TAMING THE DRAGON: THE US RESPONSES TO CHINA’S MILITARY BUILD UP IN PREVENTING CONFLICTS IN THE SOUTH CHINA SEA

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This thesis entitled “Taming the Dragon: The US Responses to China’s Rising Military Build Up in Preventing Conflicts in the South China Sea” prepared and submitted by Cindy Nathania in partial fulfillment of the requirements for the degree of Bachelor of Arts in International Relations in the Faculty of Humanities has been reviewed and found to have satisfied the requirements for a thesis fit to be examined. I therefore recommend this thesis for Oral Defense.

Cikarang, Indonesia, January 20, 2018

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DECLARATION OF ORIGINALITY

I declare that this thesis, entitled “Taming the Dragon: The US Responses to China’s Rising Military Build Up in Preventing Conflicts in the South China Sea” is, to the best of my knowledge and belief, an original piece of work that has not been submitted, either in whole or in part, to another university to obtain a degree.

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The overlapping maritime territorial claims in the South China Sea have proven to be a complex issue afflicting Asia. Over five decades of conflict has yet to result in a resolution acceptable to all. China’s military build up, as well as its increasingly aggressive stance to back up its claims in the South China Sea is concerning. Furthermore, the rising power gap between China and the rest of the claimant states creates a condition of security dilemma that threatens the region with instability.

This thesis argues that the US acts according to the principle of balance of power in order to maintain balance in the South China Sea by establishing military presence. However, the possibility of conflict cannot be ignored, given the opposing stances of US and China. In the end, it is a matter of ensuring peace and stability, as well as preventing conflict in the South China Sea that will decide the future of Asia.

**Keywords:** South China Sea, overlapping territorial claims, military build up, security dilemma, balance of power
ABSTRAK

Title: Taming the Dragon: The US Responses to China’s Military Build Up in Preventing Conflicts in the South China Sea

Konflik teritori perairan Laut Cina Selatan adalah isu kompleks yang melanda benua Asia. Lebih dari lima dekade telah berlalu tanpa menghasilkan resolusi yang memuaskan semua pihak. Pembangunan kekuatan militer Cina dan peningkatan sikap agresif Cina dalam mempertahankan klaimnya di Laut Cina Selatan sangat menghawatirkan. Selain itu, perbedaan kekuatan antara Cina dan negara klaiman lainnya membuat kawasan tersebut terancam kondisi dilema keamanan.


Kata Kunci: Laut Cina Selatan, konflik teritori perairan, pembangunan kekuatan militer, dilema keamanan, keseimbangan kekuatan
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Finally, this thesis is dedicated to the peace efforts for the South China Sea conflict, in hopes that the pen is truly mightier than the sword, and all nations can live in harmony.

Cikarang, January 20, 2018

Cindy Nathania
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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADIZ</td>
<td>Air Defense Identification Zone</td>
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<tr>
<td>AMS</td>
<td>ASEAN Member States</td>
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<tr>
<td>ARF</td>
<td>ASEAN Regional Forum</td>
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<tr>
<td>CCG</td>
<td>Chinese Coast Guard</td>
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<tr>
<td>DOC</td>
<td>Declaration of Conduct</td>
</tr>
<tr>
<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<tr>
<td>FON</td>
<td>Freedom of Navigation</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>ITLOS</td>
<td>International Tribunal for the Law of the Sea</td>
</tr>
<tr>
<td>Mb/d</td>
<td>Million barrels per day</td>
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<tr>
<td>PLA</td>
<td>People’s Liberation Army</td>
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<tr>
<td>SLBM</td>
<td>Submarine-launched Ballistic Missile</td>
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<td>TAC</td>
<td>Treaty of Amity and Cooperation</td>
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CHAPTER I
I. INTRODUCTION

I.1 Background

The territorial disputes in South China Sea have long been a major irritant in Southeast Asia. Competing claims by no less than six states: China, Taiwan, Vietnam, Malaysia, the Philippines, and Brunei continue to plague the region which may cause conflicts and instability. In the last several decades, rising tension in the South China Sea has boiled over into naval confrontations between China and other claimant states such as Vietnam (1988) and the Philippines (1995)\(^1\).

It needs to be recognized, however, that among the six claimant states China has the best military advantage. In 2007, it ranks as the number one arms spender in Asia and the fourth in the world, following the United States, United Kingdom, and France\(^2\). Since then, China’s military expenditure has been steadily rising up\(^3\). More importantly, China has been getting increasingly assertive to back its claims of the four island groups. As a matter of fact, China has since 2014 been building artificial islands in the South China Sea, equipping them with fully-operational military bases\(^4\). In 2016, it threatened to establish an Air Defense Identification Zone (ADIZ), which will require any foreign aircraft passing over the South China Sea to report to China\(^5\).

Taking into account China’s massive military capability and its increasingly assertive stance in the South China Sea, the other claimant states are

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in position of relative weakness. The growing asymmetry in terms of power distribution in the region is concerning, since no one could predict the intention of another state\(^6\). While ASEAN, as the main regional body has sought to mitigate the rising security dilemma in the region—apparent through several accomplishments such as the Treaty of Amity and Cooperation (TAC) 1976, Declaration of Conduct (DOC) 2012 as well as ASEAN Regional Forum (ARF) throughout the years—those haven’t been really effective to dispel the fear of China threat.

Another major power is the United States, who claims that its interest in the South China Sea is to ensure the ‘freedom of navigation’\(^7\). Through its allies, the US maintains prevalent military presence in the region. During Obama’s Administration, it had also conducted Freedom of Navigation Operations (FONOPs) between 2015 and 2016\(^8\). The US involvement in the region brings about new dynamics to the territorial disputes in the South China Sea. Arguably, it is more likely that China perceives the presence of United States is to counter China’s rise and contain its growing role in Asia rather than to simply guarantee freedom of navigation.

Moreover, the presence of another major power in the region could create a bipolarity in which Southeast Asian states would be divided between siding with the US or China. Already we’ve seen the fracture affects the region, for instance during ASEAN Ministerial Meeting in 2012, the organization failed to issue a joint statement due to difficulty of the member states to reach a common voice regarding the South China Sea disputes.

On this particular issue, the dynamics of China as a rising military power \(\text{vis-à-vis}\) the US as an established global power would inevitably come to play,

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and however the issue will unfold, it is bound to have significant impacts on the international community.

1.2 Problem Identification

China’s steady military build-up, coupled with its increasingly assertive stance to back its claims in the South China Sea is clearly concerning for the other claimant states. While ASEAN, as the main regional body in the South China Sea, sought to mitigate the swelling security dilemma, it hasn’t been very effective to dispel the fear of China threat. This thesis will examine the responses of United States to counter China’s influence in the region and mitigate the apparent security dilemma.

1.3 Research Questions

- How did US respond in the South China Sea in order to mitigate the security dilemma caused by China’s military build-up?

1.4 Research Objectives

- To analyze US responses to China’s military build-up in order to mitigate the security dilemma in the South China Sea.

1.5 Significance of the Study

The thesis is expected to contribute in ways as follows:

1. This thesis will help to understand the motivation behind Chinese military buildup and its increasingly aggressive stance in the South China Sea disputes, particularly through the lenses of Realism. The author has seen “historic rights” predominantly cited as the main argument of China’s territorial claims however, it seems negligent as a scholar of International Relations to take it at face value. Thus, the author feels great need to explore, with a different rationale, in order to understand China’s reasons to be relatively militaristic compared to the other claimant states in the disputes.
2. The author also has reasons to believe that the South China Sea issue is a major concern for the US in the region. China’s aggressive stance in the South China Sea would not be possible had it not the military power to back such expansive claims. Not challenging China in this front could potentially pose a threat to US hegemony at a later date. It would be beneficial for International Relations scholars to follow the development of the South China Sea disputes, since whatever outcome this issue would yield, it would significantly influence the dynamics of states not only in Southeast Asia, but also possibly affect the current global order in which the US remains the indisputable reigning power.

3. Lastly, this research will provide an insight, especially from the perspective of “Realism”, of one of the many possible outcomes of the US responses to the Chinese military buildup in the South China Sea.

I.6 Theoretical Framework

There are several theories that will be utilized as the author seeks to answer the aforementioned research questions. International Relations paradigm of Realism will be used to explain China’s motivation to build-up its military. Following that, a key concept of Realism: balance of power; will be utilized to highlight the resulting US political involvement in order to maintain equilibrium in the system.

I.6.1 International Relations Theory of Realism

The history of Realism as the dominant theory in international relations stretched far back into the eras when ancient figures like Thucydides, Machiavelli, Hobbes, and Rousseau were said to be the roots from which the thoughts became paradigm. The insights that these realists offered were largely intertwined with the doctrine raison d’état or national interest. According to historian Friedrich Meinecke, raison d’état is fundamental as the State’s First Law of Motion. It provides guide as to what the statesman must do to preserve the health and strength of the State. Most importantly, the state must pursue power, ‘and it is the duty of the statesperson to calculate rationally the most appropriate steps that
should be taken so as to perpetuate the life of the state in a hostile and threatening environment\textsuperscript{9}.

For Realists, the international environment operates under the condition of anarchy. Anarchy means that there is no global governance, no supra-authority that could counter the use of force. The absence of global governance means that there is no emergency number that state can turn to when they are in mortal danger. This very reason drives the state to a quest for power, since the best way to survive in such an anarchic system is to be as powerful as possible so that potential rivals would be deterred to attack.

Thus, power is of utmost importance for realists because intuitively, states with more power stand a better chance of surviving than states with less power. Hans Morgenthau wrote in his book \textit{Politics Among Nations}:

\begin{quote}
‘The aspiration for power being the distinguishing element of international politics…international politics is of necessity power politics…nations must actually aim not at a balance—that is, equality of power, but a superiority in their own behalf. And since no nation can foresee how large its miscalculation will turn out to be, all nations must ultimately seek the maximum of power…the desire to attain a maximum of power is universal’\textsuperscript{10}.
\end{quote}

This makes one expect that all states will seek to expand their power, given the opportunity to do so. Over and throughout the years, realism as a theory has been classified into a variety of categories: Classical realism, Structural realism, and Neo-realism. Despite distinct differences between three of them, some principles remain consistent in all variants of realism. The three core elements of realism are statism, survival, and self-help.

\textbf{1.6.1.1 Statism}

Realism is highly state-centric. This means its proponents consider the state as the primary actor of international politics, all other actors such as NGOs

\textsuperscript{10} Martin Griffiths, \textit{Realism, Idealism And International Politics A Reinterpretation} (London: Routledge, 1992.)
and other institutions are less significant. One trait is distinguishable for all states: sovereignty. The concept of state sovereignty or Westphalian sovereignty means that the state has supreme authority to make and enforce laws over its people in its territory.\textsuperscript{11} In turn, no other state can interfere with one state’s domestic affairs.\textsuperscript{12}

However, on the outside, since the arena is anarchic and therefore dangerous, insecurities and threats loom at every corner. States compete with each other for power and security. Given that the first move of the state is to organize power domestically, the next logical move will be to accumulate power internationally.

1.6.1.2 Survival

The second element that unites all realism is that the main goal of each state is to ensure its survival. Thus, survival is the state’s core national interest, because if it does not survive it cannot pursue any other goal. According to Kenneth Waltz (1979), power is a means to the end of security. Rationally, states with more power stand a better chance of surviving than states with less power, thus states must seek the maximum of power to ensure their continued existence.

Brian C. Schmidt and Tim Dunne (2001) offered their explanation of power in the \textit{Globalization of World Politics}, ‘the ability to get other actors to do something they would not otherwise do’.\textsuperscript{13} This coercive element of power is in line with the Realist iron law that the strong do what they have the power to do and the weak accept what they have to accept.

1.6.1.3 Self-help

In international politics where there is no existing central authority to counter the use of force, states must strive to protect themselves. Realists believe that it is not prudent for a state to entrust its safety and survival to on another actor or institution. Each state is responsible for ensuring its own well-being. This part

\textsuperscript{12} Ibid.
of Realism plays into the zero-sum terms, meaning; more for one actor means less for another. In the course of providing for a state’s own security, it consequently fuels the insecurity of other states.

This creates a security dilemma. ‘When the military preparations of one state create an unresolvable uncertainty in the mind of another as to whether those preparations are for defensive purposes only or whether they are for offensive purposes’14. This deep uncertainty that characterizes international politics, according to Realists, is also the rationale behind the tendency for conflict.

This concept is best illustrated by historian Thucydides whom in his work *the Peloponnesian War* (431 B.C.E.), described of a conflict between two great powers in the Ancient Greek world, Athens and Sparta. The underlying cause of war was ‘the growth of Athenian power and the fear which this caused in Sparta’.

In short, a state can never be certain if another state is building up to attack or just to enhance its own security. In response, the other state will also arm itself to feel more secure, or go to war in order to delay conquest. The reason for this endless cycle of dilemma is the absence of trust in international relations.

And this is precisely what China has been doing. To perpetuate the economic development that would be fueling its rise for years to come, China must protect its national interest—be it territorial integrity or resources in the South China Sea—by consistently building up its military prowess.

In line with the theory of Realism, this creates a security dilemma. According to John Herz (1950), it is a condition where states, in pursuing its own security needs, cause rising insecurity in other states as each interprets its own measures as defensive and measures of others as potentially threatening15. Facing such a threat, states are compelled to prepare for the worst.

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Moreover, China’s power overshadows that of the other claimant states in the South China Sea. This means that other claimant states lack the leverage to “check” China. In other words, they could not ensure that China will not refrain from the use of force to settle its claims. This fear is perpetuated by the fact that historically, China hadn’t been averse to the use of force in enforcing its claims; apparent from the naval confrontation with Vietnam (1988) and the Philippines (1995) over the Spratlys Islands and the Mischief Reefs respectively.

Further complicating the issue, the United States claims that it has interest in the South China Sea, namely ensuring the freedom of navigation. Under Obama’s Administration, it has maintained its presence in the region through its Freedom of Navigation Operations (FONOPs). Additionally, the US has ensured its continuing involvement through bilateral cooperation with its claimant allies such as the Philippines, Malaysia, and Thailand.

1.6.2 The Balance of Power

Another key concept of Realism, ‘balance of power’ can be used to explain the behavior of the US in this particular case. Balance of power is more of a theory explaining state behavior, providing rationale on why states form alliances. Within this context, the circumstance referred to is a condition of anarchy in which international relations takes place.

Consistent with the principle of self-help, wherein states ultimately seek the maximum of power by raising its capability order to feel secure, it begs the question of what options are available for the number of smaller states who feel threatened by a larger state.

Balance of power theory dictates that states act to preserve a balance of power or equilibrium in the system16. The rationale behind this is that if the power distribution in a system is approximately equal, it will prevent any one state from dominating all the others. An option to balance against external threat is to build military capacity unilaterally. However, should it not be possible, states may turn

to alliances with other states. Stephen Walt in *The Origin of Alliances* (1987) argues that states balance not so much against power alone, as against threat—the combination of raw power and perceived aggressive intent. According to international relations scholar T.V. Paul (2005) there are two variants of balance of power: hard balancing and soft balancing.

### I.6.2.1 Hard Balancing

Stephen Walt (1987) argues that in a condition where the survival of a state or a number of weaker states are threatened by a hegemonic state or a group of stronger states, the weaker states could either: (1) allying with others against the prevailing threat, also known as *balancing*; or (2) aligning with the source of danger, also known as *bandwagoning*.

States choose to balance for two main reasons. First, they place their survival at risk if they fail to contain a potential hegemon before it becomes too strong. Second, aligning with the dominant power means placing one’s trust in the dominant power’s continued benevolence. The safer option is then, to join forces with those who cannot readily dominate their allies to avoid being dominated by those who can.

Walt also argues that bandwagoning may be a form of appeasement, by aligning with the prevailing external threat, the bandwagoner may hope to avoid and attack or divert it elsewhere.

Other hard balancing tactics include *buck-passing* or *free-riding* and *chain-ganging*. Buck-passing in international relations involves states’ tendency to refuse confronting a growing power in hopes that another state will. According to John Mearsheimer (2001) in *The Tragedy of Great Power Politics*, threatened states can take four measures to facilitate buck-passing which are: (1) building

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20 Ibid., p. 18.
21 Ibid., p. 21
good diplomatic relations with the aggressor in the hope that it will divert its attention to another, the "buck-catcher"; (2) maintaining distant relations with the buck-catcher in order to prevent getting dragged into the war with the buck-catcher and thereby potentially increasing positive relations with the aggressor; (3) increasing military capability to deter the aggressor and help it focus on the buck-catcher; (4) and facilitating the growth in power of the intended buck-catcher.22

Chain-ganging typically include mutual defense treaty requiring that if one member state is suffering military attack from another power, all members of the treaty must declare hostilities to that offending power. Kenneth Waltz argues that ‘the defeat or defection of a major ally would have shaken the balance, each state was constrained to adjust its strategy and the use of its forces to the aims and fears of its partners’23 As of now, the only claimant state in a mutual defense treaty is the Philippines with the US.

1.6.2.2 Soft Balancing

Robert Pape (2005) and later T.V. Paul (2005) coined the term soft balancing as a more recent addition to the balance of power concept. The concept of soft balancing originally stems to explain the anomaly that is US primacy post the World Wars, which for the most part hasn’t been balanced against by major powers as per the timeless wisdom of balance of power. Historically, states that have pursued aggressive military policy have been balanced against by a coalition of major powers, and Realist scholars have assumed the United States to be of no exception. However, while states have often balanced against superior power in the past, this is mostly not the case with the US.

According to Robert Pape, this is due to the huge margin of superiority that second-class powers cannot balance against its power, either individually or collectively.\textsuperscript{24} He proposes instead soft balancing measures:

‘actions that do not directly challenge... military preponderance but that use nonmilitary tools to delay, frustrate, and undermine aggressive unilateral... military policies. Soft balancing using international institutions, economic statecraft, and diplomatic arrangements...’\textsuperscript{25}

One of the cases of soft balancing is when US pursued aggressive unilateral military policy during Bush Administration. While the US has generally been perceived as a defender of the international status quo and opponent of forced territorial revisions,\textsuperscript{26} its reputation of benign intent was put into question when US asserts the right to destroy a rogue state’s military power “unilaterally if necessary.”\textsuperscript{27} The primary concern of other states is not with the goal of US policy itself, but with the Bush administration’s willingness to use unilateral military actions to achieve its goals.

Within context of the South China Sea disputes, the claimant states are in similar position facing China’s superior military power. More so than superiority in military strength it is the perceived aggressive intent that China has used force in the past to enforce its claims that could prompt the other claimant states to balance against it. In the event that hard balancing is not possible, they could resort to soft balancing measures. While soft balancing may be unable to prevent China from achieving specific military aims, it will increase the cost of using China’s power and reduce the number of countries likely to cooperate with future China military ventures.

\textsuperscript{25} Ibid., p. 10.
1.7 Scope and Limitations of Study

This thesis focuses on the South China Sea issue, and its implications towards regional security in Southeast Asia. In particular, the author aims to study the China’s military buildup in the recent years and how it has exacerbated tension in the region by creating a condition of security dilemma. Furthermore, this research aims to observe the US responses towards China’s military buildup in order to prevent escalation of tension and conflict in the South China Sea.

1.8 Definition of Terms

- **DOC**: Declaration of Conduct 2012 is a code of conduct ratified by all ASEAN member states and China in order to manage tension in the South China Sea. It acts as a guideline for acceptable state behavior. For instance, the fourth point proclaims that disputants should ‘resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force’\(^{28}\).
- **EEZ**: Exclusive Economic Zone as agreed in the United Nations Convention of the Law of the Sea 1982 have clearly defined the sea territory entitled to a nation is within the 200 nautical miles from a country’s baseline.
- **FONOPs**: Freedom of Navigation Operations is a military operation established by the US in order to maintain presence in the South China Sea. It involves flying fighter jets, patrolling the seas, and other display of military prowess to warn China or at least show disapproval.
- **GDP**: Gross Domestic Product is the monetary value of all the finished goods and services produced within a country’s borders in a specific time period.
- **Responses**: as in US responses towards Chinese military buildup. Responses in this context encompasses military responses such as the

FONOPs, joint military training with US allies in Asia, as well as political responses such as participation in peaceful talks, multilateral cooperation and agreements.

- **TAC**: Treaty of Amity and Cooperation was established in 1976 between ASEAN member states. In which it encourages states party to the treaty to mutually respect each other’s territorial sovereignty, exercise non-interference in each other’s domestic affairs, settle differences peacefully, and refrain from the use of force.

### 1.9 Literature Review

In order to achieve better understanding of the case of US responses to Chinese military build-up in preventing conflicts in the South China Sea, this chapter will highlight the relevant literatures as well as several discussions among international relations scholars that have provided the author with crucial information to help answer the research questions.

In a US Department of Defense (2015) publication titled “The Asia-Pacific Maritime Security Strategy: Achieving U.S. National Security Objectives in a Changing Environment” it is stated that the US has, throughout its history, advocated for freedom of the seas for economic and security reasons. Freedom of the seas is defined as ‘all of the rights, freedoms, and lawful uses of the sea and airspace, including for military ships and aircraft, recognized under international law.’

This document highlights that the Freedom of Navigation (FON) program, as well as the Four Lines of Effort is executed in the South China Sea to demonstrate non-acquiesce to some excessive maritime claims that could potentially threaten the interests of the US as well as the international law.

In “China’s Views on U.S. Policy in the South China Sea” by Chulong Shu (2014), it is stated that China perceives the US as intending to utilize high tension over the territory disputes between China and other Southeast Asian

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countries to contain China’s rise and tamp down its growing role in the region, while maintaining US dominance in the western Pacific.\(^{30}\)

I.10 Research Methodology

This thesis will be conducted using the qualitative method. Qualitative research according to Denzin and Lincoln (1994) is a method that focuses on interpretation of situation in the natural circumstances to build up the fact and relevant statement in those circumstances.\(^{31}\) It involves collecting and observing qualitative data which includes newspapers, movies, e-mail traffic, folktales, life histories…narratives…information about human thought and human behavior.\(^{32}\)

This thesis is focused on explanatory research using case study approach. Case study approach is a systematic inquiry into an event or a set of related events which aims to describe and explain the phenomenon of interest.\(^{33}\) The case study of this thesis is the maritime territorial disputes in the South China Sea that involves major powers such as US and China, as well as Malaysia, Vietnam, the Philippines, Taiwan, and Brunei.

I.11 Structure of Thesis

I.11.1 CHAPTER I - Introduction

The first chapter of this thesis contains brief explanation about the issue of interest, the South China Sea disputes, as well as several sub parts as follows: Background of the Study, Problem Identification, Research Question, Research Objective, Significance of the Study, Theoretical Framework, Scope and Limitation of the Study, Definition of Terms, Literature Review, Research Methodology, and Structure of Thesis. By the first chapter, the readers are expected to know the basic understanding about the thesis structure and the


\(^{31}\) Norman K Denzin and Yvonna S Lincoln, Handbook Of Qualitative, 2. (Sage, 1994).


substance contained. Furthermore, the readers are expected to get deeper knowledge about what is being discussed in this research project.

I.11.2 CHAPTER II – Overview of the South China Sea Disputes

The second chapter outlines the issue being discussed in this thesis, the South China Sea disputes. This includes historical background, actors and competing claims, confrontations between claimant states, as well as recent development of the disputes. The focus of this chapter is to (subtitle, subtitle).

I.11.3 CHAPTER III – China’s Military Build Up in the South China Sea

The third chapter discusses China’s national interest in the South China Sea, its military build up, the resulting security dilemma that it causes. It will also elaborate on China’s increasingly insistent stance to back its claims in the South China Sea.

I.11.4 CHAPTER IV – US Responses to China’s Military Build Up in Preventing Conflicts in the South China Sea

The fourth chapter discusses the US interests in the South China Sea, additionally, it elaborates on US response to counter China’s aggressive stance in the South China Sea. It will take into account both militaristic responses, as well as the diplomatic responses within the FON program.

I.11.5 CHAPTER V - Conclusion

Chapter V contains the conclusion of the overall issue in this research project.
CHAPTER II

II. OVERVIEW OF THE SOUTH CHINA SEA DISPUTES

South China Sea dispute is quickly developing into one of the world’s most significant geopolitical issues. Over fifty years of disputes and the issue have yet to reach a resolve acceptable to all parties. Overlapping maritime territorial claims threaten to raise tension that could jeopardize regional peace and stability that has been the crux of Asia’s economic prosperity. Their rapidly developing market indicates that Southeast Asia could potentially be at the helm of global economy leadership in the foreseeable future.

II.1 Overview of the South China Sea Disputes

The South China Sea is an area at the edge of the Pacific Ocean that spans 3,500,000 km extending from Singapore to the Strait of Malacca in the southwest to the Strait of Taiwan in the northeast. The countries bordering the sea area is China, Macao, Hong Kong, Taiwan, the Philippines, Malaysia, Brunei, Indonesia, Singapore, Thailand, Cambodia, and Vietnam.
The South China Sea has long been a maritime highway for intra-ASEAN trade, commerce and contact, as well as a bridge to Europe and the Middle East. It carries more than 40% of world trade and 50% of energy trade\(^{34}\) and is a third of all maritime traffic worldwide.\(^{35}\) The South China Sea is home to four island groups: the Paracels, the Spratlys, the Pratas, and the Scarborough Reef. In addition to the abundance of resources like gas and fish, the sea is believed to contain more oil than any area of the globe except Saudi Arabia.

![Figure 3. South China Sea oil and natural gas proved and probable resources. (Source: US Energy Information Administration)](image)

A 2016 survey by International Monetary Fund (IMF) predicted Asia and the Pacific to account for two-thirds of global growth in the oncoming years.\(^{36}\) Many of the world’s strongest and fastest-growing economies are found on the Asian continent, and in order to sustain this economic growth, each country in the region will need a steady and reliable supply of energy.

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As of now, most Asian countries are importing large amounts of gas and oil from extremely volatile areas in the Middle East and Africa. The South China Sea is viewed as a potentially safer alternative due to its strategic location at the throat of global trade. Much of the conflicting claims over the four groups of island are owed to the belief of great amount of resources that is crucial to the rapidly developing nations of Asia to perpetuate economic growth.

II.1.1 Overlapping Maritime Territorial Claims

United Nations Convention on the Law of the Sea (UNCLOS) 1982 is the international law determining the maritime sovereignty of nations. UNCLOS established different categories within the sea. The first category is a nation’s territorial sea which extends twelve nautical miles from its coastline. Within the territorial sea, the nation has absolute rights, but other nations still have the right to innocent passage.

The second category is the contiguous zone, extends up to twenty-four nautical miles from the coast. The final category is the exclusive economic zone (EEZ), which extends up to two hundred nautical miles from a nation’s shores. In this area a nation has ‘sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources,’ and any economically viable activities occurring in the waters.

Due to the suspected abundance of natural gas and oil in the South China Sea, the four largest island groups are subject to competing territorial claims by no less than six states, four of which are ASEAN member states (AMS): Vietnam, Malaysia, the Philippines, and Brunei while the remaining two are China and Taiwan. Each respective nation needs these resources for continued industrial growth and to emerge or continue as dominant power.

In 2009, the Chinese government published a map depicting a nine-dash line surrounding the island groups. China claims almost the entirety of the

features in the South China Sea, citing historical rights as the basis for its ownership. Its argument is based on the fact that it believes Chinese people were the first to discover and occupy the South China Sea islands during the Han Dynasty. However, historic rights have very little weight under international law. Still, China argues that its claims predate UNCLOS and the law should accommodate its historical rights.
Figure 3. Map of the Nine-Dash Line.
(Source: Communication from China to the United Nations dated May 7, 2009, English Version at UN.org)
A Colonel of China’s People Liberation Army, Xiaoqin Shi maintains that China had claimed sovereignty over the “nine-dash line” area since 1947 when it published the map depicting such claim, stressing that the UNCLOS only became effective in 1994. Shi argues instead that China’s sovereignty in the South China Sea is not a subject that UNCLOS should be adjudicating because China’s claims is based on historic rights which are defined under a regime that predates UNCLOS, stating:

‘there was no common concept about maritime boundaries when the Chinese government illustrated its boundary on this official map—the international community had not evolved into the era of managing oceans by general agreement… it was clearly impossible for the Chinese government to foresee or abide by a law which had not been codified at the time.’

China is not the only one with excessive territorial claims. Taiwan, whose claims mirror China’s, has been occupying Itu Aba, an island within the Spratly islands group. The Taiwanese have reportedly built an airport, a hospital, and a coast guard outpost on the Itu Aba. Contrary to China, however, Taiwan lacks the fund and military capability to enforce its claims in the South China Sea. Due to difficult relation with China, the majority of Taiwan defense resources are dedicated to protecting its homeland first and foremost.

Vietnam, Malaysia, Brunei, and the Philippines all contest China’s territorial claims in the South China Sea. Vietnam claims sovereignty over the two nearest island groups to its EEZ, the Paracel Islands and the Spratly Islands. Malaysia’s claims are much smaller in scale, a segment of the Spratly Islands that it consolidates by maintaining military presence to protect its interests. The Philippines claims a chunk of approximately fifty small islands within the territory closest to its jurisdiction, the Spratly Islands and the Scarborough Reef, maintaining military presence there since 1978. Unlike the previous five states, Brunei is simply attempting to protect its EEZ as outlined in the UNCLOS. It merely claims a segment of the Spratly Islands closest to it in proximity.

39 Christopher L Daniels, South China Sea (Lanham: The Scarecrow Press, Inc, 2012)
Historically, rising tension has boiled over to confrontation between the six claimant states to back their respective claims. The majority of the conflicts in the South China Sea have occurred between China and Vietnam. In 1974, China and Vietnam clashed over the Paracel Islands, and in 1988 they were engaged in a direct skirmish over the Johnson Reef. This rivalry continued until the 21st century, where Chinese vessels cut the cables off of Vietnam’s ship *Binh Minh* in 2012.40

Another claimant state that has gone into direct confrontation with China is the Philippines. Although the two nations initially had an amicable relation, it soured in 1995 when the Philippines discovered Chinese-build structures on Mischief Reef, an area located within the Philippine-claimed EEZ. Tension escalated following the report that Chinese authorities on Mischief Reef held the entire crew of a Philippine fishing vessel for several days. Further surveillance by

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40 Christopher L Daniels, *South China Sea* (Lanham: The Scarecrow Press, Inc, 2012)
the Philippine government revealed that the Chinese had built bunkers equipped with satellite capabilities and maintains eight naval vessels in the area.

However, tension and confrontations between the claimant states have only increased since, and within Table 1 below is a more detailed summary of tension and skirmishes in the South China Sea disputes:

<table>
<thead>
<tr>
<th>Year</th>
<th>Actor(s)</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1946</td>
<td>China declares Spratly Islands part of Guangdong province</td>
</tr>
<tr>
<td>2</td>
<td>1952</td>
<td>Taiwan occupies Taiping within the Spratlys</td>
</tr>
<tr>
<td>3</td>
<td>1970</td>
<td>The Philippines occupy five of the Spratly Islands, claims entire western part of archipelago</td>
</tr>
<tr>
<td>4</td>
<td>1974</td>
<td>Battle of the Paracel Islands: China seizing military installations occupied by Vietnam in the Paracel Islands</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vietnam occupies six of the Spratly Islands</td>
</tr>
<tr>
<td>5</td>
<td>1983</td>
<td>Malaysia occupies three Spratly Islands</td>
</tr>
<tr>
<td>6</td>
<td>1988</td>
<td>Johnson South Reef Skirmish: 74 Vietnamese sailors are killed after a naval battle between China and Vietnam near the Spratlys</td>
</tr>
<tr>
<td>7</td>
<td>1992</td>
<td>China seizes 20 Vietnamese cargo ships coming from Hong Kong, accusing them of smuggling</td>
</tr>
<tr>
<td>8</td>
<td>1994</td>
<td>China occupies Mischief Reef, erects buildings on it</td>
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<tr>
<td>9</td>
<td>1995</td>
<td>China - Malaysia</td>
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<tr>
<td>-----</td>
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<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>Taiwan - Vietnam</td>
<td>Taiwanese artillery bombards Vietnamese freighter near one of the Spratly Islands held by Taiwan</td>
</tr>
<tr>
<td>China - The Philippines</td>
<td>The Philippine military expels the Chinese from Mischief Reef and destroys all the buildings erected</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1997</td>
<td>China - The Philippines</td>
</tr>
<tr>
<td>11</td>
<td>1998</td>
<td>China - The Philippines</td>
</tr>
<tr>
<td></td>
<td>The Philippines - Vietnam</td>
<td>Vietnamese soldiers fire on a Philippine ship</td>
</tr>
<tr>
<td>12</td>
<td>1999</td>
<td>China - The Philippines</td>
</tr>
<tr>
<td>13</td>
<td>2000</td>
<td>China - The Philippines</td>
</tr>
<tr>
<td>14</td>
<td>2008</td>
<td>China - US - Vietnam</td>
</tr>
<tr>
<td>15</td>
<td>2009</td>
<td>US - China</td>
</tr>
<tr>
<td>16</td>
<td>2011</td>
<td>US - China</td>
</tr>
</tbody>
</table>
in the South China Sea conflict

China - Vietnam
Vietnamese authorities accuse China of cutting the cables of Vietnamese ship *Bin Minh 02*

US - Vietnam
US and Vietnam engage in joint naval drills in the South China Sea in response to China’s growing assertiveness

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<table>
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<th></th>
<th></th>
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<tbody>
<tr>
<td>17</td>
<td>2012</td>
<td>US</td>
</tr>
<tr>
<td>18</td>
<td>2013</td>
<td>China - the Philippines</td>
</tr>
</tbody>
</table>

US announces shift in naval deployment toward Asia

The Philippines submitted an arbitration case to the Permanent Court of Arbitration, requesting clarification of China’s sovereignty claims in the South China Sea

**Table 1. Timeline of Key Moments, Tension and Incidents in the South China Sea Disputes**

(Elaborated by researcher from multiple sources\(^{41\text{-}43}\))

As shown in Table 1, there have been many incidents between the six claimant states in the span of five decades. Different interpretation of the law between the claimant states often give way to rising tension in the South China Sea disputes. China maintains that it has historic rights that predate UNCLOS to the South China Sea, and exercises these rights accordingly, as evidenced by the example of fishing incidents in years 1998 and 2000 to the disapproval of Philippines. Meanwhile, other claimants states such as the Vietnam and Taiwan, for instance, assert claim to the closer features to their own EEZ as defined by the UNCLOS. Nevertheless, all claimant states with the exception of Brunei, occupy


disputed features to some extent, and recently, some of them have been intensifying construction projects of military bases in disputed waters.

II.2 Chapter Summary

The longstanding disputes of South China Sea have been a particularly stubborn problem plaguing Asia. Decades have passed and the issue has yet to be resolved. Given, the South China Sea issue is a multifaceted challenge that consists of a complex intersection of roles. Vietnam, Malaysia, Brunei, the Philippines, China and Taiwan all contend for the four groups of island that is believed to be a treasure trove of gas, oil, and fisheries source.

Due to the belief that the South China Sea is rife with oil and natural gas, the four island groups within the South China Sea is contested by six claimant states: China, Taiwan, Vietnam, Malaysia, the Philippines, and Brunei. China claims ownership of almost the entirety of the features on the South China Sea, citing historic rights as the basis for its “Nine-Dash Line” claim. However, China’s claims overlap with those of the other claimant states, and thread dangerously close to their territorial sea as defined within UNCLOS.

Notably, China is not the only one with excessive maritime territorial claims. Taiwan has the exact same claim as China, while Vietnam, Malaysia, the Philippines, and Brunei each claim a segment of the disputed features closest to their own territorial waters. Overlapping territorial maritime claims is exacerbated by the aggressive posturing of disputants asserting their excessive claims. Throughout several occasions, disagreement and rising tension have resulted in numerous incidents in the past as the disputants made efforts to assert ownership of a variety of the disputed features. Although occupation of disputed features within the South China Sea is a widespread practice between the disputants—with the sole exception of Brunei—recently, some of the claimant states have intensified their construction activities, including building military bases.
CHAPTER III

III. CHINA’S MILITARY BUILD UP IN THE SOUTH CHINA SEA

III.1 China’s National Interest in the South China Sea

The modern era of China is characterized by President Xi Jinping’s “China Dream” of national rejuvenation. First introduced in 2012, the concept was built upon a long-standing national aspiration of establishing a powerful and prosperous China. In order to achieve the “China Dream,” President Xi outlined several strategic objectives which are: (1) perpetuate Chinese Communist Party rule; (2) maintain domestic stability; (3) sustain economic growth and development; (4) defend national sovereignty and territorial integrity; (5) secure China’s status as a great power and, ultimately, reacquire regional preeminence; and (6) safeguard China’s interests abroad.\textsuperscript{44} In line with the China Dream, China’s leaders increasingly seek ways to establish regional preeminence and expand the country’s regional influence.

III.1.1 Economic Interest

China’s interest in the South China Sea is largely driven by its economic dependency to resources and access. As of now, China consumes over 10% of world oil production and over 20% of all the energy consumed on the planet, while Chinese oil reserves amount to only 1.1% of the world total.\textsuperscript{45} China is in need of energy. Meanwhile, the South China Sea is estimated to hold reserves of 11 billion barrels of oil and 190 trillion cubic feet of natural gas.\textsuperscript{46} It is viewed as

a safer alternative since much of China’s energy needs come from the unstable region of Middle East.

The South China Sea also functions as the throat of global trade. It carries more than 40% of world trade and 50% of energy trade and is a third of all maritime traffic worldwide. The majority of China’s commodity imports and export travel by sea, and most pass through the South China Sea. Therefore, the maintenance of security of the sea lane is crucial to China.

III.1.2 Security Interest


A 2015 US-China Economic and Security Review Commission report states that ‘China recognizes its most urgent threats emanate from offshore and anticipates its most likely conflict scenarios will take place at sea.’\(^{49}\) China’s security interest in the South China Sea primarily stems from the strategic location of the island groups, which could be appropriated into military bases to counter hostile forces that threaten Chinese interests. Currently, China’s “Offshore Active Defense” strategy identifies two geostrategic boundaries seen as China’s defense perimeter: the first island chain and the second island chain.\(^{50}\) The two boundaries encompass a vast area within the East and South China Sea.

\[\text{Figure 5. First Island and Second Island Chains}
\text{(Source: The Economist, 2017)}\]


The late Chinese naval strategist, Admiral Liu Huaqing defined the first island chain as including Japan, South Korea, Taiwan, the Philippine Islands and the Greater Sunda Islands.\textsuperscript{51} While the second island chain includes the Mariana Islands, Guam, and Palau.\textsuperscript{52} Given that China’s seaborne trades are highly dependent on a secure sea lane in the South China Sea, it is crucial for China to maintain military presence over disputed waters to counter potential hostile forces that could threaten Chinese interests.

III.2 China’s Military Build Up in the South China Sea

President Xi Jinping states that by the 21st century, China will have become ‘a global leader in terms of composite national strength and international influence.’\textsuperscript{53} Likewise, the China Dream includes a commitment to developing military power proportionate with the status of a great power. In the 19th party congress speech, Xi Jinping maintains that developing military power is crucial to achieve the “China Dream,” saying that ‘the Party’s goal of building a strong military in the new era is to build the people’s forces into world-class forces that can fight and win, and maintain excellent conduct.’\textsuperscript{54} Furthermore, Xi states:

‘[China] should ensure both development and security and be ever ready to protect against potential dangers in time of peace… must put our national interest first…enhance capacity-building for national security, and resolutely safeguard China’s sovereignty, security, and development interests.’\textsuperscript{55}

In relation to the South China Sea disputes, China published a note verbale to the United Nations in 2009, claiming ‘indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil

\textsuperscript{52} Ibid.
\textsuperscript{54} Ibid.
\textsuperscript{55} Ibid., p. 20.
Since China regards the Nine-Dashed Line territory within the South China Sea as within its sovereignty, this alludes to the impression that the military modernization China is pursuing contributes to a degree to defend its claims in the contested territory.

A Stockholm International Peace Research Institute reported that at 2% of its GDP, China is already the second biggest military spender in the world, following the United States. US Department of Defense estimated that China’s total military expenditure for 2016 exceeded US$180 billion. Furthermore,

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between 2007 and 2016, China has seen the biggest growth in military spending, with an increase of 118%.57

The massive increase of budget was due to modernization efforts of China’s armed forces, also known as People’s Liberation Army (PLA). As of 2016, the PLA Army remains the largest ground force in the world with its 18 group armies and numerous specialized elements.58 Likewise, its Air Force is the largest in Asia and the third largest in the world, with more than 2,700 total aircraft 2,100 combat aircraft consisting of fighters, strategic bombers, tactical bombers, and attack aircrafts. Additionally, China is developing its older H-6 bomber fleet to a newer model called the H-6K whose extended range lends China the capability for a precision strike that can reach Guam. This ambitious modernization of PLA Air Force is gradually eroding the significant advantage held by the United States,

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On maritime capability, the PLA Navy is the largest Navy in Asia, boasting more than 300 surface ships, submarines, amphibious ships and patrol craft. Since 2002, the PLA Navy has constructed ten nuclear submarines; two SHANG I-class attack submarines, four SHANG II-class attack submarines, and four JIN-class nuclear-powered submarines equipped with ballistic missiles. China’s four operational JIN-class naval crafts have the capability for submarine-launched ballistic missiles (SLBMs) that represent China’s first credible, sea-based nuclear deterrent.

The PLA Navy is consolidating its littoral warfare capabilities, especially in the South China Sea. On a minor scale, China has its Coast Guard (CCG). The China Coast Guard (CCG) is responsible for a wide range of mission not limited to surveillance, protection of fisheries resources, including enforcement of China’s sovereignty claims. The CCG is China’s primary means to assert claims in maritime disputes in the South China Sea. Throughout 2016, China Coast Guard (CCG) ships maintained a presence at Scarborough Reef, sustaining operations that began in 2012. Since then, the CCG has modernized rather rapidly; its large patrol ship fleet has doubled from approximately 60 to more than 130 ships, making the CCG the largest coast guard force in the world.59

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Figure 5. Satellite imagery from 30 March, 7 August 2014 and 30 January 2015 shows the extent of Chinese progress in building an island at Gaven Reefs in the Spratly Islands. (Source: CNN.com)

59 Ibid., (p.56).
Furthermore, it is crucial to note that since 2014 China has been building artificial islands in the South China Sea, equipping them with fully-operational military bases. China’s Spratly Islands outpost expansion effort is currently focused on building land-based capabilities of its three largest outposts—Fiery Cross, Subi, and Mischief Reefs—after completing its four smaller outposts early in 2016. Major construction features at these outposts include new airfields—all with runways at least 8,800 feet in length—large port facilities, and water and fuel storage. As of late 2016, China was constructing 24 fighter-sized hangars, fixed-weapons positions, barracks, administration buildings, and communication facilities at each of the three outposts. China’s island reclamation activities are still underway, and it intends to continue. In an annual press conference in Beijing on March 2015, Chinese Foreign Minister Wang Yi stated:

China is carrying out necessary construction on its own islands and reefs. The construction does not target or affect anyone. We are not like some countries, who engage in illegal construction in another person’s house. And we do not accept criticism from others when we are merely building facilities in our own yard. We have every right to do things that are lawful and justified.⁶⁰

The Chinese Government has maintained that these projects are mainly for improving the living and working conditions of those stationed on the outposts, safety of navigation, and research. However, there is significant reason for concern regarding China's consolidation of power in the South China Sea. Once China has established sufficient military presence in the disputed waters, it might be too late to wrestle the territory from China’s control.

III.3 Military Might of the Claimant States

Much of the growth in military power of the states neighboring China could be attributed to their need to ensure that China does not become so overwhelmingly powerful that they will have no choice but to conform to Chinese demands. This does not mean that the nations of Asia anticipate that military conflict with China is likely; rather, the purpose is to contain or limit behavior.

In other words, the smaller Asian nations are building their own military capability to check China’s power. However, deterrence requires a credible balance of military force. If the other claimant states choose not to improve their own military capability, they can be perceived as signaling to China that they are willing to accept Chinese demands.

III.3.1 Vietnam

A difficult history with China lends Vietnam substantial incentive to modernize its defense force. The Vietnamese Navy has acquired six kilo class submarines, four Gepard frigates from Russia, as well as 15 modern corvettes. For air defense, Vietnam commissioned 60 Su30 and Su27 aircraft to be done by 2018.\textsuperscript{61} Vietnam’s pursuit of modernizing its military is reflected from its defense expenditure at 2.4% of its GDP in 2016.\textsuperscript{62}

\textsuperscript{61} W. Mapp, "The Asian Military Counter Balance", in Military Modernization And buildup In The Asia Pacific (Singapore: RSIS, 2018), 43-46.

In the South China Sea, Vietnam has undertaken land reclamation activities in the Spratly Island. Other consolidation efforts of its claims include equipping the island with seawall, maritime engineering devices, and an airstrip capable of accommodating surveillance planes and the Vietnamese Air Force’s M-28 light transport plane. Vietnam reclaimed approximately 60 acres of land and has built at least 4 new structures between 2009 and 2014.

III.3.2 Malaysia

The Malaysian Navy likewise, has a variety of naval combat vessels and submarines including four classes of frigates and corvettes, each with two vessels. Its air force consists of an assortment of Russian and US combat aircraft. In 2006, it purchased 18 Su30 aircraft in addition to a small number of Mig 29 combat

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64 Ibid.
a aircraft it has already purchased in the 1990s. A 2016 report from World Bank stated that the Malaysian military spending is at 1.4% of its GDP.65

Similar to Vietnam, Malaysia has engaged in construction projects in disputed features to consolidate its claims in the South China Sea. In the 1980s, Malaysia built an airfield at Swallow Reef.66 It has also built control tower and hangars, as well as docking area and resort on the Swallow Reef. Malaysia’s Swallow Reef runway is considerably longer than Vietnam’s in the Spratly Island and would be able to accommodate cargo planes and fighter crafts.67

III.3.3 The Philippines

On a completely different note, the Philippines have virtually no advanced military systems. In 2014, its defense expenditure is relatively low at 0.87% of its GDP. Although frequently clashing with China over its claims of the Scarborough Shoal, the Philippines’ Navy does not possess any modern ships. The three US

67 Ibid.
Coast Guard High Endurance Cutters were modernized in the late 1980s, nearly 50 years ago. However, 2016 have seen an increase of military expenditure of the Philippines into 1.3% of its GDP.68

Like the previous two, in the 1970s, the Philippines constructed an airfield on Thitu Island, with an estimated 14 acres of land reclamation to extend the runway.69 The length of the runway would allow the Philippines to land a light attack craft, in addition to cargo planes and surveillance crafts.70 The Philippines have also constructed administration buildings and housing in the island.

III.3.4 Brunei

Although Brunei is a relatively small country compared to its neighbors, it boasts a capable defense force. World Bank reported Brunei’s defense

expenditure in 2016 is 3.5% of its GDP. Since its creation, the Royal Brunei Armed Forces has undergone significant enhancements. The navy has acquired more formidable missile-equipped patrol crafts, the land force’s capability is boosted with the purchase of the Scorpion light tank and Rapier surface to air missile. The staunch dedication to modernizing its armed forces is mostly to protect its maritime interests since oil and energy export is the backbone of Brunei’s economy. Unlike Vietnam, Malaysia, and the Philippines, Brunei is the only claimant state that hasn’t tried to occupy any feature on the disputed waters.

III.3.5 Taiwan

Taiwan has 215,000 personnel in the armed forces consisting of 70% volunteers, supported by 2.5 million reservists. Taiwan’s military modernization program envisions a systematic decrease in active duty force as a part to an all-volunteer force by 2019. Taiwan’s military spending remains at approximately 2% of its GDP. To put this into perspective, China’s official defense budget is 14 times that of Taiwan.

Figure 12. Taiwan’s Airstrip on Itu Aba
(Source: Asia Maritime Transparency Initiative, 2015)

72 W. Mapp, "The Asian Military Counter Balance", in Military Modernization And Buildup In The Asia Pacific (Singapore: RSIS, 2018), 82.
Like most of the other claimant states, Taiwan has built an airstrip on disputed features in the South China Sea, particularly on the island of Itu Aba. The moderate length of the runway is able to accommodate a Taiwanese F-16 fighter, in addition to cargo planes.\textsuperscript{73} By 2014, Taiwan has reclaimed 14 acres of land near Itu Aba.\textsuperscript{74}

A more recent development of the South China Sea disputes show an increase in features occupation activities by the disputants, as demonstrated by Figure 13.

![Figure 13. Occupied Features on the Contested Territory in the South China Sea](https://amti.csis.org/airstrips-scs/)

(Source: Asia Maritime Transparency Initiative, 2017)

While much of the military modernization undertaken by the claimant states could be attributed to their own economic growth and domestic needs, it could be argued that in the context of the overlapping territorial claims of the South China Sea disputes, and taken together with the fact that these states also undertake construction activities in the contested waters, there ought to be some

\textsuperscript{73} Airpower In The South China Sea”, Asia Maritime Transparency Initiative, 2018, https://amti.csis.org/airstrips-scs/

\textsuperscript{74} Dolven, Chinese Land Reclamation in the South China Sea: Implications and Policy Options, 2015, 20.
consideration given by these states to consolidate their own claims and to show non-acquiescence to China’s own build up in the South China Sea.

III.3 Security Dilemma in the South China Sea

It is clear from that the extent of China’s military build up far surpasses that of the other claimant states. Compared to China, the other disputants are at a relative military disadvantage. The Realist view maintains that the world is anarchic, meaning that states must strive to protect themselves. However, actions by a state intended to heighten its own security could lead to a condition of security dilemma. Security dilemma according to John Herz (1950) is a condition where states, in pursuing its own security needs, cause rising insecurity in other states as each interprets its own measures as defensive and measures of others as potentially threatening.

In this case, this means that in pursuit of its own security, China has unwittingly put uncertainty in the minds of other claimant nations whether it intends to use such power to attack. Alluding to the general absence of trust that characterizes international politics in the realist’s point of view, states tend to prepare for the worst facing such uncertainty. Already we’ve seen the other disputants racing to consolidate their claims within the disputed territories, although on much lesser scale than China. Still, military build-up and insecurity is a great threat to regional peace and stability.

The Southeast Asian concerns regarding the relative military advantage China has in the South China Sea is exacerbated by the fact that China has used military might to assert its claims in the disputed areas. If there is any lesson to be learned from the past, confrontation in 1988 with Vietnam and in 1995 with the Philippines demonstrated that China is not averse to the use of force. These incidents only serve to increase regional concern that China has the potential and willingness to dominate the South China Sea through military means.

Furthermore, any attempts to resolve the disputes through peaceful talks have either been ignored by China, as in the case of the 2013 ITLOS arbitration
tribunal, or been ineffective since China have clearly been stalling to bind itself to any kind of agreement such as the DOC. All the while, China is intensifying the military buildup in the South China Sea. This alludes to the impression that China’s strategy is to ignore protests to its historic claims while simultaneously consolidating its ownership of the South China Sea.

There is reason to suspect, if China’s past behavior is any indicator, it is trying to consolidate enough power to be the de facto ruler of the South China Sea. China has already equipped the islands with military bases, China has demonstrated that it has no aversion to the use of force to assert its claims; it is only a matter of time before China grows overwhelmingly powerful that the other disputants have no other choice but to acquiesce to Chinese demands.

To rectify this situation and maximize chance of survival, the rest of the claimant states have a few options. A theory of state behavior can explain a path that has been taken. Balance of power theory dictates that states act to preserve a balance of power or equilibrium in the system. The rationale behind this is that if the power distribution in a system is approximately equal, it will prevent any one state from dominating all the others. Within the balance of power theory itself there are two variants: hard balancing and soft balancing measures.

Thus, in a condition where the survival of a state or a number of weaker states is threatened by a hegemonic state or a group of stronger states, the weaker states have two options under hard balancing measure: unilateral capacity building or establishing alliances. Capacity building means that a state can increase its power by building its military, acquiring more weapons, etc. However, in the event that for whatever reason a state is incapable of unilaterally building its capacity (e.g. financial constrain, limited resources) it should join forces with other states by establishing an alliance in order to check the power of the opposing side.

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Unilateral capacity building has been attempted by the claimant states, as outlined in the previous section. Nevertheless, it is clear that China’s military build up far outpaces that of the rest. As a result, the smaller claimant states cannot rely on solely hard balancing measures to curb China.

III.4 Chapter Summary

China’s national interest in the South China Sea is characterized by President Xi Jinping’s “China Dream” of national rejuvenation. Six strategic objectives are set to achieve the China Dream which are: (1) perpetuate Chinese Communist Party rule; (2) maintain domestic stability; (3) sustain economic growth and development; (4) defend national sovereignty and territorial integrity; (5) secure China’s status as a great power and, ultimately, reacquire regional preeminence; and (6) safeguard China’s interests abroad.

Integrated within the China Dream are China’s economic and security interest. In the context of the South China Sea disputes, China’s economic interest primarily stems from the need to ensure that energy demands are met. China consumes over 10% of the world’s oil share and over 20% of world’s energy share and most of this energy need is met through seaborne imports from the unstable region of Middle East. In light of this fact, the suspected oil and natural gas reserves contained within the South China Sea appear as an appealing alternative. Additionally, most of China’s export and imports travel by sea, passing through South China Sea, and ensuring safe sea lane is crucial for the continued health of China’s economy.

China’s security interest in the South China Sea derives from the strategic value of the features within the sea. Chinese strategists have identified two geostrategic boundaries expanding from East to South China Sea, known as the “first island chain” and the “second island chain.” This area is seen as China’s backyard, a defense perimeter where hostile forces seeking to undermine Chinese interests can be countered.
The China Dream also includes the commitment to build military capability befitting that of a great power, in addition to defend territorial integrity. Therefore, defend its interests and assert sovereignty in the South China Sea, China has been intensifying its military build up on the contested features. Since 2014, China has been building artificial islands in the South China Sea, equipping them with military bases.

Under the anarchic condition of international relations, states are required to protect themselves. In pursuit of heightening one’s own security, it might cause insecurity since states interpret their own measures as defensive and the measures of others as offensive. In this case, in asserting its sovereignty claims within the South China Sea, China has caused rising insecurity in the minds of other disputants, since such efforts could be interpreted as possessing aggressive intent. Moreover, historical evidences show that China has not been averse to the use of force to assert its claims in the past. Furthermore, previous attempts for dialogue have either been ignored by China, or been ineffective since China deliberately stalled to comply with the result. This is especially alarming, since China never ceases its ambitious buildup in the South China Sea.

In response, China the other claimant states have taken measures to consolidate their own claims within the disputed territories. Vietnam, Malaysia, the Philippines, and Taiwan have reportedly constructed airstrips and various buildings on their feature of choice, signaling intent to stand by their claims, or at the very least, demonstrating non-acquiescence to China’s own activities within the disputed waters. However, it is clear the other claimant states cannot rely on hard balancing measures alone to curb China.
CHAPTER IV

IV. US RESPONSES TO CHINA’S MILITARY BUILD UP AND CONFLICT PREVENTION IN THE SOUTH CHINA SEA

IV.1 US National Interest in Asia

In 2012, then Secretary of State Hillary Clinton declared that the United States has a national interest in freedom of navigation, open access to Asia’s maritime commons and respect for international law in the South China Sea.76 Given that the Asia-Pacific region consists of primarily water, it is a high priority of the US to maintain regional peace and security. To that end, the US has three maritime objectives in the Asia-Pacific region: to safeguard the freedom of the seas; deter conflict and coercion; and promote adherence to international law and standards. In a 2015 report of the US Department of Defense it is stated that:

‘…the Department is focused on safeguarding freedom of the seas, deterring conflict and coercion, and promoting adherence to international law and standards. As it does around the world, the Department will continue to fly, sail, and operate wherever international law allows, in support of these goals and in order to preserve the peace and security the Asia-Pacific region’77

According to the US Department of Defense, freedom of the seas include more than the mere freedom of passage for commercial vessels in the international waters. Freedom of the seas means ‘all of the rights, freedoms, and lawful uses of the sea and airspace, including for military ships and aircraft, recognized under international law.’78 Therefore, freedom of the seas is crucial to guarantee access in the event of a crisis that has the potential to jeopardize US interests.

Moreover, the United States has, throughout its history, advocated for the freedom of the seas for economic and security reasons. Eight of the world’s 10 busiest container ports are in the Asia-Pacific region, and almost 30% of the world’s maritime trade transits the South China Sea annually, including approximately $1.2 trillion in ship-borne trade bound for the United States.\textsuperscript{79}

It is now apparent that the most important economic relationships that the United States has are within the Asia-Pacific region. A deeper security engagement within the region is therefore inevitable, especially given the growth of China and its increased influence in the region.

Although the US is not party to UNCLOS, it regards the law of the sea as customary law. For more than six decades, the US military presence has played a vital role in ensuring regional stability that enabled economic prosperity in Asia-Pacific. The US believes that adherence to a rule-based system has been critical to furthering a condition of peace and prosperity in the Asia-Pacific region.

It is apparent however, that China is challenging this rule-based system. Excessive maritime claims without regard of international law and persistent island reclamation activities in the region show that China is willing to disturb the peace to secure its interests. More concerning, China’s military buildup in the South China Sea appear to far outpace that of its neighbors. If left unchecked, China could grow so overwhelmingly powerful that it could coerce the rest of the claimant states to acquiesce to its demands.

For decades, the US-led global order has two defining characteristics. First, non-use of force as a means of settling disputes between countries. There is reason for concern that some of China’s actions in asserting its territorial claims in the South China Sea challenge this principle and could reestablish a principle of “might makes right” as a routine or defining characteristic of international relations.

\textsuperscript{79} Ibid., (p.1).
A second characteristic of a US-led global order is treatment of the world seas under international law as international waters or global commons. China’s map of the nine-dash line blatantly challenges the international law. International law is universal in application, and a challenge to a principle in international law, if accepted, could serve as a precedent for challenging it. In other words, if significant portions of the seas could be appropriated as national territory, hundreds of years of international legal tradition would be overthrown.

It is a high priority of the US to prevent a minority position to gather enough momentum to establish a new law of the sea or paradigm shift. John Norton Moore, the US Ambassador to UNCLOS III highlights the importance of maintaining freedom of the seas according to international law:

> "the costs associated with any failure to recognize freedom of navigation through straits will not necessarily be immediately manifest. Initial challenges may be subtle, plausible, and limited. Through time, however, the common interest will be eroded by unwarranted restrictions on transit, discrimination among users,"

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uncertainty of transit rights, inefficient and inconsistent regulations, efforts at political or economic gain in return for passage, increased political tensions, and perhaps even an occasional military confrontation.\textsuperscript{81}

It is true that the US does have security and economic interests in Asia, but it is not US interests above the international law as China claims. Ultimately, the US seeks to maintain a balance of interest in the international community and that is best achieved through adherence to the international law.

IV.2 US Responses to China’s Military Buildup

IV.2.1 FON Program

According to the US Oceans Policy 1983, the United States ‘will exercise and assert its rights, freedoms, and uses of the sea on a worldwide basis in a manner that is consistent with the balance of interest reflected in the Law of the Sea Convention.’\textsuperscript{82} The problem with the South China Sea disputes is not merely the overlapping territorial claims, but also the assertion of them by some coastal states that the US consider to be excessive. Some claims are inconsistent with the international law of the sea and encroach upon the rights, freedoms, and uses of the sea and airspace guaranteed to all states under the international law.

The failure to challenge excessive maritime claims might work in favor of the state seeking to make them, especially if the objecting state had the power to challenge them and did not. Eventually, inaction could lead to the restriction of rights of other states.

To preserve a balance of interests and to demonstrate non-acquiesce to excessive maritime claims asserted by some coastal states, the US government have implemented a Freedom of Navigation (FON) Program. The FON Program employs a triple-pronged approach: (1) operational activities by US military forces, (2) diplomatic protests of excessive claims or other diplomatic


representations by the Department of State; and (3) Department of State or Department of Defense consultations with representatives of other States to promote maritime stability and consistency with international law.

Between 2015 and 2016, the US military has engaged in three FON operations in the South China Sea. On October 2015, the US Navy destroyer USS Lassen sailed inside 12 nautical miles of the Spratly Islands, lauded by most claimant states with the exception of China. The USS Curtis Wilbur operation and the USS William P Lawrence operation on January and May 2016 respectively met similar response. In fact, China continuously expressed strong dissatisfaction to US FON operations, arguing that the US “illegally entered waters near relevant islands and reefs of China’s [territory] without the permission of the Chinese government” and thereby “threatened China’s sovereignty and security interests.

Similar Chinese reaction is shown to the latest FON operations on May and July 2017. China’s Ministry of Foreign Affairs spokesman, Lu Kang, condemns USS Stethem sailing within 12 nautical miles of the Paracel Islands, stating that China strongly urges the US side to immediately stop “this kind of provocative action” and accusing the US conduct to be seriously damaging the strategic trust between the two sides as well as the political atmosphere of the development of China-U.S. military relations.

The persistent debate between the US and China regarding FON operations could be attributed to their interpretation of the international law of the sea. On the one hand, China’s 1992 Law on the Territorial Sea and the Contiguous Zone mandates prior authorization before military vessels can exercise innocent passage in its territorial sea. On the other hand, the US sees FON operations as fully legitimate; it is a matter of defending the rights to freedom of the seas in

order to discourage excessive claims that is inconsistent with the international law. Since the absence of protest could easily be perceived as acquiesce, the US eliminates such ambiguity by decisively exercising the rights to freedom of the seas. In short, China maintains that the right to innocent passage is applicable to commercial vessels not military vessels, while the US argues such right is applicable to all vessels including military vessels.

IV.2.2 Four Lines of Effort

The US Department of Defense is committed to its mission of protecting freedom of the seas. Therefore, the Department is employing a comprehensive maritime security strategy focused on four lines of effort. In addition to safeguarding freedom of the seas, the four lines of effort are expected to deter conflict and coercion, and promote adherence to international law and standards. The four lines of effort are outlined as follows:

1. strengthening U.S. military capabilities in the maritime domain; building the maritime capacity of our allies and partners; leveraging military diplomacy to reduce risk and build transparency; and, strengthening the development of an open and effective regional security architecture.¹⁸⁶

First, strengthening US military capabilities in the maritime domain. This is to ensure that the United States can successfully deter conflict and coercion and respond decisively when needed. In order to fulfill this mission, the US Department of Defense is investing in new cutting edge capabilities. This commitment is reflected from the sheer magnitude of expenses the US is dedicating towards its defense capabilities. In 2016, The United States remains as the world’s largest military spender according to Stockholm International Peace

Research Institute, devoting at least 4% of its GDP or equal to US$611 billion for military-related expenses.\(^{87}\)

With global responsibilities, the United States put great emphasis on its military capacity. Although it is the second largest ground force in the world after China, the US maintains its technical advantage through constant modernization of its military units. Additionally, the military balance is not merely a question of counting individual ships and aircraft. Its effectiveness depends on numerous factors such as command systems, intelligence, and combat experience. As a global military power, the US military superiority is still unparalleled.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Countries</th>
<th>Spending (US$ b.)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>United States</td>
<td>611</td>
</tr>
<tr>
<td>2</td>
<td>China</td>
<td>215</td>
</tr>
<tr>
<td>3</td>
<td>Russia</td>
<td>69.2</td>
</tr>
<tr>
<td>4</td>
<td>Saudi Arabia</td>
<td>63.7</td>
</tr>
<tr>
<td>5</td>
<td>India</td>
<td>55.9</td>
</tr>
</tbody>
</table>

**Table 2. World’s five largest military spenders in 2016, in billion US dollars.**
(Source: SIPRI, 2016)

Second, building the maritime capacity of US allies and partners. Given the growing challenges that the US and its allies face in the maritime domain, one of the Department of defense top priorities is to enhance the security capacity of US allies to respond to threats within their own territories. This involves aiding US allies to develop the necessary infrastructure and logistical support, strengthening institutions, and enhancing skills to establish capable maritime forces.

In Southeast Asia, the US has created Southeast Asia Maritime Security Initiative as an effort to work alongside its allies to build greater regional capacity and address maritime challenges. The initiative entails consulting with allies to ascertain their needs and requirements, as well as to explore new opportunities for maritime cooperation. Through the Southeast Asia Maritime Initiative, the US has been able to expand bilateral and regional maritime exercises.

In 2016, the US devoted US$ 50 million of military aid for its allies in the Southeast Asia. From such an amount, 42 million went to the Philippines to provide coastal radar systems and naval fleet upgrades, communications equipment, and aircraft procurement. Nearly US$ 1.8 million is dedicated to help Vietnam enhance maritime intelligence, surveillance, and reconnaissance capabilities, as well as bilateral training focusing on disaster relief and humanitarian issues. Similarly, Malaysia received US$ 1.2 million to expand Malaysia Armed Forces and improve maritime domain awareness.

Third, leveraging military diplomacy to reduce risk and build transparency. The US Department of Defense is working with its allies in Southeast Asia to encourage greater information sharing and developing a regional maritime awareness network. In this effort, Singapore has been a leading partner of the US. The two have established Singapore Maritime Information-Sharing Working Group, a platform to share best practices and lessons learned from recent regional maritime activities. In the near future, the US aims to include other regional partners to participate in this working group.

Finally, strengthening the development of an open and effective regional security architecture. In Southeast Asia, there is already an existing regional security body which is ASEAN. Thus, the US is increasing engagement in ASEAN-based institutions such as ASEAN Regional Forum (ARF) and ASEAN Defense Ministers Meeting Plus (ADMM-Plus) which provide platforms for transparent discussion of maritime concerns.

<table>
<thead>
<tr>
<th>Allies</th>
<th>Initiative</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indonesia</strong></td>
<td>Ministry of Defense Technical Expert</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td>ship-based radars, regional and fleet command centers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reform of defense planning, defense strategy, and budget development and</td>
<td>2013 - 2015</td>
</tr>
<tr>
<td></td>
<td>execution system and processes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upgrade TNI Bell helicopters and Navy Special Forces Equipment</td>
<td>2012</td>
</tr>
<tr>
<td><strong>Malaysia</strong></td>
<td>Integrated Maritime Surveillance System: coastal surveillance radar stations,</td>
<td>2010 - 2011</td>
</tr>
<tr>
<td></td>
<td>small boats and associated maritime interdiction training, Joint Regional</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Command Center</td>
<td></td>
</tr>
<tr>
<td><strong>Philippines</strong></td>
<td>National Coast Watch Center</td>
<td>2013 - 2017</td>
</tr>
<tr>
<td></td>
<td>Reform of defense planning system</td>
<td>2005 - 2012</td>
</tr>
<tr>
<td><strong>Vietnam</strong></td>
<td>Provision of WMD detection equipment; improved communications; construct</td>
<td>2014 - 2015</td>
</tr>
<tr>
<td></td>
<td>coast guard training center; maritime security workshops</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Law enforcement, advisory, and boat maintenance training</td>
<td>2014 - 2015</td>
</tr>
</tbody>
</table>

Table 3. US Department of Defense Maritime Capacity Building in Southeast Asia.  
(Source: US Department of Defense, 2015)
IV.3 US Responses to China’s Military Build Up in Preventing Conflicts in the South China Sea

In the previous section, it has been outlined the extent to which the US shows its commitment to defend its interests as well as demonstrate non-acquiescence to excessive maritime claims in the South China Sea through the FON Program and the US Department of Defense Four Lines of Effort. This thesis maintains that the balance of power theory explains this phenomenon.

IV.3.1 Hard Balancing

As of now, the US is still the biggest military spender with 36% of the world’s share. In contrast, China’s military expense in 2016 is half of the US at approximately 13% of the world’s share. Evidences from the previous section suggest that US military is still superior to China’s. A 2014 RSIS report states that ‘China’s military might be developing fast, but it will take another 20 years until China can close the skill gap with the US.’

For the near future, US military still has the technical advantage over China. The fact remains, the US is the only state involved in the South China Sea dispute with the military might and political will to match China. Its pivot to Asia brought a new dynamic into the longstanding territorial conflict.

The principle of the balance of power explains that states act to preserve a balance of power or equilibrium in the system. The rationale behind this is that if the power distribution in a system is approximately equal, it will prevent any one state from dominating all the others. Thus, in a condition where the survival of a state or a number of weaker states is threatened by a hegemonic state or a group of stronger states, the weaker states could rectify the situation by undertaking unilateral capacity building. Capacity building means that a state can increase its power by building its military, acquiring more weapons, etc. However, in the event that for whatever reason a state is incapable of unilaterally...

89 W. Mapp, "The Asian Military Counter Balance", in Military Modernization And Buildup In The Asia Pacific (Singapore: RSIS, 2018), 22.
building its capacity (e.g. financial constrain, limited resources) it should join forces with other states by establishing an alliance in order to check the power of the opposing side, or balancing.

As been previously elaborated in the previous chapter, unilateral capacity building has been attempted by each one of the claimant states. Most of them have also taken measures to consolidate their won claim in the disputed features, undertaking construction projects and land reclamation activities. However, these hard balancing measures are not enough to bridge the power gap with China. In the absence of the capability for unilateral military buildup, the smaller claimant states have another option, which is to form an alliance. However, as of now, only the Philippines is in a mutual defense treaty with the US.

Nevertheless, US mission to defend freedom of navigation requires it to maintain military presence in the disputed waters, which US considers to be international waters. Due to China’s rapid military growth, the US remains as the only state with the military and political power to match China. US responses towards China’s military buildup provide the hard balancing dynamic sorely needed by its claimant allies in the South China Sea.
On the positive side, US presence checks China’s growing power and prevents it from dominating system. If the power distribution in the system is more balanced, China could not act unilaterally without consequence. This constrains or limits China’s actions, and might work to deter it from bullying the smaller claimant states into accepting Chinese demands. In this sense, US
involvement as a policing force in the region could decrease the possibility of armed conflict between China and its neighbors.

On the negative side, the presence of US in the region has the potential to exacerbate tension. It needs to be considered that China regards US presence in the region with high level of distrust. This stems from the belief that the US has always singled China out, criticizing and attacking China while turning a blind eye towards the unilateral actions taken by its own allies, an international relations scholar pointed out:

‘for more than 20 years, Vietnam has been exploiting oil and gas resources in the disputed area with China in the South China Sea, yet the United States never said anything about unilateral actions by the Vietnamese. But when China launched the oil rig drilling near its controlled Triton Island 150 nautical miles away from Vietnam’s coast, all high-level US officials immediately came out to criticize China.’

China already sees the US as encroaching on its backyard, trying to contain China’s rising influence in the region. It is clear that China disapproves of US military operations in the South China Sea, perceiving them as a threat to its sovereignty and security. Defense relationship with the United States could be interpreted as antagonistic to China, which can mean that the US relationship will be seen to actually lead to greater insecurity.

It could not be ignored that the implication of China’s pessimistic view of the US could be counterproductive to maintain peace in the South China Sea. According to the Realism school of thought, the anarchic nature of international relations urges states to ensure their own survival by accumulating power. Similarly, perceiving a threat to its security, China might intensify its military buildup in response to US heightened presence in the region. Furthermore, it has been stated that China is not afraid should there be direct conflict with the US.92

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91 Chu Shulong, "China’S Views On U.S. Policy In The South China Sea", in Perspectives On The South China Sea Diplomatic, Legal, And Security Dimensions Of The Disputes, 2014, 13-19
The implication is alarming. This suggests a tendency for military confrontation to resolve disagreement between the two powers.

However, it needs to be recognized that in several opportunities, China has shown hints of peaceful intent, despite often contradictory actions. President Xi Jinping states in a speech in 2017:

‘the Chinese Dream can be realized only in a peaceful international environment and under a stable international order… [China] will uphold justice while pursuing shared interests, and will foster new thinking on common, comprehensive, cooperative, and sustainable security… [China] will continue its efforts to safeguard world peace, contribute to global development, and uphold international order.’

Further evidence of this peaceful intent is apparent in the keynote speech of China’s Vice Foreign Minister, Liu Zhenmin, in Asia Annual Conference in 2016 specifically addressing the overlapping territorial disputes in the South China Sea:

‘to peacefully resolve disputes through negotiations and consultations is the best way to reflect a country's own will and ensure sovereign equality between the parties concerned… negotiated solutions are more acceptable to the people, more viable and most likely to take hold. China is convinced that negotiation is the fundamental way to resolve disputes over territory and maritime delimitation.’

These statements are positive signs towards peaceful settlement of the disputes. Regardless, fact in the water suggests that it would be prudent to take such speeches with a grain of salt. However, if there is an element of truth in such accounts, there might still be a possibility to prevent exacerbation of conflicts and resolve the territorial disputes without resorting to force.

IV.3.2 Soft Balancing

Robert Pape (2005) defined soft balancing measures as using non-military tools to delay, frustrate, and undermine aggressive unilateral military policies.\textsuperscript{95} This includes using international institutions, economic statecraft, and diplomatic arrangements. Furthermore, T.V. Paul established three conditions in which soft balancing behaviors may occur:

\begin{quote}
‘the hegemon’s power position and military behavior are of growing concern but do not yet pose a serious challenge to the sovereignty of second-tier powers; the dominant state is a major source of public goods in both the economic and security areas that cannot simply be replaced; and the dominant state cannot easily retaliate either because the balancing efforts of others are not overt or because they do not directly challenge its power position with military means.’\textsuperscript{96}
\end{quote}

In the South China Sea disputes, the three conditions pertaining to soft balancing behavior are met. First, \textit{the hegemon’s power position and military behavior are of growing concern but do not yet pose a serious challenge to the sovereignty of second-tier powers}. China’s military build up and assertive stance to defend its claims in the South China Sea is increasingly concerning, but do not, as of now, pose a serious challenge to the sovereignty of the other claimant states. For instance, while China’s consolidation of its claims in the South China Sea, should it prevail, would cause potential loss in resource and energy to Brunei, it is not a direct threat to Brunei’s sovereignty, yet.

Second, \textit{the dominant state is a major source of public goods in both the economic and security areas that cannot simply be replaced}. China has close economic ties with its fellow disputants in the South China Sea conflict—five of which are ASEAN member states—safe for Taiwan.

Table 4 shows that China is ASEAN’s second largest export market, amounting to US$134 billion in 2015. Moreover, China also ranks as ASEAN’s second largest import origin with US$211 billion worth of import in the same year. In 2017, China's exports to ASEAN countries reached US$279.1 billion, while imports stand at US$235.7 billion. By 2020, the total trade volume of ASEAN with China is projected to increase to US$1 trillion.

As military confrontation could potentially jeopardize economic ties, the claimant states—five of which are ASEAN member states (AMS)—safe for Taiwan, are left with limited option to counter China’s growing power. However, this is also the very reason that highlights soft balancing as an increasingly lucrative option.

An example of soft balancing using international institution in the context of the South China Sea maritime territorial disputes is the Philippines v. China case, also known as South China Sea arbitration. In 2013, Philippines submitted

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an arbitration case to the International Tribunal of the Law of the Sea (ITLOS), among which is to clarify the legality of China’s “Nine-Dashed Line” claim. On July 2016, the court ruled in favor of the Philippines, stating that ‘there was no legal basis for China to claim historic rights to resources within the sea areas falling within the nine-dash line.’

In this way, the Philippines is taking soft balancing measure against China through international institution which is the Permanent Court of Arbitration. While the court ruling cannot or limit China from achieving military aims, it could increase the cost of using China’s power. For instance, the ruling reduced the international legitimacy of China’s actions to assert ownership of what it claims to be historic rights, since the court maintained that China’s historic rights were extinguished to the extent they were incompatible with the exclusive economic zone (EEZ) as stated in UNCLOS.

Third, the dominant state cannot easily retaliate either because the balancing efforts of others are not overt or because they do not directly challenge its power position with military means. It is true that all claimant states, with the exception of Brunei, undertake construction activities in their claimed territory within the South China Sea. However, compared to China, their upgrades to the features in the South China Sea is fairly moderate.

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100 Ibid.
Figure 16 shows that Vietnam have equipped Spratly Island with an airstrip 550m long that can accommodate cargo planes and surveillance planes. Meanwhile the Philippines in Thitu Island and Taiwan in Itu Aba can accommodate an addition of fighter jets with their 1,000m and 1,195m airstrips respectively. Similar to the previous two, Malaysia’s 1,368m airstrip can accommodate cargo planes, surveillance planes, and fighter jets. However, their upgrades are modest compared to the 3000m long airstrip that China builds in Fiery Cross Reef to accommodate bomber planes.

Although not to be mistaken as the whole construction and arming efforts each claimant states are and will be undertaking in disputed territories in the South China Sea, Figure 16 serves as a representation of the extent to which each claimant state are solidifying their foothold within their claimed territory. In light of China’s own construction projects, the balancing efforts of the rest are not overt.
More importantly, the balancing efforts of the rest of the claimant states seldom directly challenge China with military means. This is evident in the establishment Declaration of Conduct (DOC) in 2012 which is ratified by China, alongside all ASEAN member states. Among which, the DOC states:

“The Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea.”^{101}

The purpose the DOC is to constrain behavior and possibly limit the use of force, especially to settle the territorial disputes. Similar to the soft balancing through the Philippine v. China case, the DOC might not be able to prevent China from pursuing or achieving militaristic aims, but it could increase the cost of using China’s power, in that it reduces the legitimacy of using force.

Apart from the disputants, between China and the US, the author also believes that both states have a great incentive to refrain from a war with each other. States are rational in the way that they strategize to maximize chance of survival. Engaging in armed conflict is counterproductive to this end as it will destabilize the security environment and jeopardize international trade that both economies are dependent on. Additionally, both China and the US are major trading partners, and military confrontation between these two has the potential to threaten the flow of this trade.

Given the suspicious views China and the US have of each other, there is still fair possibility for the issue to escalate in the event of neglect by concerned parties to nurture peace. Still, with commitment and effort from all disputants and third parties, escalation could be prevented. In the author’s opinion, the best way to maintain peace is through compromise. This requires both the US and China, as

major powers, to consider one another’s vital interests and to make concessions where possible in order to achieve common gains.

As a nation that will soon economically powerful as the United States, China will expect to have an equal say in world affairs. China will not indefinitely conform to US leadership. The era when the US could naturally assume global leadership, which has lasted for seven decades since the end of the World War II is now coming to a close.¹⁰²

This position at the global helm will be more challenged in the future. As of now, the Asia-Pacific is characterized by a number of bilateral defense relationships, mostly with the US. To limit the risk of conflict, a greater integration that includes China is necessary. The inclusion of China will be essential to reduce the scale of military buildup in the oncoming years. Furthermore, the US will have to find constructive ways to share the power that is currently within its hands as a predominant superpower. In particular, the US will have to share power with China, treating it as an equal partner especially within the Asia-Pacific region.

The nations of Asia-Pacific will also have to consider a broader security framework to incorporate all nations in the region, including China and the US, to prevent miscalculation of intentions. It is important to note that most of the disputants in the South China Sea conflict is ASEAN member states, whose past attempts at managing the territorial disputes are fractured at best. While DOC 2002 is a commendable attempt to establish peaceful coexistence among disputants, its function is limited as it cannot prevent the occurrence of incidents over the overlapping territorial claims in the South China Sea. Furthermore, the lack of joint military capabilities and common code for threat perception inhibits ASEAN to mitigate the security dilemma on its own as the regional organization excludes military cooperation. This is why ASEAN member states could benefit from a broader security framework that includes China and the US. An integrated

security framework would open channel of communication, minimize tension and ease the way to better regional stability.

Likewise, if China wishes to emerge from the South China Sea disputes as a regional power respected by its peers, China must take into account the interests of its neighbors as well. As of now, they have not seen a sufficient willingness by China to negotiate a settlement of the various South China Seas claims that will recognize the interests of the Philippines, Vietnam and the other claimant nations. The strategic dilemma faced by China is that while Asia Pacific nations are willing to develop comprehensive economic relations with China, they are substantially more reluctant to do so within the security arena. The principal reason for this reluctance is that China is seen as a potential threat.

If China continues to make forceful assertion of maritime claims in the South China Sea, it results in nothing but perpetuating the anxiety of China’s neighbors regarding its intentions. The consequence is that China is not considered to be a reliable security partner that will respect the interests of neighboring states. Instead of maximizing unilateral profit, China could consider adopting a principle from US global leadership: treating international waters as global commons.

A step in the right direction would be to engage in regular confidence-building operations with the other claimant states to establish better relations and decrease general atmosphere of suspicion. Joint military exercises, collaborative naval patrols, adherence to a common code of conduct regulating encounters at disputed territories are some of the many ways to build trust amongst disputants. Additionally, China could initiate a collective governing body with the other claimant states to jointly develop the features on the South China Sea.

In the end, how to strike a balance between the historic rights of nations and general international law—and how to strike a balance between abiding to the rule of law and respecting other governance approaches to building a just, fair world will be a defining factor in preventing conflict and maintaining peace in the region in the years ahead.
IV.4 Chapter Summary

Duty-bound by defense relationships shared with it ally, the Philippines, in the South China Sea dispute, the US is compelled to challenge China’s excessive maritime claims. This commitment stemmed from considerable economic and security interests the US has in Asia, as well as in line with US national interest to safeguard freedom of the seas.

US responses to China’s military build-up range from military operations as detailed within the FON program to involvement in diplomatic talks as ensured by the US Department of Defense’s Four Lines of Effort. In the recent years, the US has sailed within proximity of the disputed territories to the disapproval of China. As of now, the US remains the only state in possession of political power and military might to challenge China in the South China Sea.

On the positive side, US involvement in the region balances the rising power of China, and to some extent is able to prevent China from dominating the system. By maintaining military presence in South China Sea, the US has made it less likely for China to resort to force without consequence, therefore lessening the chance for armed conflict between the disputants. In this sense, the US manages to mitigate the security dilemma in the region.

On the negative side, China is likely to regard US presence as threatening to its sovereignty and intensify military build-up to ensure its own security. Arguably, there is fair possibility for a conflict between the two, seeing as China views the US in a negative light, and the US is suspicious of China’s intentions as well.

Apart from US, the other claimant states have taken soft balancing measures against China. Robert Pape (2005) defined soft balancing as using non-military tools to delay, frustrate, and undermine aggressive unilateral military policies. According to T.V. Paul (2005), there are several condition under which soft balancing may occur: (1) the hegemon’s power position and military behavior are of growing concern but do not yet pose a serious challenge to the sovereignty
of second-tier powers; (2) the dominant state is a major source of public goods in both the economic and security areas that cannot simply be replaced; and (3) the dominant state cannot easily retaliate either because the balancing efforts of others are not overt or because they do not directly challenge its power position with military means.

Between the disputants in the South China Sea disputes, these conditions of soft balancing behavior are met. An example of soft balancing measure in the disputes is the *Philippine v. China* case or also known as the South China Sea arbitration. The Philippines sought clarification through an international institution, which is the Permanent Court of Arbitration, on the legitimacy of China’s “Nine Dash Line” claim. The court ruled in favor of the Philippines, asserting that China’s historic rights has no legal basis under international law.

Soft balancing might not be able to prevent China from pursuing or achieving militaristic aims, but it could increase the cost of using China’s power, in that it reduces the legitimacy of China’s actions to defend what it claims to be within its sovereign territory.

Ultimately, conflict can be prevented. Greater regional integration that includes China can limit the risk of conflict. A broader security framework involving the nations of Asia-Pacific, including the US and China, can open channel of communication and minimize the risk of miscalculation and reduce the scale of military build-up in the oncoming years. This will allow for a medium between China, the US, and the rest of the claimant states to interact as partners instead of adversaries.

To ensure peace, concessions have to be made on both sides. The US can find a way to constructively share its power as an eminent global power with China, treating it as equal partner instead of subordinate. Likewise, as an emerging regional power, China has to learn to consider its neighbors. In order to emerge from this dispute as a well-respected regional leader, China must take into account the interests of its littoral partners. Mutual gain can be ensured with a joint development program of the South China Sea that all disputants can benefit from.
CHAPTER V

V. CONCLUSION

Five decades have been underway and with no concrete resolution in the near future, the South China Sea dispute is certainly a complicated geopolitical issue. Believed to possess an abundance of energy and natural gas, six states fought over the ownership of four island groups in the immediate proximity of the resource-rich waters of the South China Sea. Brunei, Malaysia, Vietnam, and the Philippines each claim a portion of the island groups nearest to its territory. China and Taiwan claims almost the entirety of the South China Sea.

With the proximity of the four island groups, it is inevitable that some claims overlap. Yet with none backing down from their claims, tension runs high and has escalated into numerous armed conflicts over the years.

China, being the only major power in the region, easily overwhelms its neighbors with its massive military might. In recent years, China has intensified its military build-up, developing its army and undertaking construction projects in the disputed islands. The International Relations theory of Realism is used to explain the rationale behind China’s ambitious military build-up. Realists argue that the desire to accumulate the maximum of power is universal for all states, in order to defend national interest.

Furthermore, the concept of security dilemma by John Herz has guided this research to pinpoint China’s military build-up to be the cause of rising tension in the region. In pursuit of its own security, China has intensified insecurity in the mind of its opponents, especially since the other claimant states could never be certain whether China’s military capability is a defensive or offensive measure. Combined with China’s tendency to resort to use of force in the past, other claimant states are insecure in the face of the power gap between themselves and China.
If left unchallenged, China could easily dominate the system and extract acquiescence by the use of force. To prevent this, the five claimant states employed a counter-measure by undertaking military modernization projects. Another concept of International Relations, the balance of power, could be used to explain the behavior of states facing this predicament. First is to build military capability unilaterally, which has been done by the five remaining claimant states. Still, they are unable to unilaterally bridge the power gap with China. A second option is to form an alliance to equalize the power distribution. However, as of now, only the Philippines is in a mutual defense treaty with the US.

This is precisely why the US involvement in the South China Sea dispute is invaluable. Committed to its mission to safeguard freedom of the seas, the US has responded China’s military build-up by challenging its excessive claims, a stance similar to the other claimant states. US responses in the region range from military operations to diplomatic talks, as outlined by its FON program and Four Lines of Effort. Although its main concern is to ensure adherence to international law of the sea, more importantly US presence is a hard balancing measure against China. In a sense, US responses have mitigated security dilemma in the South China Sea.

However, the South China Sea is more than merely a maritime territory ownership conflict. In its core, there is a conflict of interest between the two major powers, China and the US. China seeks to facilitate its own growth to be a regional power in Asia. Likewise, the US possesses its own economic and security interests in Asia-Pacific. Since a significant portion of its trade is dependent on the accessibility of the South China Sea, maintaining freedom of the seas is a priority of the US. Yet, a long history of distrust between the two means that China is likely to see US involvement as means to counter China’s influence in the region. China clearly sees US presence as threatening its sovereignty, and it might prompt China to intensify military build-up. Moreover, defense relationship with the United States could be interpreted as antagonistic to China, which can mean that the US relationship will be seen to actually lead to greater insecurity.
In this way it can be argued that the US has also exacerbated tension in the region. However, without US involvement in the South China Sea disputes, China can easily disregard the law without consequence, and this could set a ‘might makes right’ precedent as the norm in international politics. Still, China has stated that it will not back down from its claims, and that it is not averse to a direct conflict with the US. There is still fair possibility of a clash between US and China.

Yet, it is possible to minimize tension and prevent major conflicts in the South China Sea. As previously extrapolated, the inclusion of China will be essential to reduce the scale of military buildup in the future. A greater integration that includes China is necessary to limit the risk of miscalculation and conflict. A broader security framework that involves nations in the region, as well as US and China, will open channel of communication to minimize tension and ease the way to better regional stability.

Concessions have to be made on both sides in order to ensure peace. The US will have to find constructive ways to share the power that is currently within its hands as a predominant superpower. In particular, the US will have to share power with China, treating it as an equal partner especially within the Asia-Pacific region.

Likewise, if China wishes to emerge from the South China Sea disputes as a regional power respected by its peers, China must consider the interests of its neighbors as well. As of now, China has not demonstrated sufficient willingness to negotiate a settlement of the various South China Seas claims that will recognize the interests of the Philippines, Vietnam and the other claimant nations. The strategic dilemma faced by China is that while Asia Pacific nations are willing to develop comprehensive economic relations with China, they are significantly more reluctant to do so within the security arena. The main reason for this reluctance is that China is seen as a potential threat rather than security partner.
If China continues to make forceful assertion of maritime claims in the South China Sea, it results in nothing but perpetuating the anxiety of China’s neighbors regarding its intentions. The consequence is that China is not considered to be a reliable security partner that will respect the interests of neighboring states. Instead of maximizing unilateral profit, China could consider adopting a principle from US global leadership: treating international waters as global commons. A step in the right direction, China could initiate a collective governing body with the other claimant states to jointly develop the features on the South China Sea. In the end, compromise will be the key to navigate the disputed waters in the oncoming years.
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“Statement by the President, March 10, 1983”
https://www.state.gov/documents/organization/143224.pdf


Map of the overlapping maritime territories according to UNCLOS and China’s Nine Dash Line claim.
asserted its sovereignty, based on historic rights, over certain maritime areas, whether or not according to general international law rules such areas might be outside its maritime domain. No attempt will be made in this paper to enumerate these cases; an enumeration and description of many of them may be found in the Secretariat's memorandum on "historic bays" (A/CONF.13/1), pages 3 et seq.

The second important fact in the development of the concept and theory of "historic waters" was the attempt, official and unofficial, to substitute for the concept of the efficacy of the international law relating to the delimitation of territorial waters a set of clear-cut, generally acceptable, written rules on the subject. For such purpose, reference may also be made to the aforementioned Secretariat memorandum (A/CONF.13/1), pages 14 et seq. As pointed out in that memorandum (pages 2-3), a codification of the international law rules relating to the delimitation of territorial waters and in particular regarding the delimitation of bays would in several cases have conflicted with existing situations. In other words, considerable maritime areas over which States claimed and exercised sovereignty would, if the codification were accepted, fall outside the jurisdiction of these States and belong instead to the high seas. It is obvious that a codification having such consequences would not have been acceptable to the States concerned. The proposed rules would stand a better chance of being accepted if they included a clause exempting from its repugnancy such clauses as contained in the international law rules dealing with the delimitation of territorial waters generally contained clauses in varying formulations. The concept of "historic waters" came to be considered as an indispensible concept without which the task of establishing the coastal line for the delimitation of maritime areas could not be carried out. Gidel expressed this thought when he says:

"The theory of historic waters", whatever name it is given, is a necessary theory; in the delimitation of maritime areas, it acts as a sort of safety valve; its rejection would mean the end of all possibility of devising general rules concerning this branch of public international law . . . ."

38. In summary, the concept of "historic waters" has its roots in the historic fact that States through the ages claimed and maintained sovereignty over maritime areas which they considered vital to them without paying much attention to divergent and changing opinions about what general international law might prescribe with regard to the delimitation of the territorial seas. This fact had to be taken into consideration when attempts were made to codify the rules of international law in this field, i.e., to reduce the sometimes obscure and contested rules of customary law to clear and generally acceptable written rules. It was felt that States could not be expected to accept rules which would deprive them of considerable maritime areas over which they had hitherto had sovereignty. The Second Committee of the 1930 Hague Codification Conference said in its report:

"One difficulty which the Committee encountered in the course of its examination of several points of its agenda was that the establishment of general rules with regard to the belt of the territorial sea would, in theory at any rate, effect an inevitable change in the existing status of certain areas of water. In this connection, it is almost unnecessary to mention the bays known as "historic bays"; and the problem is besides by no means confined to such bays, but arises in the case of other areas of water as well. The work of codification could not affect any rights which States may possess over certain parts of their coastal sea, and nothing, therefore, either in this report or in the appendices, can be open to that interpretation."

39. The circumstance that the existence of historic rights to certain areas of the sea came to be of particular interest in connexion with the endeavour to formulate general rules of international law on the delimitation of the territorial sea had as a consequence a tendency to consider the juridical regime of "historic waters" as an exceptional régime. The protagonism of the codification of international law in this field understood that, as a practical matter, a long-standing exercise of sovereignty over an area of the sea could not suddenly be invalidated because it would not be in conformity with the general rules being formulated. On the other hand, as the purpose of the codification was the establishment of general rules it was natural to look upon these historic cases as exceptions from the rule. Gidel succinctly expressed this view as follows:

"... while the theory of historic waters is a necessary theory, it is an exceptional theory . . . ."

40. Whether or not the régime of "historic waters" is an exceptional régime may seem to be an academic question. In reality, it is of practical importance with respect to the question of what is needed to establish title to such waters. If the régime to "historic waters" is an exceptional régime, which cannot be based on the general rules of international law or which may even be said to abrogate these rules in a particular case, it is obvious that the requisite with respect to proof of such title will be rigorous. In these circumstances the basis of the title will have to be exceptionally strong. The reasons for accepting the régime of historic waters have to be perspicuous for how could one otherwise justify the disregard of the general rule in the particular case? To quote Gidel again:

"The coastal State which makes the claim of "historic waters" is asking that she should be given exceptional treatment; such exceptional treatment must be justified by exceptional conditions."

41. Both from the theoretical and from the practical point of view, it is therefore important to examine, analyse and clarify the notion that the régime of "historic waters" is an exceptional régime.

2 Is the régime of "historic waters" an exceptional régime?

42. It is probably true that, at least among the writers on the subject, the dominant opinion is that "historic waters" constitute an exception to the general rules of international law governing the delimitation of the contiguous domain of a State. Gidel has been quoted above as an adherent of that opinion. His thoughts on the matter are expressed in greater detail in the following passage:

"..."
38. In summary, the concept of “historic waters” has its root in the historic fact that States through the ages claimed and maintained sovereignty over maritime areas which they considered vital to them without paying much attention to divergent and changing opinions about what general international law might prescribe with respect to the delimitation of the territorial sea. This fact had to be taken into consideration when attempts were made to codify the rules of international law in this field, i.e., to reduce the sometimes obscure and contested rules of customary law to clear and generally acceptable written rules. It was felt that States could not be expected to accept rules which would deprive them of considerable maritime areas over which they had hitherto had sovereignty. The Second Com-

An excerpt of International Law Commission 1962 on judicial regime of historic waters.
New York, 7 May 2009

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the Submission by the Socialist Republic of Viet Nam dated 7 May 2009, to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission") concerning the outer limits of the continental shelf beyond 200 nautical miles, has the honor to state the position as follows:

China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof (see attached map). The above position is consistently held by the Chinese Government, and is widely known by the international community.

The above Submission by the Socialist Republic of Viet Nam has seriously infringed China's sovereignty, sovereign rights and jurisdiction in the South China Sea. In accordance with Article 5(a) of Annex I to the Rules of Procedure of the Commission on the Limits of the Continental Shelf, the Chinese Government seriously requests the Commission not to consider the Submission by the Socialist Republic of Viet Nam. The Chinese Government has informed the Socialist Republic of Viet Nam of the above position.


The Permanent Mission of the People's Republic of China to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

H.E. Mr. BAN Ki-MOON
Secretary-General
The United Nations
NEW YORK
United States Oceans Policy

Statement by the President.
March 10, 1983

The United States has long been a leader in developing customary and conventional law of the sea. Our objectives have consistently been to provide a legal order that will, among other things, facilitate peaceful, international uses of the oceans and provide for equitable and effective management and conservation of marine resources. The United States also recognizes that all nations have an interest in these issues.

Last July I announced that the United States will not sign the United Nations Law of the Sea Convention that was opened for signature on December 10. We have taken this step because several major problems in the Convention’s deep seabed mining provisions are contrary to the interests and principles of industrialized nations and would not help attain the aspirations of developing countries.

The United States does not stand alone in those concerns. Some important allies and friends have not signed the convention. Even some signatory states have raised concerns about these problems.

However, the convention also contains provisions with respect to traditional uses of the oceans which generally confirm existing maritime law and practice and fairly balance the interests of all states.

Today I am announcing three decisions to promote and protect the oceans interests of the United States in a manner consistent with those fair and balanced results in the Convention and international law.

First, the United States is prepared to accept and act in accordance with the balance of interests relating to traditional uses of the oceans—such as navigation and overflight. In this respect, the United States will recognize the rights of other states in the waters off their coasts, as reflected in the Convention, so long as the rights and freedoms of the United States and others under international law are recognized by such coastal states.

Second, the United States will exercise and assert its navigation and overflight rights and freedoms on a worldwide basis in a manner that is consistent with the balance of interests reflected in the convention. The United States will not, however, acquiesce in unilateral acts of other states designed to restrict the rights and freedoms of the international community in navigation and overflight and other related high seas uses.

Third, I am proclaiming today an Exclusive Economic Zone in which the United States will exercise sovereign rights in living and nonliving resources within 200 nautical miles of its coast. This will provide United States jurisdiction for mineral resources out to 200 nautical miles that are not on the continental shelf. Recently discovered deposits there could be an important future source of strategic minerals.

Within this Zone all nations will continue to enjoy the high seas rights and freedoms that are not resource related, including the freedoms of navigation and overflight. My proclamation does not change existing United States policies concerning the continental shelf, marine mammals, and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction. The United States will continue efforts to achieve international agreements for the effective management of these species. The proclamation also reinforces this government’s policy of promoting the United States fishing industry.

While international law provides for a right of jurisdiction over marine scientific research within such a zone, the proclamation does not assert this right. I have elected not to do so because of the United States interest in encouraging marine scientific research and avoiding any unnecessary burdens. The United States will nevertheless recognize the right of other coastal states to exercise jurisdiction over marine scientific research within 200 nautical miles of their coasts, if that jurisdiction is exercised reasonably in a manner consistent with international law.

The Exclusive Economic Zone established today will also enable the United States to take limited additional steps to protect the marine environment. In this connection, the United States will continue to work through the International Maritime Organization and other appropriate international organizations to develop uniform international measures for the protection of the environment.
United States Oceans Policy

Statement by the President.
March 10, 1983

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Excerpt of the United States Oceans Policy 1983 regarding US non-acquiesce to unilateral acts designed to restrict freedom of the seas.
China’s construction projects in disputed territories

(Source: US Department of Defense 2017)
(Source: US Department of Defense 2017)
(Source: US Department of Defense 2017)
Gaven Reef

Outpost Length: 0.47 miles
Area: 36 acres

(Source: US Department of Defense 2017)