59MK2 version developed for and funded by China
		MR-90 /Front Dome	Fire control radar	2004	2008-2016	92	For 27 or more Type-054A (Jiangkai-2) frigates produced in China; for use with HHQ-16 SAM; possibly produced in China
	54	Mi-8MT /Mi-17	Transport helicopter	2005	2007-2012	54	Mi-171 or Mi-171E version; possibly assembled in China from kits
	9	Ka-27PL	ASW helicopter	2006	2009-2010	9	Ka-28PL version
	9	Ka-31	AEW helicopter	2006	2010-2011	9	
	122	AL-31	Turbofan	2009	2010-2012	122	AL-31FN version for J-10 combat aircraft produced in China
	55	D30	Turbofan	2009	2009-2012	55	For H-6K bomber aircraft produced in China and possibly for modernization of Il-76 transport aircraft
	32	Mi-8MT /Mi-17	Transport helicopter	2009	2010-2011	32	Mi-171E version; possibly for incl police or other non-military government agency
	4	MR-123 /Bass tilt	Fire control radar	2009	2013-2014	2	For 4 Zubr landing craft from Ukraine
	123	AL-31	Turbofan	2011	2012-2014	123	\$500 m deal; AL-31FN version for J-10 combat aircraft produced in China
	150	AL-31	Turbofan	2011	2012-2016	80	AL-31F version for J-15 combat aircraft produced in China
	184	D-30	Turbofan	2011	2012-2016	164	For H-6K bomber aircraft and Y-20 transport aircraft produced in China and modernization of Il-76 transport aircraft
	5	IL-76M	Transport aircraft	2011	2013-2015	5	Second-hand
	52	Mi-8MT /Mi-17	Transport helicopter	2012	2012-2014	52	Mi-171E version; possibly for incl police or other non-military government agency
	10	AL-41F	Turbofan	2015	2016	2	AL-41F-1S version; spares for Su-35 combat aircraft
	7	IL-76M	Transport aircraft	2015	2015-2016	7	Second-hand but probably modernized before delivery
	6	S-400 /SA-21	SAM system	2015			\$3 b deal; delivery possibly from 2017
	24	Su-35	FGA aircraft	2015	2016	4	\$2 b deal; Su-35S version; delivery 2016-2018
<b>Ukraine</b>	1	Kuznetsov	Aircraft carrier	1998	2012	1	Second-hand (production stopped 1992 with end of Soviet Union and unfinished ship sold 1998 in \$20-30 m deal to China officially for static civilian use but finished to modified design for Chinese navy after delivery to China); Chinese designation Type-001 and Liaoning
	50	6TD	Diesel engine	2011	2013-2014	50	Probably for tank produced in China

	250	AI-222	Turbofan	2011	2016	20	\$380m deal; AI-222-25F version for L-15 trainer/combat aircraft produced in China
	3	IL-78M	Tanker /transport ac	2012	2014-2016	3	Second-hand but probably modernized before delivery; \$45 m deal
<b>Uzbekistan</b>	3	IL-76M	Transport aircraft	2014	2015-2016	3	Second-hand (but modernized in Russia before delivery); Il-76MD version

## Vietnam

Suppliers	No. ordered	No. designation	Weapon description	Year weapon of order	Year delivery	Of delivered	No. Comments
<b>Russia</b>	8	Project-1241 /Tarantul	FAC	2004	2008-2016	8	Project-12418 (Tarantul-5) version; incl 6 produced in Viet Nam
<b>Belarus</b>	5	S-125 Pechora-2T	SAM system	2008	2014-2016	5	Vietnamese S-125 (SA-3) rebuilt to S-125TM Pechora-2TM
<b>Canada</b>	3	DHC-6	MP aircraft	2010	2014	3	DHC-6-400 Guardian-400 version
	3	DHC-6 Twin Otter	Transport aircraft	2010	2012-2013	3	DHC-6-400 version
	6	PW100	Turboprop /turboshaft	2014	2014-2015	6	For 3 C-295 transport aircraft from Spain
<b>Czech Republic</b>	4	VERA-E	Air search system	2011	2014-2016	4	
<b>France</b>	2	EC725 Super Cougar	Transport helicopter	2009	2011	2	EC-225LP version, for SAR
<b>India</b>	4	L&T 35m	Patrol craft	2016			\$100 m deal; for border guard
<b>Israel</b>	100	AccuLAR	Guided rocket	2010	2014-2016	100	
	100	EXTRA	Guided rocket /SSM	2010	2014-2016	100	For coastal defense
	3	EL/M-220	MP aircraft radar	2012	2014	3	For 3 DHC-6 MP aircraft from Canada (aircraft produced in Canada and modified to MP version in USA with systems from Israel)
	2	EL /M-2288 AD-STAR	Air search radar	2012	2013	2	Probably \$33m deal
	200	Derby	BVRAAM	2015	2016	40	For SPYDER SAM system
	200	Python-5	BVRAAM	2015	2016	40	For SPYDER SAM system
<b>Romania</b>	5	SPYDER-MR	SAM system	2015	2016	1	
	10	Yak-52	Trainer aircraft	2008	2009-2011	10	
<b>Russia</b>	400	Igla-1 SA-16	Portable SAM	1996	1991-2014	400	SA-N-10 version for BPS-500 (Ho-A) and Project-10412 (Svetlyak) patrol craft and probably Project-1241 (Tarantul) FAC

	300	Kh-35 Uran /SS-N-25	Anti-ship missile	2004	2008-2016	208	For Project-11661 (Gepard) frigates and Project-1241 (Tarantul) FAC
	200	9M311 /SA-19	SAM	2006	2011	200	For Kashtan CIWS on 2 Gepard frigates
	2	Gepard-3	Frigate	2006	2011	2	Part of \$300 m deal; Vietnamese designation Dinh Tien Hoang
	2	K-300 Bastion-P	Coast defense system	2007	2009-2011	2	Part of \$300m deal
	4	Project-10412 /Svetlvak	Patrol craft	2007	2011-2012	4	
	2	Project-10412 /Svetlvak	Patrol craft	2007	2012	2	
	40	Yakhont /SS-N-26	Anti-ship missile	2007	2009-2011	40	Part of \$300 m deal; for Bastion coastal defence system
	50	3M-54 Klub /SS-N-27	Anti-ship missile MI/SSM	2009	2013-2016	50	For Project-636 (Kilo) submarines; incl 3M14E (SS-N-30B) land-attack version
	80	53-65 533mm	AS torpedo	2009	2013-2016	80	For Project-636 (Kilo) submarines
	200	KAB-500/1500	Guided bomb	2009	2011-2012	200	
	80	Kh-31A1 /AS-17	Anti-ship missile /ARM	2009	2011-2012	80	For Su-30MK2 combat aircraft; incl Kh-31P anti-radar version
	6	Project-636E/Kilo	Submarine	2009	2010-2012	6	\$1.8-2.1 b deal; Project-636M version; Vietnamese designation Ha Noi; delivery 2013-2017
	250	R-73/AA-11	SRAAM	2009	2010-2012	250	For Su-30MK2 combat aircraft
	8	Su-30MK	FGA aircraft	2009	2010-2011	8	\$400-500 m deal; Su-30MK2V version
	80	TEST-71	AS/ASW torpedo	2009	2013-2016	80	For Project-636 (Kilo) submarines
	12	Su-MK	FGA	2010	2011-2012	12	\$1 b deal; Su-30MK2V version
	2	Gepard-3	Frigate	2012	2016	2	
	2	Gepard-3	Frigate	2012			Delivery 2017
	12	Su-30MK	FGA	2013	2014-2016	12	\$450-600 m deal; Su-30MK2V version
<b>Slovakia</b>	2	P-12 /Spoon Rest	Air search radar	2013	2014	2	Second-hand
	1	P-15 Flat Face	Air search radar	2013	2014	1	Second-hand
<b>Spain</b>	3	C-295	Transport aircraft	2014	2014-2015	3	
<b>Ukraine</b>	16	DR-76	Gas turbine	2004	2008-2016	16	For 8 Project-1241 (Tarantul) FAC from Russia
	16	DR-77	Gas turbine	2004	2008-2016	16	For 8 Project-1241 (Tarantul) FAC from Russia
	4	DT-59	Gas turbine	2006	2011	4	For 3 Gepard frigates from Russia
	4	Kolchuga	Air search system	2009	2012-2013	4	\$54m deal
	4	DT-59	Gas turbine	2012	2016	4	For 2 Gepard frigates from Russia

	4	DT-59	Gas turbine	2012			For 2 Gepard frigates from Russia
	2	ST-68 /Tin Shield	Air search radar	2012	2014	2	

### Philippines

Suppliers	No. ordered	No. designation	Weapon description	Year weapon of order	Year delivery	Of delivered	No. Comments
<b>Italy</b>	18	SF-260	Trainer aircraft	2008	2010-2011	18	\$13 m deal (incl production of components and assembly in Philippines); SF-260F/PAF version
<b>Australia</b>	2	Balikpapan	Landing craft	2015	2015	2	Second-hand; aid
	3	Balikpapan	Landing craft	2015	2016	3	Second-hand PHP 270m deal
<b>Belgium</b>	24	M-113	APC	2014	2015	24	Second-hand but modernized before delivery; part of PNP882 m (\$20 m) deal; incl 4 modified to IFV and 14 modified to AFSV (with second-hand Philippine turret)
<b>Canada</b>	6	PW100	Turboprop /turboshaft	2014	2015	6	For 3 C-295 transport air craft from Spain
<b>France</b>	2	FLASH	ASW sonar	2016			For 2 AW-159 ASW helicopters from UK
<b>Germany (FRG)</b>	5	Bell-205 /UH-1D	Helicopter	2013	2013	5	Second-hand
<b>Indonesia</b>	2	C-212	Transport aircraft	2014			PHP814 m (\$18 m) deal; NC-212i version; delivery 2017
	2	LPD-122m	AALS	2014	2016	1	PHP3.9 b (\$90 m) 'SSV' programme; Philippine designation Tarlac; delivery 2016-2017
<b>Israel</b>	12	EL/M-2032	Combat ac radar	2014	2015-2016	4	For 12 FA-50 combat aircraft from South Korea
	4	UT-25 /UT-30	IFV turret	2014	2015-2016	4	UT-25 version for 4 second-hand M-113A2 APC (from Belgium) modified to IFV
	3	EL/M-2288 AD-STAR	Air search radar	2015			\$56m deal; delivery 2017
		Spike-ER	Anti-tank missile	2016			For MPAC patrol craft
		Spike-NLOS	SSM/ASM	2016			For AW159 helicopter
<b>Italy</b>	3	A-109K	Light helicopter	2012	2013	3	PHP1.3 b (\$33 m) deal; AW109P version
	8	A-109K	Light helicopter	2013	2015	8	\$77 m deal; armed AW109P version
	2	A-109K	Light helicopter	2014	2015	2	AW109P version
<b>Japan</b>	5	King Air	Light transport ac	2016			Second-hand; lease; King Air-90 (TC-90A) version; delivery 2017
<b>Netherlands</b>	4	AIFV	APC	2015	2015	4	Second-hand; EUR0.31m deal (incl 1 more delivered for spare parts only; part of PNP882 m (\$20 m) deal ordered and delivered via

							Belgian company; modernized in Belgium before delivery); YPR-806 ARV version
<b>Poland</b>	8	W-3 Sokol	Helicopter	2011	2012-2013	8	PHP 2.8b (\$64 m) deal
<b>South Korea</b>	12	FA-50	FGA aircraft	2014	2015-2016	4	Possibly PHP18-18.9 b (\$360-430 m) deal; delivery 2015-2017
	1	LCU-1610	Landing craft	2014	2016	1	Second-hand; aid
	1	Pohang	Corvette	2014			Second-hand; aid
	8	AAV-7A1	APC	2016			PHP2.4 b (\$53 m) deal; delivery by 2018
	2	HHI-2600	Frigate	2016			PHP15.7 b (\$311 m) 'Deep Water Patrol Vessel' program; delivery from 2020
<b>Spain</b>	3	C-295	Transport aircraft	2014	2015-2016	3	PHP 5.3b (\$120m) deal
<b>Turkey</b>	6	AIFV-APC	APC	2007	2010	6	ACV-300 version
<b>United Kingdom</b>	2	AW-159 Wildcat	ASW helicopter	2016			PHP5.4 b deal; delivery by 2018
<b>United States</b>	5	Bell-205 /UH-1H	Helicopter	2009	2011		Second-hand; possibly modernized before delivery
	1	Hamilton	OPV	2011	2011	1	Second-hand; \$27 m deal (aid but overhaul and delivery paid by Philippines); Philippine designation Del Pilar
	22	JDAM	Guided bomb	2011	2011	22	
	1	TPS-79 MMSR	Air search radar	2011	2012	1	Designation uncertain (reported as 'coastal radar')
	114	M-113	APC	2012	2015	114	Second-hand; aid; M-113A2 version
	7	Bell-205 /UH-1H	Helicopter	2013	2014	7	Second-hand but modernized before delivery; originally PHP1.25 b deal for 21 but 14 cancelled due to delivery delays
	25	HMMWV Up-Armored	APV	2013	2014	25	Second-hand; M-114 version; aid
	6	Bell-412	Helicopter	2014	2015	6	Part of \$105 m deal; Bell-412EP version; from Canadian production line; 2 more delivered for government VIP transport
	2	C-130H Hercules	Transport aircraft	2014	2016	2	Second-hand; \$56 m deal (incl \$20 m aid); C-130T version
	12	F404	Turbofan	2014	2015-2016	4	For 12 FA-50 combat aircraft from South Korea
	2	T56	Turboprop	2014	2016	2	Second-hand; spares for C-130 transport aircraft
	2	Cessna-208 Caravan	Light transport ac	2016			Cessna-208B surveillance version; delivery probably 2017
	4	T800	Turboshaft	2016			For 2 AW-159 ASW helicopter from UK